

## Justice James Bassett Retires from the New Hampshire Supreme Court

By Tom Jarvis

New Hampshire Supreme Court (NHSC) Senior Associate Justice James P. Bassett retired from the bench on August 31 after 13 years of service.

He participated fully through his retirement date, though he last sat for oral arguments in March. He also served as liaison to the New Hampshire Bar Association Board of Governors, a role he assumed after Justice Gary Hicks retired in November 2023.

"It has been an honor and my great privilege to serve as a Justice on the Supreme Court since 2012," he wrote in his retirement letter to Governor Kelly Ayotte. "During the past 13 years, I have endeavored to serve the citizens of New Hampshire with diligence and humility. I will miss working with fellow Justices and colleagues on the Supreme Court, and all of the dedicated members of the Judicial Branch."

### Before the Bench

Justice Bassett grew up in Fairfield, Connecticut, and spent summers work-



Justice James Bassett in his chambers shortly before his retirement. Photo by Brian Eddy

ing at his uncle's farm in North Pomfret, Vermont. He graduated from Dartmouth College in 1978, earned his JD from the University of Virginia School of Law in 1982, clerked for Chief Judge An-

drew Caffrey of the US District Court for Massachusetts, and practiced at Hale and Dorr in Boston before joining Orr & Reno in 1985.

He practiced law in Concord for 27

years, most of that time at Orr & Reno, where he maintained an active trial and appellate docket in state and federal courts and frequently presented oral arguments before the NHSC.

Among the memorable cases he highlights is the *WMUR* case in the early 2000s, in which he represented the *New York Times*, the *Boston Globe*, and *WMUR*. In that case, the NHSC established a presumption of courtroom access for photographers and television cameras.

Attorney William Chapman, who practiced with Justice Bassett at Orr & Reno for decades, recalls his first impressions.

"He interviewed with the firm on November 12, 1984," says Chapman. "He impressed all of us, and we knew right away we wanted to hire him. When he joined us in the summer of 1985, he impressed everybody with his work ethic, his friendliness, his varied interests. He's an incredibly well-rounded person."

Chapman adds that early constitu-

**BASSETT** continued on page 26

## CLEAR Report Calls on State Supreme Courts to Lead Legal Education Reform

By Tom Jarvis

The Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have released a sweeping report, authored by their Committee on Legal Education and Admissions Reform (CLEAR), urging state supreme courts to take the lead in modernizing legal education and bar admissions to better serve the public. Chaired by New Hampshire Supreme Court Chief Justice Gordon MacDonald, CLEAR spent 18 months studying why many Americans cannot get the legal help they need – and what courts can do about it.

The committee's findings highlight a growing disconnect: law schools prepare



Chief Justice Gordon MacDonald shows a CLEAR report graphic emphasizing the need for collaboration among stakeholders to improve practice readiness. Photo by Av Harris

students to pass exams, but not always to practice law; new lawyers often lack courtroom and client-ready skills; and the public faces mounting barriers to justice,

**CLEAR** continued on page 25

## Fellowship in the Shadows: How LCL Helps Attorneys Find Hope

By Scott Merrill

*Editor's note: Names and identifying details of attorneys quoted in this story have been withheld to protect confidentiality.*

On the surface, attorneys appear to be experts in control. They master rules, endure the rigors of law school, hold tight to deadlines, and stake their reputations on precision. But beneath that polished exterior, the profession can carry a heavy toll. Depression, anxiety, and substance misuse afflict lawyers at rates far above the national average. For some, the consequences are career-ending or even life-ending. For others, recovery is possible, but often only when they find the courage and support to seek help.

A landmark 2016 study conducted by the American Bar Association and Hazelden Betty Ford Foundation found that more than one in five attorneys

screened positive for problematic drinking, while nearly 30 percent reported symptoms of depression and 19 percent reported anxiety. About 11 percent said they had experienced suicidal thoughts.

More recent surveys suggest little improvement. A 2024 Law.com and ALC Intelligence report found that more than a third of practicing lawyers said they experienced depression in the past year, and anxiety remains persistently high. Reviews highlight the elevated risk of suicide.

While New Hampshire has not conducted a statewide survey of its roughly 8,000 Bar members, national figures suggest hundreds, perhaps thousands, may be living with depression, substance misuse, or suicidal thoughts.

That reality underscores the role of the New Hampshire Lawyers Assistance Program (NHLAP), established

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## NHBA Collaborates with Judicial Branch on Student Civic Learning

The New Hampshire Bar Association took its first step last month to join in spearheading the coordination of student civic engagement efforts in the Granite State. Specifically, the Association helped the New Hampshire Supreme Court (NHSC) organize, host, and plan a “Civics Summit.” The goals of the summit were to identify the key organizations engaging in civics education for students throughout the state, understand the scope and focus of their efforts, and, importantly, to determine how the civics-centered groups can work together to reach the largest possible student audience.

The program was led by NHSC Chief Justice Gordon MacDonald, and attended by Justices James Bassett, Patrick Donovan, and Melissa Countway. US District Court for the District of New Hampshire Chief Judge Landya McCafferty and US Court of Appeals for the First Circuit Judge Seth Aframe also participated. Leading the discussion on behalf of the Bar were NHBA Executive Director Sarah Blodgett, as well as longtime civics engagement leaders Attorney Jennifer Eber and Attorney Jack Crisp. Representatives of the New Hampshire Bar Foundation, including its chairperson, Scott Harris, participated as well.

The NHBA and the Bar Foundation championed their programs, including “A Lawyer and Judge in Every School,” “We the People,” the *Beyond High School* guide, and the student civics essay contest.

The summit was well attended by representatives from a whole host of nonprofits and state offices that direct civics programming to students, including:

- American Legion Boys State/American Legion Girls State
- Granite YMCA’s Youth and Government Program

### President’s Perspective



By Derek D. Lick

Orr & Reno,  
Concord, NH

- NH Civics’ Kid Governor Program and Civics 603!
- New Hampshire Council for Social Studies
- New Hampshire High School Mock Trial Association
- New Hampshire Historical Society’s Moose on the Loose Program
- New Hampshire Public Broadcasting’s Student Mock Election Program
- New Hampshire Secretary of State’s Civics in Action
- New Hampshire Statehouse Visitor Center – Fourth-Grade Student Statehouse Visit Program

The primary takeaway from this first meeting of the summit was that each of the participants offer important and engaging programs that provide fundamental lessons on citizen involvement, government engagement, and the role of the judiciary. However, they all face barriers in recruiting students to take advantage of the civics offerings available to them. The civics leaders noted that it has become difficult, particularly post-COVID, to identify interested students and encourage their participation.

The consensus was that teachers were

a pivotal and necessary partner in getting students engaged with the participants’ programs, but that teachers are stretched thin with their classroom responsibilities and had little time to sort through and consider the benefit of specific civics programs or encourage student participation in programs available outside the classroom.

The attendees of the summit discussed options for spreading the word about the available civics programs in a way that does not bombard teachers with duplicative requests. For example, the attendees liked the idea of creating a “one-stop shop” that could function as a clearinghouse for information on all the offerings provided by the organizations available to both students and teachers interested in civics programs. The attendees also recognized that they needed to solicit input from educators to determine what types of programs might be easily utilized in the classroom – either as stand-alone presentations or programs facilitated by representatives of the civics organizations.

The NHBA reiterated the availability of trained lawyers who are ready, willing, and able to assist in civics training and presentations – either as part of the “A Lawyer and Judge in Every School” program or in conjunction with other organizations as part of their programming. Attendees spoke highly of those attorneys and judges who already volunteer their time and effort to facilitate civics training and education, and with ongoing commitment and refinement by the NHBA, we remain hopeful that the efforts of Association members will be even more pronounced and impactful.

We will continue to keep you updated on the NHBA’s collaboration with the New Hampshire Judicial Branch and the state’s nonprofits to further student civic education. We are off to a great start! ♦



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## NHBA Welcomes Kerlyne Desire as NHMCLE Coordinator

The New Hampshire Bar Association is pleased to welcome Kerlyne Desire as its new NHMCLE Coordinator.

Desire holds a bachelor’s degree in sociology from Gettysburg College and is currently



pursuing a master’s degree in international relations from American University. She brings recent experience from the Technical Assistance Collaborative, a human services and housing consulting firm, where she worked for two years as a project support specialist. In that role, she provided project planning and technical support for virtual and on-site meetings, as well as document remediation.

Her background also includes administrative support for the in-house legal

team at the Education Development Center, where she worked on compliance and project registration matters.

“I’m excited and looking forward to working together with the staff to serve the members in this new role,” Desire says.

Her arrival follows an internal transition. The previous NHMCLE Coordinator, Jordyn Morgan, now serves as NHBA Sections and Member Engagement Coordinator. ♦

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# Veterans Legal Justice to Honor Larry Vogelmann at November 18 Celebration

By Tom Jarvis

Veterans Legal Justice (VLJ) will host its eponymous celebration on November 18 from 5 to 7 pm at the Hotel Concord.

The event will honor retired trial lawyer and past NHBA president Larry Vogelmann with the Champion to Veterans Award and recognize Simpson Thacher & Bartlett with the Veterans Access to Justice Award. Proceeds will support the nonprofit's mission of connecting veterans, service members, and their families with pro bono and reduced-fee legal help.

VLJ launched as an independent 501(c)(3) on Veterans Day 2022 and has since matched more than 200 veterans and family members with legal assistance statewide.

Zack Phillips, interim executive director of VLJ, explains the organization serves any veteran or family member regardless of length of service, discharge status, or legal need, with two exceptions – initial VA benefits claims and matters covered by the New Hampshire Public Defender.

"We extend a welcoming arm to any veteran or their family," he says.

VLJ board member Marcia Levy, an adjunct professor at the University of New Hampshire Franklin Pierce School of Law, emphasizes VLJ's unique role.

"We are the only organization from a legal perspective that is completely devoted to providing free, accessible legal services to veterans, service members, and their families," she says. "We fill a gap that otherwise would strongly exist."

Levy adds that VLJ is actively seeking more volunteer attorneys, particularly in family law, since more than one-third of the people they've helped face family law issues.

Levy credits the organization's intake partnership with Simpson Thacher & Bartlett as a major step forward. The firm's support has shortened wait times and professionalized the intake system, which was previously run by board members and law students.

"It's a wonderful relationship, and that is why we are honoring them at the celebration," she says.

VLJ's referral roster currently includes 159 attorneys. Clients come from



every county, with larger numbers in Hillsborough and Rockingham and a notable contingent in Grafton. Of those who shared financial data, 10.7 percent are below the poverty line, 37.1 percent fall below 200 percent of the federal poverty guidelines, and 77.4 percent are below the MIT-calculated living wage.

Vogelmann, who retired from practice this August after serving as counsel at Shaheen & Gordon, originally created the Veterans Law Project: Legal Boots on the Ground during his 2012–2013 NHBA presidency and later helped co-found VLJ as an independent nonprofit in 2022. His career includes decades of criminal defense and civil rights litigation, trial-advocacy teaching, and leadership in state and national defense organizations.

Vogelmann describes the nonprofit's 2022 relaunch as "a rebirth."

"I'm 76 years old, retired, and I'm not going to be around forever," he adds. "I'm really committed to making sure the project lives on after I'm gone."

Asked what led him to focus on veterans, Vogelmann cites both professional experience and family history.

"As a civil rights criminal defense lawyer, I really thought that veterans got a raw deal, oftentimes, and I wanted to work on that," he says. "But the major reason was my father was a highly decorated World War II veteran who landed on the beach during the second wave of D-Day. He fought in the Battle of the Bulge and ended up with three Bronze Stars and two Purple Hearts. I know what he went through when he came back, and I wanted to work on that for other people."

For Phillips, who served in the Air Force for more than 10 years and now serves in the Air Force Reserve, the work is about recognition and advocacy.

"It's honoring the sacrifice all those individuals made when they signed on the dotted line to serve this country," he says. "I also don't think the benefits they've earned should be held against them when they are trying to get legal help during or after their service."

Levy says the need remains significant.

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# Work Hard, Play Hard: Stephen C. Brown's Path to Success

By Kathie Ragsdale

Stephen C. Brown is drawn to helping people who are struggling because he has known struggle himself.

The Rochester-based criminal defense attorney grew up in Maynard, Massachusetts, the first of seven children in an Irish Catholic household with three bedrooms and one bath. A recession hampered his college-educated father's job efforts, while his mother suffered from chronic depression that shadowed her most of her life.

Sports took precedence over academics in his working-class neighborhood, and it was through sports that Brown found a path to success, not only on the field but in the doggedness that would later serve him in the legal profession.

After high school, he went on to Northeastern University and a walk-on position with the football team, which he quit his sophomore year with three other team members to play a year of semi-pro football in Boston.

Tiring of city life, Brown transferred to the University of Montana in Missoula, hoping to play football there. Instead, he fell in love with rugby and became the coach and president of the rugby team, also working as assistant head resident of a large dormitory to pay his room and board.

His team played throughout the Northwest and Canada – places to which he would return years later to hike, mountain bike, and downhill ski.

Memories of a family friend who became a Massachusetts state trooper, as well as a fascination with law enforcement heroes of the time, like Serpico, led him to consider law school.

"I don't recall whether there was any specific impetus," he says. "I just thought it might be interesting to do trial work."

He went on to California Western School of Law in San Diego, finding he particularly enjoyed mock trials, where one instructor – a US attorney – encouraged his interest in the field.

Upon graduation, he took a position with the North Carolina Public Defender's Office outside Charlotte, representing people charged with crimes ranging from juvenile offenses to homicide.

"It was a somewhat violent place, where there were usually 20 to 30 murders per year, so one could get some very quick experience trying cases," says Brown, who adds he obtained acquittals or hung juries in his first 27 trials. "I was allowed to try cases involving fingerprint evidence,

eyewitness identification, forensic experts, various and sundry other types of felonies and misdemeanors, and even a couple of juvenile appeals."

One memorable trial was a death penalty case involving a 16-year-old boy who, with an accomplice, robbed and accidentally killed an older man who resisted their efforts to take his money. Both boys tested at a third- or fourth-grade level of maturity, Brown says, and his client received a life sentence, with the proviso that his motion to suppress a statement he had given to police be heard on appeal at the state Supreme Court. On appeal, the Supreme Court agreed that statement violated his Miranda rights, and the conviction was vacated.

Another case involved an armed robbery where his client was trying to obtain funds for a cocaine habit, though the weapon he used was inoperable and unloaded. The jury hung 11–1 for not guilty.

When another client, a Black man, was accused of murdering a White bike gang leader and claimed self-defense, Brown's arguments resulted in a 15-minute not guilty verdict after he had the defendant demonstrate what happened.

After three and a half years in North Carolina, Brown decided to move back to New England and took a position with the Rockingham County Attorney's Office.

"I found that New Hampshire's standard of practice was very high, and much was expected of each side trying cases," he recalls. "The private defense bar was of the highest caliber, and you knew you were going to be tested every trial you did."

In his new prosecutorial role, Brown faced different challenges – like getting calls from the Clerk of Court's office, as well as a defense attorney, warning him that a man recently released on bail might threaten physical harm to him or his family. Brown also received a card in the mail, postmarked from that man's hometown, that paraphrased Shakespeare's phrase, "Let's kill all the lawyers."

Nothing came of the threat, and it did not alter Brown's prosecutorial philosophy: "Why cut off a hand when a finger will do."

"I tried to reward defendants who ac-



Stephen C. Brown with daughters Jenny and Kelly and son-in-law Jake. Courtesy Photo

tually admitted their acts and expressed some remorse," he explains. "The cases I pursued most diligently were those where psychic or physical harm was inflicted on the victim that would interfere with a lot of, or the rest of, their life."

After leaving the County Attorney's office, Brown went into private practice, struggling for consistent work because of the economic downturn of the 1990s while trying to provide for a wife and three children. He partnered with another lawyer whose cousin was a developer willing to lease them space cheaply in Somersworth.

"I borrowed \$5,000 from a bank on a handshake loan and opened up," he says.

They took many court-appointed cases and survived, though Brown was again challenged when his then-wife became ill and needed hospitalization and his father developed a serious cancer. He credits his staff with helping him through those difficult times.

He relocated to his present office in Rochester in 1994 and concentrates his practice on criminal defense, including DWI offenses, personal injury cases, workers' compensation, and other civil matters.

When not working, he enjoys a host of sports and athletic activities, including whitewater and ocean surf kayaking, flat-water kayaking, mountain biking, skiing of all kinds, and hiking, as well as traveling and spending time with his three grown children and granddaughter.

He has participated in men's adult league baseball, playing in Red Sox fan-




Stephen C. Brown on the slopes. Courtesy Photo

tasy camps in Florida three times. His leisure travels have taken him everywhere from Dubai to Israel to Ireland and Greece.

A former member of the New Hampshire Bar Association Board of Governors, he has also done volunteer work for the YMCA and other local organizations in Rochester.

His professional work has won the admiration of colleagues like Judge Jared Bedrick, who says Brown's greatest strength is "his ability to see beyond the

**BROWN** continued on page 5




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facts or applicable law and understand his clients and cases on a deeper emotional level.”

Judge Bedrick remembers sitting in on some client intake meetings with Brown and noticing how “he might have touched on the law or facts for a minute or two, but spent so much time getting to understand the client’s circumstances. These meetings really helped me understand what it meant to see the clients as whole people. And that was really his primary mission in every case – to show the judge, jury, prosecutor, adjuster, or anyone else that his client is a complicated human being. That approach has obviously served him well.”

Fellow attorney William Phipps, who has enjoyed a professional friendship and camaraderie with Brown for three decades, says Brown “embodies the adage ‘work hard, play hard.’”

Whitewater paddling and alpine skiing on untamed terrain test one’s mettle physically and mentally, he adds, and are “sure-fire methods of evaluating your comfort level in extremely stressful situations. Not unlike the stress associated with a full trial schedule, it is critical to be confident, prepared, and diligently work toward the desired outcome. That is why Steve has had such a successful and notable career.”

Brown says there’s much to pushing ourselves beyond what we think our limits are.

“These experiences teach us that, in the practice of law, it is an invaluable skill and goal to have when it comes to advancing your client’s best interests and challenging what at the time seems overwhelming,” he says. ♦

By Hon. Amy Ignatius

Traditional courtrooms are intentionally designed to separate the judge from all other participants. Physical distance is immediately apparent: parties and counsel are seated across a large courtroom. The judge is on a raised bench, often between flags, beneath a seal or other symbol of authority. The judge herself is cloaked in a heavy, padded black robe, uniform across the court system, to convey the position and its power, irrespective of the individual.

Proceedings are formal. Counsel, who appear daily and are certainly well known to the judge, are nevertheless identified as Attorney X or Y. The witness, plaintiff, or defendant will be Ms. A, Mr. B, Officer C. Counsel and defendants stand when they speak; everyone is tethered to a microphone. Most attorneys are equally formal with one another and always with the judge. Defendants speak respectfully, most of the time, responding to questions with “Yes, Your Honor” or “No, Your Honor.” Once, with a very nervous defendant, it was “Yes, Your Majesty.”

When I first joined the bench, I chafed at these formal trappings of authority. They seemed long outdated and didn’t reflect how I felt or who I was. While they demonstrated respect,



I thought they projected the opposite of a thoughtful, caring arbiter. They were, by design, depersonalizing – I was interchangeable with any other judge; the accused had no name but was simply “the defendant.”

My first clerk of court advised me to adopt a stern face, showing no humanity, before entering the courtroom. I abandoned his advice once I became more confident and always made a point of smiling and saying “good morning” as I entered. Authority doesn’t mean you have to be rude. But in every other way, the formality was unchanged.

These traditions are time-honored, and we probably can’t imagine a court operating without them. And yet, let me describe a recovery court, used for some cases involving addiction, mental illness, or issues faced by veterans. No robe, no microphone, no raised bench or vast space between the judge and everyone else.

The tone is conversational – the judge refers to participants by their first names. We hear about their work, how their mother is doing after surgery, whether their son is going out for football. We ask why they missed a therapy session, why they are dragging their feet applying for housing. We talk about successes throughout the week and ways to support them in their challenges.

For some, there are sanctions for dishonesty or failing to meet expectations, and we talk about how to get back on track. For others, there is praise, applause, even small gifts to encourage continued compliance.

I loved the informality and the

chance to interact on a more personal level. But to my surprise, that personal interaction came at something of a cost. I could celebrate a victory but would also feel someone’s pain in a more direct way. I could hear the anguish in a participant’s struggle or their sense of hopelessness. I saw their shame in failing to live up to their commitment.

How different from the promises a defendant might make in a traditional court, say to comply with a bail order or a conditional sentence. They would assure me they would follow all the conditions, and I would pretend it would happen as they promised, but we all knew full compliance was unlikely. And if lapses occurred, I wasn’t shocked and didn’t ask how this could have happened. But in recovery court, all of us wanted to believe in our promises, and when a participant fell short, it was exasperating and sometimes heartbreaking.

Recovery court is a model I endorse and love to be a part of. And yet ironically, presiding over recovery courts brought me a new appreciation for those fusty old trappings of traditional courtrooms. Yes, they are the stagecraft we use to convey power and authority. But they also provide a degree of insulation, to allow a judge to endure long days of conflict and pain and preserve the ability to act with objectivity. ♦

*Judge Amy Ignatius retired from the Superior Court in 2024 upon turning 70. She now serves as a part-time judicial referee in criminal settlement conferences and recovery court sessions as needed throughout the state.*



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# Erin Creegan Appointed Interim US Attorney for District of New Hampshire

By Scott Merrill

Erin Creegan was appointed Interim US Attorney for the District of New Hampshire by US Attorney General Pamela Bondi on August 11. She takes over from Jay McCormack, who assumed the position in January and resigned in August to pursue a career in private practice.

As Interim US Attorney, Creegan is the Chief Federal Law Enforcement Officer in New Hampshire, supervising the prosecution of all federal crimes and the litigation of all civil matters for the US within the district. She leads an office of approximately 54 prosecutors, civil litigators, support personnel, and professional staff members.

Creegan says hiring will be a priority during her tenure.

"I really want to promote phenomenal talent in this office, and one thing I'd like to accomplish is making great hires," she says, explaining most cases will focus on drug trafficking across state lines, child sex crimes, and immigration-related crime.

"During my tenure, I hope to really zero in as much as possible on drug trafficking, particularly fentanyl and meth trafficking out of Lawrence, Massachusetts," Creegan says. "We will be targeting and interdicting that stream as it moves in. We'll also be focusing on tackling violent crime, criminal networks, illegal possession of firearms, and racketeering."

Prior to her appointment, Creegan served as general counsel for the New Hampshire Judicial Branch, where she advised on legal matters impacting the



Photo courtesy of LinkedIn

state judiciary, including the criminal case against New Hampshire Supreme Court Justice Anna Barbara Hantz Marconi.

Hantz Marconi is accused of interfering with a criminal investigation into her husband, New Hampshire Director of Ports and Harbors Geno Marconi, by speaking with former Governor Chris Sununu and Pease Development Director Stephen Duprey.

Creegan filed a motion to withdraw in state Superior Court as legal counsel rep-

resenting the Judicial Branch in that case in August.

She brings considerable federal prosecutorial experience from her time as an associate deputy attorney general and as a prosecutor in the Counterterrorism Section at the US Department of Justice in Washington, DC. She also previously served as chief crime counsel to the ranking member of the US Senate Judiciary Committee and as senior counsel to the legal adviser in the US Department of State.

Creegan says she brings a passion for justice to her role as US Attorney.

"Being a prosecutor, more than any other job – and some judges might quibble with that – is that we're called to do justice," she says. "To always ask the question of whether we've produced a just result. It's a high calling and an honor to work on behalf of the United States and to further justice."

At a time when accusations of politicization and partisan goals at the US DOJ have made recent headlines, Creegan says politics has no part in the work of her office.

"My tenure will be marked by what I think are the most important and greatest safety concerns," she says. "Another US attorney could focus in other places and policies and come away with slightly different answers, but this doesn't mean we're not independent."

Creegan credits the work that is already being done in the state to uphold the rule of law.

"As someone who calls the Granite State home, my focus will be on building on that foundation and marshaling every available resource to ensure New Hampshire continues to receive the full measure of federal support it deserves," she said in a statement.

Attorney Creegan earned her JD from George Washington University Law School and her bachelor's degree from Georgetown University School of Foreign Service.

Her term will run for up to 120 days, with the possibility of Senate confirmation to serve a full four-year appointment. ♦

"I really want to promote phenomenal talent in this office, and one thing I'd like to accomplish is making great hires."



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"2025 Lawyer of the Year - Medical Malpractice Law - Plaintiffs"

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Medical Malpractice Law - Plaintiffs and Personal Injury Litigation - Plaintiffs

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Personal Injury Litigation - Plaintiffs and Product Liability Litigation - Plaintiffs

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# Employers Are Liable for AI Discrimination

By Cameron G. Shilling

Employers are rapidly adopting artificial intelligence and automated decision-making (ADS) tools for human resources functions. They are valuable tools for HR professionals and should be an integral aspect of the HR operations of today and the future. Consequently, it should be no surprise to employment lawyers that our clients will be held liable when discriminatory personnel decisions are made either by ADS or by a manager or HR professional relying on AI to help make those decisions.



AI and ADS offer immense benefits to employers. Here are just a few examples:

1. Review and summarization of job applicant materials for completeness and suitability for available jobs, employer culture, and expectations, etc.
2. Summarization and analysis of interview content and performance.
3. Assessments of personality, characteristics, skills, aptitudes, etc.
4. Summarization and analysis of performance based on the entirety of an employee's work product, including emails, phone and video conference calls, recorded meetings, interactions with business systems and databases, speed and accuracy, etc.
5. Recommendations for job placement, advancement, training opportunities, etc.
6. Monitoring and alerting about employee conduct for disciplinary purposes.

The initial reactions of some managers and HR professionals are that AI would not be useful to them, or that they do not trust AI to generate reliable results. However, as more HR operations adopt AI, those who refuse to use it will lose touch with prevailing practices.

Moreover, studies show that results yielded by AI are not necessarily less reliable than human decision-making. Business managers and HR professionals make decisions that are influenced, consciously and unconsciously, by latent variables and inherent biases. Finally, existing HR systems and applications already incorporate AI and ADS, and that functionality is becoming increasingly powerful. Employers that opt not to utilize it will expose them-



selves to competitive disadvantages over time.

Just like humans who make personnel decisions, AI can generate such decisions that are based on improper variables or appear in hindsight to be based on such factors. That occurs because AI models are trained using historical data, and that data embodies biases and trends that existed throughout history. Likewise, AI trained on HR data about the employer's historical and existing workforce, management structure, job descriptions, etc. will invariably incorporate the trends and biases inherent in that data too.

AI also may unintentionally disadvantage certain individuals. For example, an ADS system might disqualify a candidate because of availability, when that availability is limited due to medical or family-care requirements. Or AI may rate an employee's performance in meetings and calls poorly, when the underlying issue is a disability.

Since AI, like humans, can generate discriminatory results, it is unsurprising that employers who use AI will be liable for those results. New York City, Illinois, and California (effective October 1, 2025) have adopted new or amended existing laws to make this explicit. But do we really need a new law to tell us that? Existing laws – such as RSA Chapter 354-A and the federal Civil Rights Act, including Title VII – already prohibit and punish discrimination by employers, no matter how the discriminatory decision was made.

Indeed, AI and ADS do not implement such decisions, no matter how autonomously they operate. Employers use these tools to analyze data and implement the results yielded by those technologies. If a human relies on technology to help make a personnel decision, the human is still making the decision. Similarly, if an employer permits an ADS result to be effective with-

out human oversight, the employer has made the decision to do so and is liable for the outcome.

Perhaps the most salient aspect of these new AI regulations is that they require employers to maintain records that can later be scrutinized to determine whether personnel decisions are legitimate or discriminatory. That requirement is consistent with other existing and emerging laws concerning AI generally, which provide broader and more rigorous requirements for the use of AI for HR functions.

The European Union and Colorado adopted broad-based AI laws last year. Other states will almost certainly adopt similar laws in years to come. Those regulations categorize the use of AI for employment decisions as high-risk. That does not mean that such use of AI is prohibited. Rather, to use AI for that purpose, employers must first conduct an assessment to identify the risks inherent in the use of AI and imple-

ment measures to mitigate those risks.

Those measures include safeguards like thorough testing of AI before implementing it, ensuring the reliability of data used to train the model, limiting the use of AI to qualified personnel, and ensuring human control throughout the process, including AI configuration, model training, data input, prompt and process creation, and outcome review and auditing.

That risk assessment process will have the following effects:

1. Implementation of measures that eliminate or mitigate the potential for discriminatory decisions being made and carried out.
2. Compliance with new AI-employment discrimination regulations.
3. Establishment of defenses in the event prospective or existing employees assert that the use of AI or ADS resulted in discriminatory outcomes.

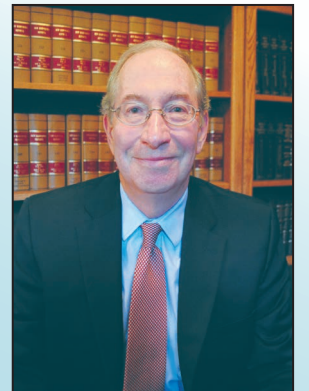
The fallibility of AI for HR functions is not a reason to refrain from using it. After all, humans are fallible too, and technological advancement is indispensable for business development and competition. Like any other new technology, AI for HR must be implemented based on an appropriate risk assessment and mitigation process. ♦

*Cam Shilling founded and chairs McLane Middleton's Cybersecurity and Privacy Group. The group of six attorneys and one paralegal assist businesses and private clients in improving their security, privacy, and AI compliance, and address any incidents or breaches that occur.*

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# Rita Gilbert to Receive Paralegal Professionalism Award

By Tom Jarvis

Rita Gilbert, a longtime paralegal at the Waystack Law Offices in Colebrook, will be honored with the 2025 Paralegal Professionalism Award at the Paralegal Association of New Hampshire's Annual Meeting on September 19.

The annual award is presented to the nominee who best exhibits a high degree of professionalism, possesses an outstanding level of job-related knowledge, demonstrates motivation beyond expectations, serves as a role model for other paralegals, and promotes paralegal work as a profession.

Gilbert, who will mark 30 years with the firm this October, says she was surprised by the recognition.

"Just to be nominated was enough," she says. "I'm not one to be in the lime-light; I prefer to stay in the background, in a support role."

## A Career in the North Country

Gilbert grew up in Colebrook and began her professional career at First New Hampshire Bank, later White Mountain Bank, where she worked for approximately 10 years. While there, she occasionally assisted attorneys at what was then Waystack & King, now the Waystack Law Offices, by interpreting for French Canadian clients. Raised in a French-speaking household, she did not begin learning English until she entered first grade.

When David King, an attorney who later became a judge, learned there were staff transitions at the bank, he reached out to Gilbert about joining the law firm. In 1995, she began working as a legal as-

sistant and soon decided to pursue formal paralegal training.

"I took the paralegal courses at White Mountain Community College," Gilbert says. "It took about two and a half years because I had to commute an hour to an hour and a half each way, and they didn't offer courses in the summer. But I enjoyed it and received my paralegal certificate 27 years ago."

Over the decades, Gilbert has supported the work of multiple attorneys at the firm, including Judge King, Judge Sandra Cabrera, and Attorney Phil Waystack. Her duties have ranged from preparing probate filings and estate planning documents to assisting with personal injury litigation in federal court.

"Rita is truly deserving of this prestigious award," says Judge King. "She kept my litigation practice running smoothly, and her North Country work ethic, great people skills, and keen instincts made her an integral part of the firm for nearly three decades."

When asked what she enjoys most about being a paralegal, Gilbert points to client interaction and research.

"I really enjoy all aspects of being a paralegal," she says.

## Professionalism in Practice

Gilbert explains that one of the most important parts of professionalism in her

role is managing client interactions.

"The attorneys don't always have the time to spend with clients, so you're gathering the information, managing paperwork and documents, providing complete support to the attorneys," she says, adding that paralegals in small firms often wear many hats. "In a small law firm, you do the secretarial tasks along with the paralegal tasks. People don't always realize the amount of work paralegals do."

Waystack, who nominated Gilbert for the award, emphasizes that her abilities extend across every facet of the practice.

"She is an outstanding professional," says Waystack. "I don't go to trial without Rita. She's highly organized, she knows the case, she knows the clients, and she has great people skills. Although she's not a lawyer, she has the knowledge of a lawyer in many areas because we do so much work. She is the epitome of what an effective paralegal should be."

## Supporting Clients

Gilbert described the most rewarding part of her career as helping clients move forward after difficult circumstances.

"It's rewarding to have happy clients, especially in personal injury," she says. "If you can help them move on with their life after severe losses or serious injuries, that is rewarding."

She shares one recent example: an estate planning client who had delayed finalizing her documents before a move. During an early morning walk, Gilbert noticed a moving van at the client's house. She stopped and spoke with the client's son, encouraging him to have his elderly mother visit the office before leaving town.

"I'm glad we were able to finalize her estate planning documents before she moved," says Gilbert. "If you can help someone, especially the aging population in this area, that's also rewarding."

Waystack notes her dedication often



Rita Gilbert (left) with Attorney Phil Waystack. Courtesy Photo

extends beyond office hours.

"It's not uncommon for me to get a text from her early in the morning about a client in the hospital or someone without transportation," he says. "She'll say, 'We need to get there first thing.' It's not just a job to her – it's a profession."

## Mentors, Advice, and Community

Gilbert credits her husband Michael, their two children, and her colleagues with supporting her career, especially during her years of study while raising a family. Professionally, she cites Judge King and Waystack as mentors.

To those entering the paralegal field, she offers straightforward advice.

"You have to enjoy reading and paying attention to detail. It's all in one package," she says. "If you don't enjoy those things, it's not the right fit. And once you've started, don't get discouraged if it feels overwhelming."

Known throughout Colebrook, Gilbert is frequently recognized by clients and neighbors. Her bilingual skills have also proven invaluable in court. She recalls a deposition where a French-speaking driver explained what he had swerved to avoid. The interpreter mistakenly translated the word *moose* as *spider* – the two words sound very similar in French – causing confusion before Gilbert stepped in to clarify.

"Obviously there's a big difference," she says with a laugh.

## Looking Ahead

Outside of work, Gilbert enjoys gardening and hiking in the summer, and skiing or snowshoeing with her family in the winter. She also notes that her organizational skills as a paralegal often carry into her home life.

"Being a paralegal, everything is deadline-driven," she says. "I use that in my personal life – planning, processing, running a household. My kids would say I was quite a taskmaster."

Gilbert plans to retire at the end of this year. Looking back, she says the community and collegial atmosphere kept her at the firm for three decades.

"I've enjoyed the work and the people I've worked with," she says. "It's a small community. It's not like the city where people move from firm to firm. I've always appreciated the small law firm feel."

For Waystack, the award is a fitting recognition of her career.

"Many of my clients choose to speak with Rita directly because she is helpful, knowledgeable, and most pleasant," he says. "I could not practice law at the level that I do without her support." ♦

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*Where you see wrong or inequality or injustice,  
speak out, because this is your country.*

*This is your democracy.*

*Make it.*

*Protect it.*

*Pass it on.*

*~ Justice Thurgood Marshall*

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## The Hurdles We Don't See

By Tony Sculimbrenne

Before I was in private practice, I was fortunate to work at the New Hampshire Public Defender for 12 years. And besides the ample experience, great war stories, and wonderful clients and coworkers, I learned that winning cases, like Woody Allen said about life, is often just showing up. In district court, the best outcome was a dismissal for lack of prosecution. The case would be dismissed if the other side didn't show. Every public defender knows the feeling of waiting for a client who *just needs to show up* for the case to go away. You're watching the courtroom door like a lion stalking a gazelle.

For years I was crestfallen when my clients, with this easy and positive conclusion to the case available, just didn't show up (in truth, of course, no one did on either side). I couldn't understand it. I had similar thoughts when clients failed to abide by even the most straightforward bail conditions or sentencing requirements. It made no sense to me. And slowly over time, and many speeches from various people about responsibility, I came to think that the Greek Chorus of Responsibility was right – this is just about being organized and responsible.

But I was wrong. And there is proof.

The YDC Claims process is a non-court resolution to claims brought by children that were abused by the State of New Hampshire. The process, of course, is not a blank check writing service. There are document submissions and interviews. There are negotiations and records checks. While not grueling like a lawsuit is, the settlement process has procedural hurdles for the injured kids (now mostly

adults) to jump. And this is where I was proven wrong.

In many of these cases I have worked on, there was little dispute over liability or damages. But some of the hurdles, even basic ones, were too high for people to jump. For example, unlike a lawsuit or a criminal charge, some documents submitted to the YDC Claims process require a wet-ink signature witnessed by a notary. This would seem like a speed bump, but in multiple cases I have worked on, this – not the discussion of traumatic abuse or obtaining decades-old records – was the thing that ended the case. What is more remarkable is this – these people would often know, in general terms, what their recoveries looked like.

This means we have a perfect example of what psychologists call a natural experiment – can these people get their life together enough to claim substantial recovery when doing so requires them to jump a hurdle as low as a notarized signature? The answer, in some cases, is no. At our peak, we had roughly 20 of these cases. In the end, only four people were able to make it through all the procedural hurdles. And all 20 of these people had some idea what their cases were worth.

This matches what science tells us about trauma. Trauma experienced by young children has a broad range of effects, including worsening executive functioning. As a result, the YDC victims often lack skills to defuse problems, struggle to make basic plans, and can't process consequences.

And so, when I was waiting for a client to show up for a dismissal for lack of prosecution, my impatience and indignation were entirely wrong. If they can't sign a document

in front of a notary that could result in a large monetary recovery, it shouldn't be surprising then that they can't remember to save money to hire an Uber to get to court for a hearing they learned about months ago when they lived somewhere else – and, oh, by the way, their cell phone just got turned off. Many times, this behavior is not intentional at all. It's not a refusal to comply but a side effect of trauma.

For folks with a childhood lacking serious trauma, we forget that the impacts are all-encompassing. Struggling with executive function is, for these folks, like the ever-present pull of gravity. They aren't missing court on purpose. They aren't ignoring bail conditions out of spite. They aren't blowing off sentencing obligations. Their lives are not just colored by trauma; they are saturated by it. Trauma is the lens they see through every day. And if they can't sign a paper to start the process to get a recovery, we have proof that missing court, violating bail, or failing to meet a condition of sentencing is not something they do by choice.

The experiment worked. I was proven wrong. I hope I can remember that next time I am peering down the stairwell at Nashua District Court waiting for my client. ♦

*Editor's Note: The opinions expressed in this article are solely those of the author(s). They do not represent the views of the New Hampshire Bar Association, its officers, staff, or members. The Bar News provides this forum to encourage the free exchange of ideas on matters of interest to the legal community, but publication should not be interpreted as an endorsement of any particular viewpoint.*

Martha Van Oot

Martha “Marty” Van Oot, an extraordinary woman known for her devotion to family and friends and her distinguished legal career, died August 17 at her home in Orleans, Massachusetts. She was 73.



Born November 13, 1951, in Midland, Michigan, Marty grew up in Westminster, Vermont, the eldest of five siblings. An adventurous spirit from the start, she excelled as a skier, Contra dancer, and natural leader.

Marty graduated magna cum laude from Middlebury College in 1975 and earned her law degree from Northeastern University School of Law in 1978. She began her career at Goodwin Procter & Hoar in Boston before serving in leadership roles at the New Hampshire Attorney General's Office.

In 1985 she joined Devine Millimet in Manchester, later practicing with several Granite State firms as a partner, litigator, and mediator. From 2012 until her retirement in 2021, she was a partner at Jackson Lewis in Portsmouth, focusing on complex commercial and employment litigation. She also taught at Vermont Law School and the University of New Hampshire Franklin Pierce School of Law.

Her peers regarded her as one of the state's finest lawyers. She served as presi-

MEMORIAM continued on page 18

## New England's Perennial Powerhouse



Left to right: Robert M. Higgins, Krysia J. Syska, Andrew C. Meyer, Jr., Adam R. Satin, Nicholas D. Capiello and William J. Thompson.

**For the 17th consecutive year, Lubin & Meyer** has again outperformed all other law firms in the region by obtaining 39 multimillion-dollar verdicts and settlements of \$1,000,000.00 or more in New Hampshire, Massachusetts and Rhode Island.

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

\* As published in *Massachusetts Lawyers Weekly* for years 2008-2019; as submitted to *Massachusetts Lawyers Weekly* for years 2020-2024.







NEW HAMPSHIRE

# BAR FOUNDATION NEWS

## Bar Foundation to Honor Kenison and Kirby Award Recipients at Annual Dinner

By Cindy Roberts

The New Hampshire Bar Foundation is pleased to honor the 2025 Robert E. Kirby and Frank Rowe Kenison award recipients at this year's Annual Dinner on Thursday, October 9, at 5:30 pm at the Manchester Country Club.

The 2025 Frank Rowe Kenison Award will be presented posthumously to US Supreme Court Justice David Hackett Souter.

The Frank Rowe Kenison Award was established by the Bar Foundation to recognize individuals who make substantial contributions to the people of New Hampshire through the administration of justice, the legal profession, or the advancement of legal thought. Frank Rowe Kenison (1907–1980) was a member of the New Hampshire Bar Association for 48 years and served as Chief Justice of the New Hampshire Supreme Court from 1952 to 1977. An exceptional legal thinker, he devoted his life to the law, to education about the legal system, and to the promise of equal justice for all.

Justice Souter embodied all the best qualities of what it means to be a New Hampshire lawyer and jurist. In his 1990

Senate confirmation hearing, Justice Souter noted that what lawyers and judges do matters in our constitutional democracy, and so every judge (and by extension every lawyer) “had better use every power of our minds and our hearts and our beings” to get to the right result. Justice Souter is honored for his dedication to justice, his humility, and his steadfast belief in the rule of law.

The 2025 Robert E. Kirby Award will be presented to New Hampshire Department of Justice (NHDOJ) Senior Assistant Attorney General Nicholas Chong Yen.

The Robert E. Kirby Award, established in 1996, honors the memory of Bob Kirby, a young lawyer “of great skill, civility and good humor,” who died that year at the age of 35. An attorney with the Concord law firm of Gallagher, Callahan & Gartrell, Kirby is remembered for his professionalism and kind-



Souter



Chong Yen

ness. The award serves both to keep his legacy alive and to remind us that decency, courtesy, and perspective neither inhibit nor defeat excellent advocacy. Each year, it is presented to a lawyer 35 or younger who exemplifies those

same qualities.

A graduate of the University of New Hampshire Franklin Pierce School of Law, Chong Yen began his career as an assistant county attorney in Grafton County before joining the Attorney General's Office in 2018. He has since prosecuted homicide cases, led the Election Law Unit through multiple election cycles, and handled cases involving fatal overdoses and allegations of abuse at the Youth Development Center.

The Foundation received many glowing nominations praising his professionalism and character. Here are some of the remarks submitted in support:

“I have known Nick since he became

an attorney almost 10 years ago, and he is always professional and respectful, regardless of whether he is dealing with opposing counsel, members of the public, or other attorneys and staff at the Department of Justice,” says NHDOJ Senior Assistant Attorney General Brendan O'Donnell.

“First and foremost, Attorney Chong Yen always demonstrates decency, courtesy, and perspective to both his colleagues and his adversaries,” says Superior Court Judge William Delker.

“Attorney Chong Yen was pleasant to work with, diligent, thoughtful, courteous, and responsive,” says ACLU Senior Staff Attorney Henry Klementowicz.

“Nick, as many in the office call him, arrives every day with a smiling face and enthusiasm that can turn anyone's day around,” says Courtney Sirois, NHDOJ Victim Witness Specialist. “At the same time, he is extremely professional and undoubtedly intelligent.”

Join us in celebrating the 2025 Robert E. Kirby and Frank Rowe Kenison Award recipients at the Annual Dinner on October 9. To register, please visit <https://member.nhbar.org/calendar/register/Mjk2Mg==>. ♦

### THE NEW HAMPSHIRE BAR FOUNDATION WELCOMES



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### Don't Miss Out!

## Civics Bootcamp - September 30

Connect with the next generation of civic-minded leaders! The New Hampshire Bar Foundation is sponsoring a Civics Bootcamp, open to all members, which will equip you with engaging and accessible civics lessons for use in local classrooms.

Tuesday, September 30 | 4 to 5:30 pm  
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Chief Judge Landya McCafferty will lead the session, offering ready-to-use scenarios to inspire students and deepen their understanding of the justice system.

Following the training, the NHBA Civics & Law Outreach Coordinator will work with you to schedule a classroom visit that suits your schedule.



Please scan the QR code to register.



## LawLine

The New Hampshire Bar Association thanks Wescott Law for the very successful LawLine event held on August 13. Thanks to its efforts, 45 calls from residents across the state were answered on a wide range of topics, including municipal matters, family cases, real estate procedures, and landlord-tenant disputes.

Our callers consistently express deep appreciation for the legal advice they receive, and the NHBA is immensely grateful for the continued support and participation of our volunteer attorneys each month.

LawLine is a free public hotline, staffed by volunteer attorneys, and offered on the second Wednesday of each month from 6 to 8 pm. Calls are forwarded through NHBA staff to maintain firm anonymity.

We are currently seeking volunteers for future LawLine events. If you're ready to make a difference this year, we invite



Wescott Law volunteers for August 13 (from left): Kathrine Lacey, Dawn Scribner, and Kyle Amell. Not pictured: Allison Ambrose, Joshua Marshall, and Sarah Rubury. Courtesy Photo

you to join us! To learn more or to volunteer, please contact NHBA LawLine Coordinator Amanda Adams at [aadams@nhbar.org](mailto:aadams@nhbar.org). ♦

## Community Notes

**Devine, Millimet & Branch** proudly announces that 26 attorneys have been recognized in the 2026 edition of *Best Lawyers in America*, including 23 named to Best Lawyers, three as "Ones to Watch," and one as "Lawyer of the Year."

**Drummond Woodsum** is proud to announce that 84 attorneys have been recognized in the 2026 edition of *Best Lawyers in America*, including 52 named to Best Lawyers, 32 as "Ones to Watch," and 10 as "Lawyers of the Year."

**McLane Middleton** proudly announces that 61 attorneys have been recognized in the 2026 edition of *Best Lawyers in America*, including 51 named to Best Lawyers, 10 as "Ones to Watch," and seven as "Lawyers of the Year."

**Preti Flaherty** proudly announces that 35 attorneys have been recognized in the 2026 edition of *Best Lawyers in America*, including 29 named to Best Lawyers, three as "Ones to Watch," and three as "Lawyers of the Year."

**Primmer Piper Eggleston & Cramer**

proudly announces that 27 attorneys have been recognized in the 2026 edition of *Best Lawyers in America*, including two honored as "Lawyers of the Year."

**Shaheen & Gordon** proudly announces that 36 attorneys have been recognized in the 2026 edition of *Best Lawyers in America*, including 24 named to Best Lawyers, 11 as "Ones to Watch," and two as "Lawyers of the Year."

**Sheehan Phinney** is proud to announce that 39 attorneys have been recognized in the 2026 edition of *Best Lawyers in America*, including 36 named to Best Lawyers, three as "Ones to Watch," and six as "Lawyers of the Year."

**The Nackey S. Loeb School of Communications** will honor Sean Young of Conway with its 2025 First Amendment Award at its annual event on October 23 at the NH Institute of Politics at Saint Anselm College. Young is recognized for successfully challenging a town's restriction on a student-painted mural at his bakery. The school will also present its Quill & Ink Award to Melanie Plenda, director of the

## Sheehan Phinney Honors Legacy of Paul Voegelin with Award and \$25,000 Campaign



Sheehan Phinney staff at a wedding in New York City. From left: Paul Voegelin, Director of Finance Sherry Auciello, and shareholders Rob Miller and David McGrath. Courtesy photo

Sheehan Phinney has launched the Paul E. Voegelin Stewardship Award and a 2025 campaign to raise \$25,000 for brain tumor research at the Dana-Farber Cancer Institute. The award, given annually, recognizes a member of the Sheehan community who most strongly reflects Voegelin's humility, respect for others, optimism, and commitment to excellence. The inaugural recipients were Director of Human Resources Jill Dupont and Director of Finance Sherry Auciello. Each received the "Voegelin Cup," a Waterford Crystal piece named in his honor.

The firm's fundraising efforts so far have included a one-day hike of the approximately 30-mile Pemi Loop by Chris Candon and Dave McGrath in August;

marathon training by Rob Miller; and daily three-minute outdoor ice baths in January by Mike Lambert. Learn more at [charity.pledgeit.org/sheehanteampaul](https://charity.pledgeit.org/sheehanteampaul).

Voegelin served as Sheehan Phinney's chief operating officer from 2017 until his death on December 2, 2024. Remembered by colleagues for his energy, compassion, and integrity, he is survived by his wife, Oriente, and daughters, Sabrina and Tiana.

"We are so much the better because of Paul," said Sheehan Phinney President and Managing Director Michael Lambert. "He was an extraordinary man who will be greatly missed, though he endures in each of us who had the pleasure of knowing and working with him." ♦

Granite State News Collaborative, for her contributions to First Amendment education.

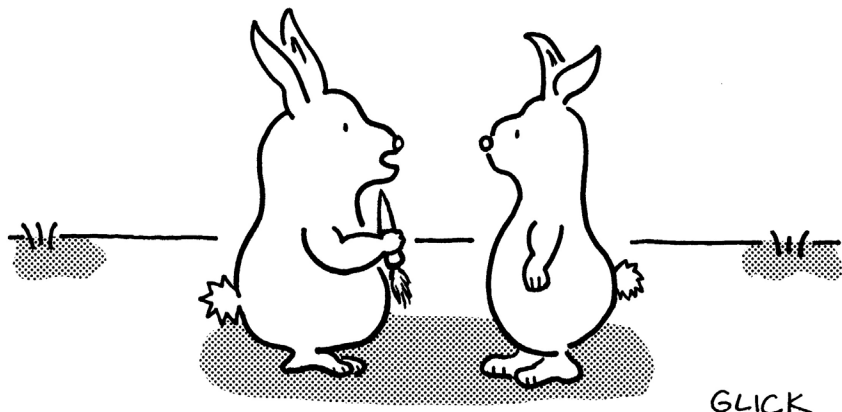
**Shaheen & Gordon** is pleased to announce that Attorneys Emma Sisti and Hannah Neumiller have joined the firm. Sisti, based in Concord, brings extensive trial experience from her work with the New Hampshire Public Defender and 603 Legal Aid. Neumiller, a 2024 graduate of UNH Franklin Pierce School of Law,

joins the Dover office with a background in personal injury, workers' compensation, criminal defense, and civil litigation.

**UNH Franklin Pierce School of Law** has welcomed a record 250 JD students for fall 2025, including 157 residential and 93 hybrid JD candidates. Applications rose 32 percent over last year, outpacing both regional and national trends, and the incoming class achieved the school's highest-ever academic credentials. ♦

## Jest Is For All

by Arnie Glick



"Yes, it's true that I stole it from Farmer Brown . . .  
but in my opinion one carrot is de minimis."

## The Bar News Crossword by James P. Mulhern

Here are the answers to the *Bar News* Crossword from the August 2025 issue (Vol. 36, No. 3), along with a new puzzle. Did you fully solve the August crossword? Tell us how you did or give feedback at [news@nhbar.org](mailto:news@nhbar.org).

		1	2	3
		D	O	G
4	5	A	D	O
		B	E	
6		G	A	D
		O	T	
7		E	D	G
		E	S	
8		D	A	Y
		S		

### ACROSS

1. Hermès offering
4. Montreal's subway
6. Toil away
7. Fearless
8. Rapper and producer Dr. \_\_\_\_

	1	2	3	
4				5
6				
7				
	8			

### DOWN

1. Growing one is an important practice in many world religions
2. Currently before the court
3. Orange orchard
4. Angels and Royals org.
5. Smelted stuff





# Orr & Reno is Proud to Announce the Return of James P. Bassett

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We are grateful for Steve’s leadership and expertise and look forward to his continued impact in this new role.





# Welcoming Our New Attorneys



## Attorney Emma M. Sisti

Attorney Sisti is an experienced trial attorney joining the firm's Litigation Group following a successful career in public service. Emma served 15 years with the New Hampshire Public Defender before joining 603 Legal Aid, most recently serving as their Deputy Director. Emma's trial advocacy has been recognized by her peers, as she has been inducted as a Fellow of the American College of Trial Lawyers. She remains engaged in non-profit board work, currently serving on the boards of the New Hampshire Bar Foundation and the New Hampshire Supreme Court Society.

[esisti@shaheengordon.com](mailto:esisti@shaheengordon.com) · 603-225-7262 · 107 Storrs Street, Concord, NH 03301



## Attorney Hannah K. Neumiller

Attorney Neumiller joins the firm with cross-disciplinary experience handling personal injury, workers' compensation, estate planning, and probate matters. She'll also be working closely with the firm's Business Group. Throughout her education, Hannah volunteered with restorative justice programs that inspired her passion for working with clients and advocating for her community. She currently serves on the Board of Directors for the Cashin Senior Activity Center in Manchester.

[hneumiller@shaheengordon.com](mailto:hneumiller@shaheengordon.com) · 603-749-5000 · 353 Central Ave, Suite 200, Dover, NH 03820



## Attorney Ryan P. Garrette

Attorney Garrette is a member of the firm's Litigation Group and has a cross-disciplinary practice. His focus includes civil rights, personal injury, municipal law, land use/zoning, family law, and general civil litigation. Prior to joining the firm, Ryan completed a 2-year clerkship at Merrimack County Superior Court in Concord while teaching State Constitutional Law at the University of New Hampshire's Franklin Pierce School of Law.

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# New Hampshire Pioneers DAO Law, UCC Updates, and Bitcoin Reserve

By Seth C. Oranburg

New Hampshire has positioned itself as America's digital innovation leader through three groundbreaking legislative measures. Since July 1, attorneys can help clients form Decentralized Autonomous Organizations (DAOs) under RSA 301-B, leveraging Uniform Commercial Code (UCC) Article 12 amendments that took effect January 1, 2023, all within a state that became the first to authorize Bitcoin reserves.<sup>1</sup> This convergence creates unprecedented opportunities for modern business structures.

## DAOs and Legal Practice

A DAO is essentially a business entity governed by computer code rather than traditional management structures. Under RSA 301-B:7, New Hampshire DAOs exist as separate legal entities with limited liability protection comparable to LLCs. Participants are shielded from personal responsibility for the DAO's obligations.

The practical application is straightforward: instead of board meetings to approve profit distributions, the governing rules are embedded in "smart contracts," programmable agreements that execute automatically. For example, an art marketplace DAO could distribute sales proceeds instantly according to



predetermined percentages for creators, marketing, and reserves.

DAOs appeal to clients seeking efficiency in collaborative ventures, particularly global teams coordinating investments or creative projects. Prior to these laws, DAOs lacked clear legal standing, complicating contracts and asset ownership. New Hampshire's framework provides legal certainty while maintaining the principle that the "intent of code is law" (RSA 301-B:3).

## DAO Formation

Formation requires delivering a notice of intent to the Secretary of State with the DAO name and registered-agent information (RSA 301-B:12). The filing fee is \$100, and approval yields a Legal Entity Identifier number. The registry system, developed through RFP SOS 2024-1, is operational for the July 2025 effective date.

For official registry listing, DAOs must satisfy eleven requirements under RSA 301-B:15, including deployment on a permissionless blockchain, providing a unique public address for monitoring activities, maintaining open-source software code, offering public access interfaces, publishing accessible bylaws, providing communication mechanisms, and establishing dispute resolution procedures.

## UCC and Digital Assets

While the DAO Act creates the entity framework, UCC Article 12 governs internal asset management. These amendments introduced "controllable electronic records" (CERs), digital items subject to exclusive control under RSA

382-A:12-105.

The integration is seamless: DAOs often use "tokens" representing rights like voting shares or profit interests. Article 12 enables secure token transfers through control mechanisms, similar to possessing a unique digital key. This facilitates everything from membership transfers to complex financing arrangements.

In secured transactions, creditors can perfect interests in tokens under Article 9 by establishing control (RSA 382-A:9-105), ensuring priority in enforcement. This treats digital assets as investment property collateral, enabling traditional lending secured by DAO tokens.

## Practical Applications

For formation guidance, attorneys should craft bylaws aligning smart contracts with legal requirements (RSA 301-B:16). Bylaws must accurately reflect the software code governing smart contracts, and may include capital contribution definitions, developer rights and interests, property maintenance procedures, administrator duties and liabilities, and amendment procedures.

Critical considerations include incorporating fallback provisions for code errors that could disrupt operations. For asset management, explain UCC control mechanisms for tokens to ensure clients understand transfer and security requirements.

Client applications span multiple sectors. Real estate DAOs can represent fractional ownership with UCC-facilitated secure transfers. Creative collaborations can automate royalty distributions. Investment groups can coordinate capital allocation and profit-sharing without traditional administrative overhead.

The Secretary of State's blockchain-native registry platform supports full life-cycle management including registration, renewal, and deregistration, providing transparency while maintaining operational efficiency.

## Securities Considerations

State law clarity doesn't eliminate federal oversight. Digital tokens may still require securities law compliance under tests like *Howey*, as illustrated in *SEC v. LBRY*.<sup>2</sup> Attorneys must advise clients on potential federal securities implications while leveraging state-level protections.

Under New Hampshire's Rules of Professional Conduct, maintain competence by disclosing limitations in technical advice and recommending specialist consultations when appropriate (Rules 1.1 and 1.4).

## Strategic Advantages

New Hampshire's approach offers clearer entity distinctions and more comprehensive requirements than models in other states like Wyoming. As the first state to adopt UCC Article 12 and establish a Bitcoin strategic reserve, New Hampshire demonstrates commitment to digital innovation leadership.

The Bitcoin reserve under HB 302 allows the state treasurer to invest up to five percent of public funds in digital assets with market capitalizations exceeding \$500 billion, currently qualifying only Bitcoin. This positions the state as attractive to digital asset entrepreneurs and investors.

## Implementation and Outlook

Practitioners should track the phased implementation. UCC Article 12 became effective January 1, 2023, providing immediate tools for digital asset transactions. The DAO Act took effect July 1, enabling entity formation. The registry system is operational, processing applications through the Secretary of State's blockchain-based platform.

As judicial interpretations develop and other states consider similar frameworks, New Hampshire's comprehensive approach positions attorneys to serve clients at the forefront of business innovation. This framework supports current practices while anticipating business evolution in the digital era, establishing New Hampshire as a leader where technology meets law.

The convergence of entity formation flexibility, asset management clarity, and state-level digital asset adoption creates a unique environment for innovative business structures. Attorneys equipped with this knowledge can guide clients through opportunities previously unavailable or legally uncertain, positioning both practitioner and client for success in the evolving digital economy. ♦

## Endnotes

1. New Hampshire House Bill 302, an act relative to enabling the state treasury to invest in precious metals and digital assets, was signed into law on May 7, 2025, and became effective on July 5, 2025.
2. No. 1:21-cv-00260-PB (D.N.H. Nov. 7, 2022).

Seth C. Oranburg is a professor of law at the University of New Hampshire Franklin Pierce School of Law and Director of the Program on Organizations, Business, and Markets at NYU Law School's Classical Liberal Institute. He can be reached at [seth.oranburg@law.unh.edu](mailto:seth.oranburg@law.unh.edu).

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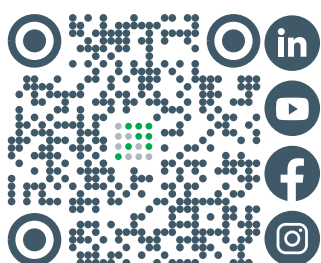
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# FinCEN Residential Real Estate Rule is (Maybe) Coming – Ready or Not

By Leigh Willey

Since 1990, the Financial Crimes Enforcement Network (FinCEN) has served as the US Treasury's lead agency for safeguarding the financial system. Over the past decade, FinCEN has increasingly focused on real estate transactions, especially all-cash transactions where it can be difficult to tell who's buying and where the money's coming from.

In response to these risks, FinCEN has introduced the Residential Real Estate Reporting Rule (RRE Rule), which takes effect on December 1, 2025. The RRE Rule introduces a nationwide reporting requirement for certain non-financed transfers of residential real estate to legal entities or trusts. The Rule is designed to combat money laundering and other illicit activities by increasing transparency.

The RRE Rule is set to bring major changes to how certain residential real estate transactions are handled, and the consequences for noncompliance are serious. Real estate professionals need to understand not just what the Rule covers, but how it works in practice. This article summarizes the core requirements of the Rule and what can be done now to prepare.

## Scope of the Rule

The RRE Rule applies to residential properties, including one- to four-family



homes, condominiums, cooperatives, mixed-use properties, and vacant land intended for residential development. The rule targets conveyances that do not involve institutional financing from banks or lenders. This may also include private lenders. The rule's reporting requirement focuses on transfers to legal entities and trusts, including domestic and foreign corporations, LLCs, partnerships, and most trust arrangements. Certain property transfers are exempt from the reporting requirements, including those involving easements, transfers due to death or divorce, court-supervised transfers, transfers for no consideration to a trust, transfers to a qualified intermediary under IRS §1031, and transactions in which no reporting person is involved.

## Who Must Report?

The RRE Rule establishes a reporting cascade to determine the party responsible for filing the report with FinCEN. The cascade identifies seven functions commonly performed during a typical real estate closing. The professional who performs the highest-ranked function – typically, the set-

tlement agent – is deemed the reporting person and must file the report with FinCEN. If no one performs the top function, the responsibility shifts to the next one down the list, and so on.

The RRE Rule allows the reporting person to enter into a Designation Agreement with another party willing to assume that responsibility. A separate agreement for each reportable transfer must be made and include the name and address of the transferor, the transferee, the designated reporting person, and all parties to the agreement.

## Required Disclosures

Reports are filed online and must identify the reporting person, the transferor, the transferee entity or trust, the individuals representing the transferee, the beneficial owners of the transferee, and the consideration paid, as well as detailed information about the source of funds. The report must also detail the property being transferred, including its address and full legal description. If the transferor is a trust, the trustee's information must be included.

## Filing Timeline

Reports must be filed by: (i) the final day of the month following the month of the transfer; or (ii) 30 days after the closing date, whichever is later. In addition, record-keeping obligations under the rule extend beyond the filing itself. Key documents, including Designation Agreements, must be kept for at least five years.

## Cost of Noncompliance

Violations of the rule, such as failure to report or false reporting, may result in harsh penalties, even imprisonment. Negligent violations may result in fines of up to \$1,394 per incident, with additional penalties of up to \$108,489 for patterns of negligence, while willful violations can lead to criminal fines of up to \$250,000, imprisonment for up to five years, or both. In short, the stakes are high, so it is critical for real estate practitioners to understand their reporting obligations and take compliance seriously.

## Preparing for the RRE Rule

FinCEN estimates that it will take approximately 2.75 hours for a reporting person to complete a report for each covered transfer – about two hours to gather the required information, plus another 30 to 45 minutes to file the report. In terms of training and technology, FinCEN projects an average of 75 minutes per employee for initial implementation in the first year, followed by 30 minutes annually for refresher training. Overall, FinCEN anticipates that the regulation will cost the industry between \$401 million and \$663 million per year. It's worth noting that the American Land Title Association has raised concerns that these estimates may understate the actual burden.

The rollout of FinCEN's Beneficial Ownership Information Rule was anything but smooth. Deadlines shifted and requirements changed, leaving most of us wondering who's on first. The RRE Rule may follow a similar path. At least one lawsuit challenging the rule's constitutionality has been filed. With that lawsuit still pending, we're in a bit of a "hurry up and wait" situation – uncertain of what's next.

With the effective date fast approaching, practitioners should keep a close eye on the rule's legal developments and prepare for its potential implementation. Here are several steps to take now to get ahead:

- **Monitor Legal Developments:** Stay current on legal challenges and regulatory delays. Outcomes may affect reporting requirements and deadlines.
- **Learn Reporting Requirements:** Understand who qualifies as a "reporting person," what information must be reported, and when.
- **Outline Internal Procedures:** Update closing checklists, engagement letters, and internal workflows to reflect the Rule's requirements.
- **Educate Your Team:** Start training staff and drafting guidance for clients.

The RRE Rule marks a major shift in how certain residential real estate transactions are monitored by the US government. The rule brings new reporting obligations, steep penalties for noncompliance, and significant time and cost burdens to the industry. While the rule's future remains uncertain, its December 1 effective date is still on the books – so the clock is ticking. Whether the rule is delayed, revised, or implemented as planned, now is the time to prepare. ♦

*Leigh S. Willey is vice president and managing counsel at CATIC. She can be reached at 866-595-5559 or [lwilley@catic.com](mailto:lwilley@catic.com).*

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## Scaling the Wall: A Book Review

***Scaling the Wall: One Man's Journey of Healing Childhood Trauma to Find Fulfillment and Success***

By Christopher Earley

Self-published  
Paperback, 222 pages

Reviewed by Kevin J. Powers

In 1986, Peter Gabriel and Kate Bush had a hit single with “Don’t Give Up.” At about the same time, young Chris Earley was growing up in the shadow of an alcoholic father who very much did give up, disappearing after an extremely successful career as a leading corporate recruiter, down the neck of a bottle and into the anonymous crowds of New York City, where he died unidentified several years later.

Chris’s autobiography, *Scaling the Wall*, is a profoundly humble and introspective examination of the lingering effects of trauma – trauma for which Chris was faultless. Yet it was trauma he nonetheless had to grapple to avoid allowing it to impair his legal career and his family life.

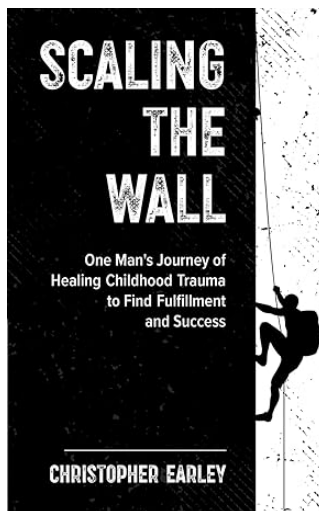
The popular perception of the practice of law is almost certainly one of arrogance and bullheadedness. Chris exhibits the polar opposite traits throughout his highly readable book, and as much through the very act of writing it in the first place. Chris exposes his exhaustive struggles, repeated failures, and ultimate triumph in facing and changing the aspects of his own personality that had made him less collegial, less in control of himself, and less successful in his growing law prac-

tice than he was capable of.

*Scaling the Wall* is set about a dozen or more years ago, and the chronological distance enables Chris to look back with less weight bearing down on his shoulders than might have been true immediately in the aftermath of his journey. As a writer, he knows how the story ends: he became a successful personal injury attorney and an effective law-firm owner and managing attorney. He also became a sought-after speaker at bar association and business networking events across the country, and a face increasingly known to drivers passing by billboards on major Boston highways.

In his personal life, Chris built a solid marriage, became a father twice over, and avoided the old cliché that children from homes scarred by abuse or trauma often in adulthood visit that abuse or trauma on their own children. But, at the time of the narrative, those outcomes were not only far from guaranteed; they were often in very serious doubt.

The book guides the reader through Chris’s early years of practicing law, moving toward marriage, and becoming a father. Along the way, he tries in turns to evade, then confront, then again evade, and then confront more successfully the legacy of substance abuse in his family. Chris is dis-



armingly transparent about his repeated attempts to find a therapist whose approach would enable him to make meaningful progress, and about the consequences to his marriage of his prolonged failure to find such a suitable guide on his road.

He is also utterly frank about the extent to which his own conduct as an attorney fell short of his own desired standards of professional conduct until he was able to wrestle with the monkey on his back and deal with the experiences that had made him a more surly, aggressive, and ultimately ineffective attorney than he otherwise could have been. When he finally finds the right therapist, sees meaningful and enduring progress, and moves forward, the payoff is like a drowning man finally bursting to the surface and taking a breath of air after becoming convinced that he was going to drown.

Chris does not arrogantly prescribe a course of treatment for his reader, or for members of the Bar generally. His tacit point about the effectiveness of good therapy, with a therapist whose approach works with the particular patient, is stronger precisely because Chris does not beat the reader over the head with it. Instead, the narrative – Chris’s own, personal experience – simply speaks for itself. The reader never feels lectured to or patronized.

The Bar can use more books like *Scaling the Wall*, but so, too, can law schools. We work in a field that is often thrilling, enjoyable, and characterized by the sweet rush that accompanies hard-fought victory. But we also work in a field that is often combative, nasty, and characterized by petty immaturity unworthy of the profession.

All of us must deal with the bitter as well as the sweet, but we bring to that bitterness all our life experiences. The attorney who believes that he or she was born fully formed from the head of Zeus on the day of admission to the Bar is being less than honest with himself or herself. If we do not take care of ourselves, then few of us will be able to avoid having our neglected aspects seep into our practices.

This review will fail if it leaves the reader with the impression that this book and its lessons are for the attorney who has already failed in practice, in marriage, or in parenthood. To the contrary, one of the most effective aspects of Chris Earley’s story is that he kept his law practice going, and he kept his marriage together, precisely because he dealt with himself before he hit a professional or personal “rock bottom.”

Unlike his father, Chris did not need to fail in order to work on himself; instead, he was prescient enough to see the warning signs when they cropped up – his confrontational attitude during depositions, and his failure to act with forbearance and restraint with his fiancée and then wife, among other red flags – that he was able to steady his ship

REVIEW *continued on page 25*



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## DWS Program Marks 20 Years with New Class of 24 Scholars

By Bethany Hartt

On August 22, the 24 newest members of the Daniel Webster Scholar (DWS) Honors Program's Class of 2027 gathered for orientation at the Susan N. McLane Audubon Center in Concord. Surrounded by nature, these rising 2Ls learned more about each other and what DWS Program Director Courtney Brooks referred to as a challenging, two-year journey to bar admission.



Launched in 2005, the DWS Program is an alternative to the bar exam at the University of New Hampshire Franklin Pierce School of Law. The program is a collaboration between the law school, the New Hampshire Supreme Court (NHSC), New Hampshire Bar Association, and New Hampshire Board of Bar Examiners.

Orientation revealed how varied paths converge in Concord. The scholars in the Class of 2027 include two former active-duty military members, a mother of three young children, and a serious aficionado of the *New Yorker*. There are musicians, athletes, readers, linguists, and gearheads. Prospective career interests range from family law to patent litigation. Notably, nearly all are first-generation law students.

While students' hometowns span from California to Cape Cod, Granite Staters are well represented among the group. DWS participants hail from Keene, the Seacoast, the Lakes Region, Concord, Manchester, and the Upper Valley.

The highlight of DWS orientation was a lunchtime question-and-answer period with NHSC Justices Patrick Donovan and Melissa Countway, who generously joined the group for the session.

Justice Donovan spoke about the legacy of former NHSC Chief Justice Linda Dalianis. The DWS Program was Chief Justice Dalianis's brainchild. She initially developed the idea for a more effective and practical legal education by watching

fledgling attorneys from the bench.

"She was remarkable," said Justice Donovan.

The justices shared their respective career paths to the Supreme Court. Both returned to New Hampshire after law school and stints in Boston Big Law. Together, they encouraged volunteerism, congeniality with colleagues, and meaningful relationships with clients.

Justice Countway urged students to become practitioners with a reputation for integrity.

Brooks promised that the DWS Program would help program participants become "client-ready." Much of the day's discussion revolved around the DWS Pre-Trial Advocacy course, a four-credit class that simulates a civil lawsuit from initial litigation planning to oral arguments. Students, evenly divided into opposing law firms, will litigate a fictitious case until December.

This semester, Brooks and Exeter attorney Richard Samdperil will spearhead the plaintiff's firm, "Lighthouse Law." New Hampshire Department of Justice Senior Assistant Attorney General Sam

Garland will direct the defense firm, "The Green Group, PLLC."

The three serve as senior partners in the simulation. Each firm also has three 3L teaching assistants who act as senior associates.

The two firms met for their first official meeting at the end of orientation. In circumstances distinctly characteristic of the Granite State law school experience, the defense firm's initial rendezvous took place beneath the watchful eyes of dozens of taxidermied animals displayed at the Audubon Center.

The DWS Program is the only one of its kind in the country because of the leadership and generosity of New Hampshire judges, attorneys, bar examiners, and others in our legal community. All new DWS students will take the Webster Scholar Induction Oath on September 11 at a special NHSC session. ♦

*Bethany Hartt is a 2L and Daniel Webster Scholar at the UNH Franklin Pierce School of Law. After law school, she plans to practice in New Hampshire.*

## MEMORIAM *from page 9*

dent of the New Hampshire Bar Association (2002–2003) and contributed to numerous boards and committees, including the Professional Conduct Committee, New Hampshire Judicial Council, New Hampshire Bar Foundation, and New Hampshire Board of Bar Examiners. She was a fellow of the American College of Trial Lawyers and received honors such as the John R. Tobin, Jr. Justice Award and the Marilla M. Ricker Award.

Marty's commitment to service extended beyond the courtroom. She supported many civic and charitable organizations, championed women and minority political candidates, and volunteered energetically in every community she called home. After retiring to Orleans in 2020, she became known around town as "the lady with the dog," raising money for cancer research, volunteering locally, and even joining the Coast Guard auxiliary.

She is survived by her son Benjamin Van Oot, his wife Sarah Daly Van Oot, and their children Olivia Van Oot, and Jack, Avery, and Noah Diorio; her siblings Christopher Oot (Sara), Peter D. Van Oot, Laura Oot Sheridan (John), and Betsy Van Oot; and many beloved nieces, nephews, and grand-nieces and nephews.

A celebration of Marty's life will be announced. In lieu of flowers, donations may be made to the New Hampshire Campaign for Legal Services, the Family Pantry of Cape Cod, or the Pan-Mass Challenge.

### Adam Harris Bernstein

Adam Harris Bernstein, 55, a private criminal defense attorney and resident of Bedford, New Hampshire, passed away on Monday, August 11, 2025, after courageously battling cancer for more than six years.

He is survived



by his wife, Darci (Whitehouse) Bernstein; daughter, Zoe Bernstein; mother, Eve (Shpritz) Fischer; brothers, Todd and Eric Bernstein; and many loving relatives and friends. He was predeceased by his father, Rob Bernstein.

Born in Silver Spring, Maryland, on September 4, 1969, Adam earned his Bachelor of Arts from the University of Maryland, Baltimore, in 1991, a Master of Arts from Duquesne University in 1995, and his JD from Franklin Pierce Law Center in 1998.

Adam began his career as a public defender in 1999. In 2006, he co-founded Bernstein, Bartis & Mello, which later became Bernstein & Mello, PLLC. Known for his sharp legal mind, quick wit, and dedication to justice, Adam built a reputation as a fierce advocate and compassionate counselor.

Above all, Adam was a devoted husband and father. He treasured time with Zoe – helping with homework, cheering at dance and crew events, and treating her to ice cream at Dairy Queen. Family dinners, often ending with a sweet treat, were central to his life.

Adam loved to travel, especially to Arizona, Aruba, and Florida. He was committed to fitness, running marathons, working out daily, and enjoying the outdoors at home, where he swam, cared for his yard, and doted on his three dachshunds.

In lieu of flowers, memorial donations may be made to [colorectalcaner.org](http://colorectalcaner.org) or [hhhc.org](http://hhhc.org), where Adam had excellent care in his final days.

### Adam Harrison

Adam passed away peacefully on Sunday, July 27, surrounded by the immeasurable love of his wife, Cassie, his closest friends, and the incredible care team at Mass General Hospital who were with him every step of the way.

If Adam has touched your heart, we would love for you to share your favorite



memories at [remembering.adamjharrison@gmail.com](mailto:remembering.adamjharrison@gmail.com).

In keeping with Adam's wishes, there will be no formal funeral services. Please consider donating to Caring for A Cure – founded by the nurses of Mass General Hospital's adult hematology/oncology and bone marrow transplant program – in Adam's honor at [because.massgeneral.org/campaign/caring-for-a-cure/c112468](http://because.massgeneral.org/campaign/caring-for-a-cure/c112468).

### David Jordan

David William Jordan, Jr., 82, of Concord, New Hampshire, passed away on August 1.

David was born on June 10, 1943, in Yonkers, New York, the son of David William Jordan, Sr. and Helen Hand Jordan. He was raised in Pound Ridge and graduated from St. Mary of the Assumption High School in 1961, then earned a BA and JD from The Catholic University of America. In 1971, he joined the United States Air Force and served as a JAG until 1974.

In 1974, David married Jo Ann Casey in Arlington, Virginia and shared 50 wonderful years of marriage and two children.

David was an attorney for the Federal Maritime Commission from 1974 to 1978, and an assistant attorney general in New Hampshire until 1981. He worked as an attorney in private practice until 2020. David was also a member of South Congregational Church in Concord.

Known to many for his considerable height, David was a gentle soul who loved animals and nature. David was often found admiring a beautiful blue sky while kayaking or walking his dog around the neighborhood. He loved a good story, whether in a movie or a book, and had a knack for patiently explaining complex concepts.

He is survived by his wife Jo Ann, son David (Amy), daughter Sandra (Christian), and granddaughter Stella.

David was preceded in death by his par-



ents, his brother Barry, and his sister Helen.

Donations in David's memory may be made to Pope Memorial SPCA or Granite VNA Hospice House.

### Daniel Klasnick

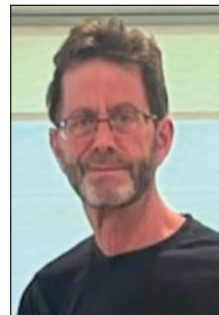
Daniel Dean Klasnick, 60, of Boxford, MA, passed away on June 6, at home surrounded by family and love.

Dan was the beloved husband of Stacey (Cosmopoulos) Klasnick for 38 years. Cherished son of the late Robert and Charlotte Klasnick, son-in-law of Gregory and Georgia Cosmopoulos, brother of Sherry (Klasnick) Giron and her husband Jim Giron, Kirk and Patty Klasnick, Kelly Klasnick and his wife Chris Symons, Stephanie Cosmopoulos, and Dean Cosmopoulos, as well as several nieces and nephews. Proud godfather of Rocco Mastrangelo.

Born on January 6, 1965, in Pittsburgh, Pennsylvania, Dan resided there until he began his service in the military at 18. He served as a corporal in the Army in the Air Defense Artillery for four years in Fort Bliss, Texas. Following his honorable discharge from the army, Dan pursued a bachelor's degree and ultimately obtained a Doctor of Jurisprudence. Dan had a long-standing career as an attorney in wireless communications infrastructure.

Nothing brought Dan more joy than his family, his home, and worldwide travel. Dan was a quiet, gentle soul, who led by example, showing compassion and always ready to lend a hand. All those who knew him will miss his kindness, humility, sense of humor, and listening ear.

A private family and military burial will take place, and private interment will follow at Massachusetts National Cemetery in Bourne. The family will announce a celebration of life later. In lieu of flowers, donations in Dan's memory may be made to the American Cancer Society or Care Dimensions Hospice in Danvers, Massachusetts. ♦







# CONTINUING LEGAL EDUCATION GUIDE

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

Have an idea for a CLE? Reach out to Director of Professional Development Vincent O'Brien at [vobrien@nhbar.org](mailto:vobrien@nhbar.org).

### SEPTEMBER 2025

**WED, SEP 17 – 9:00 a.m. – 4:30 p.m.**  
**Real Estate Law 101**  
• 385 NHCLE min.  
• Concord – NHBA Seminar Room/Webcast

### OCTOBER 2025

**WED, OCT 1 – 9:00 a.m. – 4:15 p.m.**  
**Solo & Small Firm Conference 2025**  
• 360 NHCLE min., incl. 60 ethics min.  
• Concord – NHBA Seminar Room/Webcast

**FRI, OCT 17 – 9:00 a.m. – 4:30 p.m.**  
**Mastering Family Law in New Hampshire**  
• 375 NHCLE min.  
• Concord – NHBA Seminar Room/Webcast

**THU, OCT 23 – 12:00 p.m. – 1:00 p.m.**  
**Health Care Advanced Directives**  
• 60 NHCLE min.  
• Live Webcast

**FRI, OCT 24 – 9:00 a.m. – 4:30 p.m.**  
**Developments in the Law**  
• 360 NHCLE min., incl. 60 ethics min.  
• Manchester – DoubleTree by Hilton

**WED, OCT 29 – Time TBD**  
**US Supreme Court Update**  
• Credits TBD  
• Concord – NHBA Seminar Room/Webcast

### NOVEMBER 2025

**WED, NOV 4 – Time TBD**  
**Best Practices in Trusts & Estates**  
• Credits TBD  
• Concord – NHBA Seminar Room/Webcast

**WED, NOV 5 – 9:00 a.m. – 4:30 p.m.**  
**24th Annual Labor & Employment Law Update**  
• 360 NHCLE min., incl. 60 ethics min.  
• Concord – NHBA Seminar Room/Webcast

**FRI, NOV 7 – 9:00 a.m. – 4:30 p.m.**  
**School Law in New Hampshire 2025**  
• 380 NHCLE min.  
• Concord – NHBA Seminar Room/Webcast

**FRI, NOV 14 – 9:00 a.m. – 12:15 p.m.**  
**Right-to-Know Law RSA 91-A Update**  
• 180 NHCLE min.  
• Concord – NHBA Seminar Room/Webcast

**WED, NOV 19 – 9:00 a.m. – 4:30 p.m.**  
**Business Organizations & Choice of Entity Law in New Hampshire**  
• 365 NHCLE min., incl. 60 ethics min.  
• Concord – NHBA Seminar Room/Webcast

### DECEMBER 2025

**WED, DEC 10 – 8:30 a.m. – 4:45 p.m.**  
**Practical Skills for New Admittees – Day 1**  
• Concord – Grappone Conference Center

**THU, DEC 11 – 8:30 a.m. – 12:00 p.m.**  
**Practical Skills for New Admittees – Day 2**  
• Concord – Grappone Conference Center

### FEBRUARY 2026

**FRI, FEB 20**  
**Midyear Meeting 2026**  
• Manchester – DoubleTree by Hilton

### MARCH 2026

**TUE, MAR 3 – Time TBD**  
**Sexual Harassment**  
• Credits TBD  
• Concord – NHBA Seminar Room/Webcast

**WED, MAR 18 – Time TBD**  
**Non-profit Law in New Hampshire**  
• Credits TBD  
• Concord – NHBA Seminar Room/Webcast

### APRIL 2026

**THU, APR 9 – 9:00 a.m. – 4:30 p.m.**  
**Insurance Law 201**  
• 360 NHCLE min.  
• Concord – NHBA Seminar Room/Webcast

**WED, APR 29 – Time TBD**  
**NH Constitutional Law**  
• Credits TBD  
• Concord – NHBA Seminar Room/Webcast

### MAY 2026

**TUE, MAY 5 – Time TBD**  
**In-House Counsel**  
• Credits TBD  
• Concord – NHBA Seminar Room/Webcast

### We have a NEW Group Discount Policy at NHBA CLE

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## Solo & Small Firm Conference 2025

Co-sponsored w/the NHBA's Solo & Small Firm Law Section

**Wednesday, October 1, 2025**

9:00 a.m. – 4:15 p.m.

360 NCMLE min., incl. 60 ethics min.

NHBA Seminar Room/Webcast

Solo and small firm practitioners face unique challenges—and opportunities—in today's evolving legal landscape. This dynamic, one-day program is built specifically for you, offering hands-on guidance for scaling your practice, adopting smart technology, and planning for smooth transitions.

### Faculty

**Jack P. Crisp, Jr.**, Program Co-chair, The Crisp Law Firm, PLLC, Concord  
**Amy Manzelli**, Program Co-chair/CLE Committee Member, BCM Environmental & Land Law PLLC, Concord  
**Aaron A. Archambault**, A.A. Archambault, PLLC, Hopkinton  
**Eric D. Cook**, Newmarket  
**Alycia M. Gelin**, Morneau Law, Nashua  
**Barron K. Henley**, Affinity Consulting Group, LLC, Columbus, OH  
**Amy J.B. Jeffrey**, Hampton Falls  
**Kerry Lekas**, Lekas, Edgar & Co., Londonderry  
**Hollis McGuire**, NH Small Business Development Center, Durham  
**Kristin A. Mendoza**, Abridge Law, PLLC, Nashua  
**Katherine J. Morneau**, Morneau Law, Nashua  
**Willow R. Murphy**, Precisely Software Incorporated, Burlington, MA  
**John Phelan**, Bankprov, Bedford  
**Cassandra O. Rodgers**, Sheehan, Phinney, Bass & Green, Manchester  
**Catherine E. Shanelaris**, Shanelaris, Schirch & Warburton, PLLC, Nashua  
**Colin J. Zick**, Foley Hoag, LLP, Boston, MA

## Developments in the Law

**Friday, October 24, 2025**

9:00 – 4:30 p.m.

360 NCMLE min., incl. 60 ethics min.

DoubleTree by Hilton, Manchester

Join us for Developments in the Law 2025, the New Hampshire Bar Association's signature annual update on critical changes in state and federal law. This comprehensive program brings together leading legal minds to deliver fast-paced, practical updates across a wide spectrum of practice areas—including ethics, criminal, civil, family, estate planning, real estate, and more.

### Faculty

**Sara B. Crisp**, Program Chair/CLE Committee Member, The Crisp Law Firm, PLLC, Concord  
**Simon R. Brown**, Preti Flaherty Beliveau & Pachios, LLP, Concord  
**Thomas M. Closson**, Thomas M. Closson Attorney at Law, PLLC, Nashua  
**Tracey Goyette Cote**, Shaheen & Gordon, PA, Concord  
**Edmond J. Ford**, Ford, McDonald & Borden, PA, Portsmouth  
**Alyssa Graham Garrigan**, Ansell & Anderson, PA, Bedford  
**Timothy A. Gudas**, NH Supreme Court, Concord  
**Stephanie C. Hausman**, NH Appellate Defender Program, Concord  
**Thomas J. Pappas**, Primmer, Piper, Eggelston & Cramer, PC, Manchester  
**Laura Spector-Morgan**, Mitchell Municipal Group, PA, Laconia  
**Roy W. Tilsley, Jr.**, Bernstein Shur Sawyer & Nelson, PA, Manchester

## 24th Annual Labor & Employment Law Update

Co-sponsored w/the NHBA's Labor & Employment Law Section

**Wednesday, November 5, 2025**

9:00 a.m. – 4:30 p.m.

360 NCMLE min., incl. 60 ethics min.

NHBA Seminar Room/Webcast

Join your colleagues for the 24th Annual Labor & Employment Law Update, the premier CLE event for New Hampshire employment practitioners, taking place live and via webcast on November 5, 2025. This dynamic program will deliver critical updates on state and federal employment law, including the implications of new legislation, court rulings, and agency guidance.

### Faculty

**Debra Dyleski-Najjar**, Program Chair/CLE Committee Member, Najjar Employment Law Group, PC, Boston & N. Andover, MA  
**Ronald L. Abramson**, Shaheen & Gordon, PA, Manchester  
**Heather M. Burns**, Upton & Hatfield, LLP, Concord  
**John B. Koss**, Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, Boston, MA  
**James F. Laboe**, Orr & Reno, PA, Concord  
**Brooke L. Lovett Shilo**, Upton & Hatfield, LLP, Concord  
**Alexander E. Najjar**, Najjar Employment Law Group, PC, N. Andover, MA  
**Jennifer L. Parent**, McLane Middleton Professional Association, Manchester  
**Terri L. Pastori**, Pastori Krans, PLLC, Concord  
**James P. Reidy**, Sheehan, Phinney, Bass & Green, PA, Manchester  
**Jennifer Shea Moeckel**, Sheehan, Phinney, Bass & Green, PA, Manchester  
**Kevin M. Sibbernson**, Jackson Lewis, PC, Portsmouth  
**Kevin W. Stuart**, Bernard & Merrill, Manchester

## Mastering Family Law in New Hampshire

Co-sponsored w/the NHBA's Family Law Section

**Friday, October 17, 2025**

9:00 a.m. – 4:30 p.m.

375 NCMLE min.

NHBA Seminar Room/Webcast

Mastering Family Law in New Hampshire is designed to equip New Hampshire practitioners with the tools and strategies necessary to navigate today's most complex family law challenges. From business and real estate valuation to the use of expert witnesses, participants will gain state-of-the-art insights directly applicable to practice.

### Faculty

**Sara B. Crisp**, Program Chair/CLE Committee Member, The Crisp Law Firm, PLLC, Concord  
**Tracey Goyette Cote**, Shaheen & Gordon, PA, Concord  
**Hon. Jennifer A. Lemire**, NH Circuit Court, Family Division Complex Docket  
**Richard J. Maloney**, Maloney & Kennedy, PLLC, Auburn  
**Meegan C. Reis**, Dwyer, Donovan & Reis, PA, Portsmouth  
**Steven G. Shadallah**, Shadallah Law Offices, Salem  
**Catherine E. Shanelaris**, Shanelaris, Schirch & Warburton, PLLC, Nashua

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



## School Law in New Hampshire 2025

**Friday, November 7, 2025**

9:00 a.m. – 4:30 p.m.

380 NHCLE min.

NHBA Seminar Room/Webcast

In today's rapidly evolving educational landscape, understanding the complex intersection of law, policy, and school administration is essential for effective leadership and decision-making. This program brings together experienced attorneys, seasoned school administrators, and policy experts to address the legal challenges and practical realities faced by New Hampshire's schools.

### Faculty

**James A. O'Shaughnessy**, Program Chair, Drummond Woodsum, Manchester

**Anna B. Cole**, Drummond Woodsum, Manchester

**Meghan S. Glynn**, Drummond Woodsum, Manchester

**Barbara F. Loughman**, Soule, Leslie, Sayward, Kidder & Loughman, Wolfeboro

**Alison M. Minutelli**, Wadleigh, Starr & Peters, PLLC, Manchester

**Anthony F. Sculimbrene**, Gill & Sculimbrene, PLLC, Nashua

**Callan E. Sullivan**, NEA-NH, Concord

**Michelle E. Wangerin**, NH Legal Assistance, Portsmouth

**Luke A. Webster**, Drummond Woodsum, Manchester

## Business Organizations & Choice of Entity Law in New Hampshire

*Co-sponsored w/the NHBA's Labor & Employment Law Section*

**Wednesday, November 19, 2025**

9:00 a.m. – 4:30 p.m.

365 NHCLE min., incl. 60 ethics min.

NHBA Seminar Room/Webcast

Join fellow New Hampshire attorneys for a comprehensive, full-day CLE exploring the formation, governance, taxation, and ethical considerations of key business entities in the Granite State. From partnerships and corporations to benefit corporations and LLCs, this program offers a practical, in-depth review of organizational structures, owner rights and duties, key governing documents, and the latest statutory developments. The afternoon session will highlight critical distinctions in New Hampshire's LLC Act and common pitfalls in operating agreements. We'll also cover professional responsibility issues that arise in entity formation, including conflicts of interest, confidentiality, and equity ownership in clients. Whether you are advising startups, established businesses, or nonprofit ventures, this program provides the tools and insights to strengthen your practice and better serve your clients.

### Faculty

**Amanda L. Nelson**, Program Chair, Artium Amore, PLLC, Dover

**John R. DeWispelaere**, McLane Middleton Professional Association, Manchester

**Madeline S. Lewis**, McLane Middleton Professional Association, Manchester

**Kristin A. Mendoza**, Abridge Law, PLLC, Nashua

## Right-to-Know Law RSA 91-A Update

**Friday, November 14, 2025**

9:00 a.m. – 12:15 p.m.

180 NHCLE min.

NHBA Seminar Room/Webcast

New Hampshire's Right-to-Know Law remains one of the most significant tools for ensuring transparency and accountability in government. This half-day CLE program will provide attorneys with a thorough understanding of the statute's application to governmental records and meetings, along with updates on recent cases and statutory changes. Faculty will guide participants through practical considerations and everyday challenges, offering insights into best practices and compliance strategies. A roundtable session will allow attendees to ask questions and engage in dialogue with leading practitioners in the field. This program is designed to benefit attorneys in municipal, government, media, and private practice who regularly encounter issues under the Right to Know Law. Participants will leave with practical knowledge and strategies to effectively navigate this evolving area of law.

### Faculty

**Cordell A. Johnston**, Program Chair, Attorney at Law, Henniker

**Gilles R. Bissonnette**, ACLU-NH, Concord

**Eric A. Maher**, Donahue, Tucker & Ciandella, PLLC, Exeter

**Gregory V. Sullivan**, Malloy & Sullivan, Hingham, MA

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### 19th Annual Ethics CLE

(Original Program 5/29/2025)

120 NHCLE ethics min.

### Drafting Revocable & Irrevocable Trusts

(Original Program 4/10/2025)

345 NHCLE min., incl. 60 ethics min.

### Advanced NH Civil Procedure

(Original Program 5/15/2025)

360 NHCLE min., incl. 30 ethics min.

### Artificial Intelligence in the Law Today

(Original Program 4/9/2025)

180 NHCLE min., incl. 60 ethics min.

### DUI Practice in New Hampshire

(Original Program 4/25/2025)

330 NHCLE min., incl. 30 ethics min.

### Winning at Trial

(Original Program 4/17/2025)

345 NHCLE min.

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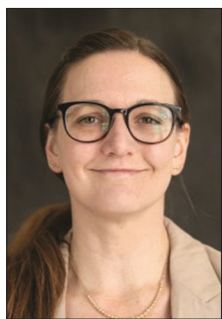


## Attempting Mindfulness Without Meditating Like a Monk

By Elyssa Willadsen

"The greatest weapon against stress is our ability to choose one thought over another."

— William James



I cherish activities like yoga and walking in the woods for the physical and mental benefits. Recently, I have noticed I often fill these activities with thoughts about what is coming next, what happened in court or a meeting yesterday, or things like the news or podcasts. I have challenged myself to be more present and feel like I have benefited from this experience. Before this self-imposed challenge, I did not appreciate the degree of intention it takes to be present and wondered if there was any easily accessible information on mindfulness, its benefits, and its application in the legal field.

I found a CLE titled "Mental Wellness in the Legal Profession" by Axiom in 2024. The CLE was a presentation by Darryl Jones from Chill Meditation, an organization that provides tools and resources to promote mental well-being and mindfulness in workplaces (see [chillanywhere.com](http://chillanywhere.com)).

Jones explained the information would focus less on "problem loving" and more on creating a sustainable baseline for stress responses through widely applicable, easy techniques. He did not claim to have the magical cure to eradicate stress. He explained

technology's effects and how constant access to work and stimuli like smartwatches can trigger neurological stress responses and expedite burnout. He presented mindful meditation as a tool to manage stress. He invited everyone to mute their devices and stop multitasking, if possible.

When people recommend meditation, I sometimes feel resistant as it often feels inaccessible to me outside of a yoga class. Meditation may conjure images of people sitting happily in peaceful solitude among beautiful nature. While I am lucky enough to access New Hampshire's abundant natural beauty, I am surely not one who can easily sit very still for extraordinarily lengthy periods of time without thinking about anything at all.

Jones guided the presentation toward the definition of mindfulness, sharing a quote from Jon Kabat-Zinn, a pioneer in research regarding the scientific benefits of meditation from the 1970s: "Mindfulness is paying attention to the present moment on purpose in some particular way, nonjudgmentally."

Mindfulness centers on holding focus. Holding focus allows the brain to exit its "default mode network" or the sympathetic nervous system, responsible for responding to stressors, and to enter the parasympathetic nervous system, responsible for healing, resting, and digesting. Mindful meditation is not eliminating thoughts from your brain but instead exiting the chain of passive running thoughts and actively giving attention to the present.

Jones explored the concept of neuroplasticity, not changing the structure of your brain but rewiring or reorganizing how the

nervous system responds to stimuli. Particularly of interest was how mindful meditation may improve stress resilience. Meditation may help dampen activity in the amygdala, the part of the brain responsible for emotional responses, and improve connection between the amygdala and the prefrontal cortex, the part of the brain responsible for cognitive and planning responses.

Jones suggested that the dampened emotional reaction in the brain and strengthened connection to the decision-making part of the brain could allow more reliable responses to stressors instead of in-the-moment reactions to stressors.

The focus on a consistent practice of mindfulness reforming ways of processing information is a refreshing, realistic view on managing stress. He used the analogy of brushing our teeth. We do not brush our teeth twice a day to eliminate bacteria in our mouths, we brush our teeth to avoid build-up of bacteria that cause decay. A consistent mindfulness practice does not eliminate stress, but it creates a more resilient, dependable baseline response to any stressor, including those baked into the legal profession.

When discussing the practical applications of mindful meditation, Jones was sure to explain that consistency is more important than the amount of time spent mindfully meditating, especially when beginning a practice. A 40-minute meditation on Monday might feel good then but after a stressful Tuesday and Wednesday, the mindfulness benefits from the long meditation have long worn off.

WELLNESS *continued on page 25*

"There are 93,000 veterans in New Hampshire, so the need is out there," she says. "We've been scrappy, but this group of people deserves more than that."

Within five years, VLJ aims to operate with an executive director and at least one staff attorney.

"While we've had a stunning amount of success already, it's usually done by all of us while we are holding other full-time jobs," Phillips says of the need for staff, noting that the work is primarily done by email between 7 and 11 pm. "Getting that in-person help during business hours would make an exponential improvement to the services we already provide."

Vogelman plans to spend most of his retirement time working with VLJ to recruit lawyers and raise funds.

"We need money, and we need more lawyers to volunteer," he says.

In addition to the November 18 celebration at the Hotel Concord, VLJ will hold a golf tournament on October 17 at the Links at LaBelle Winery in Derry.

The organization has also partnered with New Hampshire Motor Speedway for its September 21 NASCAR Cup Series race, where a portion of ticket proceeds will support VLJ.

Tickets for the November 18 event are available at [vljnh.org/event-details/veterans-legal-justice-celebration](http://vljnh.org/event-details/veterans-legal-justice-celebration).

Attorneys interested in joining VLJ's referral roster can email Phillips at [zack@vljnh.org](mailto:zack@vljnh.org) with their contact information, the counties they are willing to serve, and the areas of law they are willing to cover. ♦

## Veterans Legal Justice Celebration

*Honoring Larry Vogelmann, Esq. with our Champion to Veterans Award*



### An Evening of Recognition

*Celebrating Larry's many years of dedication to veterans*

Tuesday, November 18, 2025

5:00 PM – 7:00 PM

The Hotel Concord, 11 S Main St, Concord, NH 03301

Your presence supports our mission and Larry's vision of providing legal services to New Hampshire veterans, service members, and their families by matching them with NH lawyers who provide their expert services on a pro bono basis.

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# The Proverbial Cybersecurity ‘Man-in-the-Middle’ Attack Is Obsolete

By Zafar Khan

Most companies dealing in sensitive information, law firms included, once concerned themselves with the proverbial “Man-in-the-Middle” data exfiltration and cyberattacks. Sending an email is like sending your information written on a postcard. Every hop or server or system that touches the email can see some plain text content. If someone (a cybercriminal or system) is hanging around in the email transport, they can read email content and gain insights or steal strategic information.



## Encryption Today

Most of these companies (law firms, etc.) today protect email content from prying eyes by encrypting the email transmission from the sender’s server to the recipient’s server, ensuring message content is encrypted in transit. Even those who believe they are sending encrypted email may not actually be. With “opportunistic TLS,” attempted encryption often fails, and the message is transmitted unencrypted. But that’s a topic for another day.

Now, it is quite challenging for a cybercriminal to see the email content if/when it is sent via an encrypted transmission, so they have now elected to go about their business in another way.

## Email Account Takeover

Rather than trying to decipher encrypted transmissions, cybercriminal cabals now compromise email accounts en masse.

We won’t cover how they compromise accounts here, but the cabals have perfected tools and techniques. Many business professionals, including lawyers, have adequate resources to be vigilant and to protect their own mailboxes and devices. Cybercriminals know this. Therefore, they often target less-resourced third (external) parties that lawyers send messages of consequence to.

Think of a litigation settlement. One side may have a large firm with plenty of security. The opposing side may be a small firm using a basic email account without teams of in-house IT security folks. The cybercriminal will target the small firm first.

## Reconnaissance First

The front-line cybercriminals use automation tools and then humans to eavesdrop on email communications. Context is king. With context, cybercriminals have what they need, and in combination with AI, they can enable hyper-contextual, hyper-targeted impersonation lures that all too often end with mis-sent payments.

These impersonation schemes can be quite sophisticated and quite lucrative. We recently heard from a family investment office in California about a \$125 million commercial real estate closing that ended with misdirected funds. In this example, there was a multi-party impersonation with several private equity and family office investors duped.

The FBI reports billions in annual losses, and law firms are increasingly in the crosshairs of cybercriminal cabals originating from Nigeria (Black Axe) to Russia (a slew of them called Fancy Bear, Fin7, Fin11 nicknamed by various cybersecurity watchers).

New, highly sophisticated cybercriminal tactics call for new, equally-or-more sophisticated cybersecurity approaches, namely:

- Seeing cybercriminal and other threat actor activity outside of company endpoints that, if unseen, will boomerang into a hyper-contextual, hyper-targeted impersonation-framed cyberattack. This threat actor activity happens on company content while that content is at third parties or beyond.
- Identifying which third parties are leaking content and pose a risk to the organization.
- Identifying and deterring insider threats and leaks, whether internal or at external third parties, whether these are (a) naïve leakers or (b) malicious leakers of sensitive information.
- Attributing leaked or risk activity with leakers (inside users or external parties), target content, and cybercriminal cabals associated.
- Auto-remediation of the leak eliminates leaked content before it is seen, records evidence that it was eliminated, and mitigates the need to report breaches or remediate devices.

## The Bottom Line

Context is king. Adversaries, threat actors, and cybercriminal cabals use GenAI tools to conduct reconnaissance outside your secure internal network – at less resourced coalition partners, suppliers, and contractors. Their aim is to gather context about who is communicating with whom about what and when. With GenAI impersonation programs plus context, these threat actors can lure your third parties or internal team members. With context plus GenAI, your adversaries can build at scale, hyper-contextual, hyper-targeted impersonation lures that often result in data exfiltration, fraud, and organizational compromise. Most tools only alert after an attack begins or inside internal systems.

Current tactics do not address nefarious modern techniques. One must expand one’s security perimeter beyond their network endpoints to see the reconnaissance in action before the attack. Pre-emptive cybersecurity, especially when powered by AI, is today’s modern approach. Traditional cybersecurity is defensive. Pre-emptive cybersecurity is an offensive approach. The best defense is a strong offense – in sports and in cybersecurity. ♦

*Zafar Khan is CEO of RPost (rpost.com). RPost is a global leader in eSignature and cybersecurity services, continuously innovating worldwide since 2000 within RPost’s three main platforms: RMail email security and compliance, RSign eSignatures and RDocs document security and intelligence.*

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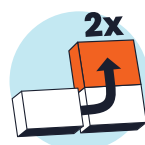
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by the Supreme Court under Rule 58. The program reflects the recognition that sometimes the best support comes from a colleague who has walked the same path. NHLAP offers confidential counseling, referrals, and connects attorneys through its Lawyers Concerned for Lawyers (LCL) peer network – part of a national movement, coordinated through the ABA, where attorneys struggling with drugs, alcohol, or mental health find support.

At the heart of NHLAP is Executive Director Jill O'Neill, a mental health professional who guides lawyers through some of their most difficult moments.

"This work is about making sure people know they're not alone, and that getting help won't cost them their career," O'Neill explains.

### The First Step

For many attorneys, the hardest step is admitting they need help. In the LCL community, attorneys call this overcoming *terminal uniqueness*: the belief that no one else could possibly understand your struggles.

One New Hampshire prosecutor, sober for more than 20 years, recalls how that barrier nearly cost him everything.

"We are taught to be self-sufficient from day one in law school," he says. "But you need other people to understand you're not different. Fellowship is one of the foundations that's so important. To find other people who are like you and to go and meet with them."

For him, anonymity in recovery – the bedrock of Alcoholics Anonymous – is not just courtesy but a lifeline.

"Recovery is the greatest club that

nobody ever wanted to be a part of," he says. "A lot of people show up trying to figure out why they don't fit."

O'Neill agrees.

"When you're working through the steps, you're doing self-inventory and eventually you realize you're not that different," she says. "The circumstances may vary but we're all fighting the same battle. We encourage people to come to the lawyer recovery meetings. You will relate."

### The Struggle to Stay Sober

Another long-serving prosecutor traces his alcoholism to the culture of law itself: gearing up for exams and trials, then crashing.

"That carried right into trial work," he explains. "You spend weeks preparing, you're in court for three or four days, and then there's this crash. That's part of the price you pay for staying calm during the trial, not letting your emotions or fatigue take over. But when it was over, I tried to cram three days' worth of relaxation into a few hours with the help of Uncle Jim Beam."

By his late 30s, he knew he couldn't do it alone.

"I thought AA was some cultish waste of time, but they said that's where people like me go," he says. "I went, and at the first meeting three people told my story. Drinking at noon, waking up not knowing how I got home, finding my car sideways in the driveway. They laughed, they cried, and I thought, 'These are my people.'"

What kept him coming back wasn't instant understanding of the 12 steps but fellowship.

"Being with other people trying to do the same thing – that's what held me there."

### The Three-Legged Stool

Sobriety, he learned, requires balance, which he describes through the AA metaphor of the "three-legged stool."

"The first leg is fellowship. That's being around other people who are trying to stay sober," he explains. "The second is service – giving back, sponsoring others, showing up for the next person who's struggling. And the third is spirituality. Not religion but believing in a power greater than yourself that allows you to live sober and deal with life on life's terms. If one leg is missing, the stool collapses."

He emphasizes that sobriety isn't simply about not drinking. It's about building a new way of life.

"When I was drinking, I carried so much shame," he says. "I wouldn't chase after clients who didn't pay because deep down I thought I didn't deserve it. Recovery gave me the courage to say, 'Wait a minute, I did the work, I earned the fee.' That's the spiritual growth part – learning to live without shame."

### Stigma and Denial

For another attorney, who spent years as a diplomat in Africa, stigma and denial delayed her recovery.

"I didn't drink every day, and I didn't have DWIs, so I didn't think I was an alcoholic," she says.

It wasn't until she heard a visiting AA member share his story that she recognized herself.

"He was successful, professional, just like me. And I realized: not so different after all."

### Fellowship is Medicine

The longtime prosecutor says recognition is what sustains recovery.

"An alcoholic alone is in bad company," he says. "That's why fellowship matters."

He laments the smaller-than-desired turnout at LCL gatherings.

"Out of 8,000 lawyers in New Hampshire, maybe 800 are alcoholics," he says. "But we get 10 people in a meeting. That's not even one percent. I'd love to see more meetings across the state so people can find each other. Because fellowship is medicine."

Another attorney recalls getting sober before law school, only to relapse years later. What brought him back was a friend who reached out to NHLAP.

"That's what I couldn't hide from, somebody who knew me and cared enough to make the call," he says. "Coming back to LCL was huge. It's our little community. They are just like me when it comes to addiction."

### The Weight of the Profession

Part of what makes recovery especially difficult for lawyers, O'Neill says, is the nature of the job.

"Even if you work for a firm, lawyers are really independent practitioners. You're managing cases and clients on your own," she explains. "That independence means you can fly under the radar more easily. But it also means you feel like you can't step away, can't get help, because no one can cover for you."

Add to that the fear of reputational harm.

"Think about the weight of the decisions that lawyers and judges are holding," she says. "If they're not performing optimally, it can have significant consequences. So they shoulder it and without a healthy outlet, stress turns into illness, unhealthy coping, or substance use."

### National Movement, Local Lifeline

LCL programs now exist across the country, usually funded by bar dues or judiciary support. The former diplomat first discovered the network in Massachusetts before moving to New Hampshire.

"It's a national program now. Almost every state has one," she says. "And it makes a difference to know you can walk into a room of other lawyers who understand."

O'Neill stresses that recovery is not just about abstaining from alcohol or drugs. "It's about emotional sobriety too," she says. "Addressing the emotional components of getting and staying sober. That's a big focus in our meetings."

Some participants are years into recovery. Others are still struggling, unsure if they're ready. "That's okay," O'Neill says. "You don't have to qualify. You just need to show up."

### Beyond Survival

For those who stay, the rewards extend far beyond not drinking.

"It just doesn't come up anymore," says the prosecutor. "I'm practicing, I'm living my life, and alcohol is not an issue. It used to be a big problem. Now it's not a thing."

"You get to learn a new way of thinking about life and connection," the former diplomat says. "The opposite of addiction is connection."

Another prosecutor agrees.

"We lawyers overthink everything. But recovery isn't about thinking – it's about showing up, taking action, and helping others. That's what keeps me sober."

### A Culture of Breaking Silence

The culture of law is slowly changing, O'Neill says. Employers are more willing to call NHLAP out of concern for colleagues rather than disciplining them in silence. Lawyers themselves are speaking more openly about stress, depression, and substance misuse.

But stigma remains.

"Even if you're not someone who struggles with addiction, there's this internal, self-imposed stigma about appearing weak," O'Neill says. "That alone keeps people from getting help."

The challenge now, she adds, is to normalize conversations about lawyer well-being.

"When you look at the statistics, when you hear these stories, you see this is not rare. It's part of the profession. And that means we all have a role in making sure help is available and accessible."

### Connection as the Cure

The stories of New Hampshire lawyers in recovery share a common thread: none of them did it alone. Each found, in time, that fellowship with others and self-examination are the keys to becoming healthy.

As one LCL participant puts it: "Recovery is not for people who need it, and it's not for people who want it. It's for people who work at it."

In courtrooms and conference rooms, New Hampshire attorneys shoulder immense responsibility. But in church basements, diners, and Zoom rooms, they shed their armor, share their stories, and remind each other that they are not unique after all.

"It's about being whole with yourself," O'Neill says. "That's what really matters. And that's what keeps people alive." ♦



## Lawyers Concerned for Lawyers Peer Recovery Meeting

Hybrid meeting for lawyers, judges, and law students

**When:** 4th Wednesday of each month, 6:15 pm to 7:15 pm  
(hybrid: in person and virtual)

This meeting is exclusively for lawyers, judges, and law students in or seeking recovery from unhealthy substances and coping behaviors, and is always confidential. All stages of sobriety and behavior abstinence are welcome to connect with peers and gain support.

To register email [jill@lapnh.org](mailto:jill@lapnh.org).

### Featured Guest Speaker

The New Hampshire Lawyers Assistance Program will feature **Scott H.**, an attorney from British Columbia who began his recovery journey through his connection to an out-of-state Lawyers' Assistance Program (LAP).

**Event date:** Wednesday, October 22 from 6:15 pm to 7:15 pm.

**Location:** 125 Airport Road, Conference Room #1 with remote participation option via **Zoom**.

**Register:** Email [jill@lapnh.org](mailto:jill@lapnh.org) for the Zoom link and details.



## ■ CLEAR from page 1

from widespread self-representation to attorney shortages in rural areas.

“Every day in our circuit court, up to 90 percent of the people on one or both sides of the ‘v’ in civil matters are self-represented,” says Chief Justice MacDonald. “That’s happening in all the states. We have legal deserts in the North Country, and we face challenges in public interest law – including public defenders, prosecutors, and civil legal aid. I wouldn’t prioritize one over the other; they’re all part of a whole that stakeholders need to address together.”

### About CLEAR

CLEAR was launched in 2023 by the CCJ and COSCA to align legal education, licensure, and lawyer readiness with the realities of today’s courts. The committee held 12 regional listening sessions, conducted more than 90 interviews and focus groups, and surveyed more than 4,000 judges, 4,400 attorneys, and 600 law students nationwide.

Chief Justice MacDonald notes that New Hampshire’s Daniel Webster Scholar (DWS) Honors Program at UNH Franklin Pierce School of Law (UNH Law) was cited repeatedly during the process as a model for innovation.

“In some respects, New Hampshire is ahead of the game,” he says. “Twenty years ago, the state Supreme Court led an effort with the bar examiners and our law school to create the DWS program. That was the gears working in unison – producing a truly innovative pathway to bar admission that works.”

### Recommendations

The CLEAR report makes eight recommendations for state supreme courts:

1. Lead collaborative efforts to align legal education, bar admissions, and lawyer readiness with public needs.
2. Implement state-level strategies to improve practice readiness before and after admission.
3. Encourage accreditation standards that allow innovation and cost-effective legal education.
4. Reduce reliance on external law school rankings.
5. Expand experiential learning with real

client responsibility.

6. Reform admissions by exploring innovative licensure pathways.
7. Support public-service careers in legal aid, prosecution, and defense.
8. Encourage rural practice pipelines, including remote learning and clerkships.

New Mexico Supreme Court Justice Shannon Bacon, vice chair of the committee, called the recommendations “a roadmap for how state courts can lead in advancing the profession and ensuring that access to justice for all is a reality.”

### NextGen UBE and New Hampshire’s Role

One major focus for New Hampshire will be the NextGen Uniform Bar Exam (UBE), a skills-based national test launching in 2026 and set for adoption in the Granite State in July 2028.

“Jurisdictions will be adopting new cut scores and rule changes to reflect the new exam,” Chief Justice MacDonald explains. “We’ll monitor closely the rollout nationally – ten states are doing it next year – and we’ll be in the last wave in July 2028. We also need to address portability, because for a time the NextGen exam and the current UBE will exist side by side.”

MacDonald emphasizes collaboration with the Board of Bar Examiners, the New Hampshire Bar Association, and UNH Law as the state prepares for the transition.

### Practice Readiness, Mentorship, and Public Service

The report highlights the need for new lawyers to gain hands-on client experience early in their careers.

“The DWS program stands as a model of how you produce practice-ready lawyers,” says Chief Justice MacDonald. “It would be great to expand it, but there are limits on the law school’s ability to do so. One area we should look at is CLEs for new lawyers focused on experiential learning.”

He also points to a growing concern in the profession: the loss of mentorship in an era of remote practice.

“We are a profession founded on mentorship, and mentorship is inhibited by operating remotely,” he says. “There’s huge benefit in just going down the hall and talking to a more experienced lawyer. We’ve lost that. Leaders need to say: mentorship

mind wandering and feeling unhappy afterward but nothing suggesting that being unhappy leads to mind wandering. See Matthew Killingsworth, “Want to be Happier? Stay in the Moment,” TED Talk, youtube.com/watch?v=Qy5A8dVYU3k.

An easy mindfulness exercise suggested by Jones was the S.T.O.P. method: Stop, take three breaths, observe, and proceed. Observing the sounds around you or the way something feels are easily accessible tools to ground oneself in the present.

While we cannot always control the stressors in our lives or careers, we do have the power to control our concentration and responses to stress through consistent, mindful attempts to remain present in the moment. I find solace in the idea that giving attention to what is happening in the present moment, good or bad, may lead to greater resilience against the effects of stress and improve my overall mood. S.T.O.P. and experience the world around you, for what it is right now. ♦

*Elyssa Willadsen is a Staff Attorney at New Hampshire Legal Assistance working on the Domestic Violence Advocacy Project.*



An image from the CLEAR report illustrating the “gears” of legal education and admissions. Courtesy of the National Center for State Courts

## South Dakota Pathways

The Public Service Pathway to Bar Admission, a five-year pilot program approved in February 2025 by the South Dakota Supreme Court, offers an alternative to the traditional bar exam for University of South Dakota Knudson School of Law students.

The program is capped at up to 10 students per class and requires supervised practice, a portfolio reviewed by the Board of Bar Examiners, character-and-fitness approval, at least 500 hours of externship experience, and a two-year

full-time public-service commitment after admission.

The Rural Attorney Recruitment Program, launched in 2013, offers \$12,513.60 per year for five years (a total of \$62,568) to attorneys who agree to five continuous years of practice in an eligible rural county (population 10,000 or fewer) or municipality (3,500 or fewer).

The program is structured as a three-party contract among the Unified Judicial System, the State Bar of South Dakota, and the local government.

must remain central, and if remote work is here to stay, we need to compensate for that with new opportunities.”

Public service roles also drew emphasis.

“Our justice system will not work unless public defenders, prosecutors, and civil legal aid offices are adequately staffed and resourced,” Chief Justice MacDonald says. “Most importantly, we need to be reminding everyone that we cannot have a justice system that truly functions properly unless those public interest organizations have the resources they need to represent the people of our state.”

MacDonald also points to South Dakota’s efforts (see sidebar) as a model worth examining, particularly for rural placements and public-service pathways. While New Hampshire has not announced a similar program, he says the CLEAR recommendations encourage jurisdictions to explore innovative licensure pathways that target public-service and rural needs.

### Looking Ahead

Both the CCJ and COSCA have endorsed the report and established CLEAR as a standing committee – with Chief Justice MacDonald continuing as chair – to support implementation, monitor the rollout of NextGen UBE, and convene stakeholders nationally.

“Success means stakeholders working together,” says Chief Justice Mac-

Donald. “It’s unacceptable for 90 percent of people to be in court alone. It’s unacceptable for public defenders to have unsustainable caseloads or for civil legal aid not to meet public need. The way forward is breaking down silos, engaging in conversation, and coming up with constructive solutions.”

MacDonald expresses pride in the work already accomplished.

“To address these issues is one of the reasons I wanted to become Chief Justice; to participate in a national conversation about actually doing something. These recommendations are meaningful, and our commitment going forward is meaningful. It’s a huge opportunity, and I’m grateful to be part of it.”

### Conclusion

With its emphasis on leadership from the bench, the CLEAR report places state supreme courts at the center of national reform. For the Granite State, the timing aligns with long-standing innovations like the DWS program and the upcoming adoption of the NextGen UBE. Under Chief Justice MacDonald’s chairmanship, both New Hampshire and the CLEAR committee will continue shaping the conversation on how to prepare lawyers who are truly ready to serve the public.

The full CLEAR report can be found at [nscs.org/sites/default/files/media/document/CLEAR\\_Report.pdf](https://nscs.org/sites/default/files/media/document/CLEAR_Report.pdf). ♦

## ■ REVIEW from page 17

before it took on too much water.

Responsible lawyers would do well to read Chris Earley’s autobiography and take stock of their own lives and their own practices. If an ounce of prevention is worth a pound of cure, then Chris bought a heavy

dose of the former to save himself the need to buy a mountain of the latter. ♦

*Kevin J. Powers was admitted to the New Hampshire Bar in 2006 and currently handles appeals and complex trial motions, both as counsel of record and as a consultant for busy trial attorneys. He can be reached at [kpowers@kevinpowerslaw.com](mailto:kpowers@kevinpowerslaw.com).*



tional matters Bassett handled showed “the dedication and intellectual capability to go on and become a justice of the Supreme Court.”

Justice Bassett’s civic involvement predated his judicial service. For more than two decades he served in local government in Canterbury, including on the planning board – where he was chair for many years – and on the board of selectmen. He also volunteered with statewide organizations, including New Hampshire Public Radio, the Capitol Center for the Arts, and United Way.

### Path to the Court and Judicial Approach

Justice Bassett joined the NHSC directly from private practice. He was sworn in on July 19, 2012, after being nominated by then-Governor John Lynch. He notes that when he arrived in 2012, his colleagues had vast experience as trial judges.

“One of my pitches to the governor was that it’s important to have the perspective of a trial lawyer – someone who had tried a lot of cases, argued cases here, and understood client dynamics in a way you don’t experience as a judge,” he says. “Ultimately, I think it’s very valuable to have a balance between former trial judges and practitioners on this Court. Both perspectives are important.”

Asked to describe his judicial philosophy, Justice Bassett says he favored a restrained, case-specific mode of decision-making.

“My philosophy is pragmatic but guided by institutional and constitutional constraints, and mindful of the limited role we have of construing statutes and interpreting the Constitution,” he says. “I try to write narrow decisions. That’s really the preferred approach for any court – not to reach for issues or write more broadly than you need to.”

He also stresses open-minded deliberation.

“The biggest mistake you can make as a judge is to be certain of your views or harbor no self-doubt,” he says. “We owe it to the people of the state to constantly question how we’re approaching problems. It’s a five-person court for a reason – five different perspectives. You go into a case with a view, but you need to listen carefully to your colleagues and be willing to re-examine your views.”

### Work on the Court

During his tenure, Justice Bassett authored opinions across the Court’s civil

and criminal docket and participated in several high-profile matters. He notes the Court’s repeated engagements with election law questions.

“Voting cases are incredibly important,” he says. “The right to vote is the bedrock of our democracy. We’ve had a number of voting cases during my time on the Court involving redistricting and voter qualification issues.”

In a press release, NHSC Chief Justice Gordon MacDonald said, “Justice Bassett’s legacy is one of exceptional service to the public. Prior to joining the court, Justice Bassett had spent decades in service to his community and New Hampshire’s nonprofit sector. On the Court, he has not only been a highly dedicated and respected jurist, but also a tireless advocate for improvements to our justice system. His contributions have been many, and on behalf of the Supreme Court and the entire Judicial Branch, I thank him. We all look forward to benefiting from Justice Bassett’s further contributions to our state as he enters this next chapter.”

NHSC Justice Patrick Donovan highlights Bassett’s role during the pandemic years.

“I consider Jim to be a mentor, valued colleague, and a good friend,” he says. “He never hesitated to offer sage advice, when asked, and to pick up the mantle of leadership on important initiatives, like providing access to justice to all citizens of New Hampshire. In particular, I recall how collaborative he was when the four of us, myself and Justices Bassett, Hicks, and Hantz-Marconi, had to navigate the Judicial Branch through the COVID-19 pandemic in 2020 and 2021. Justice Bassett’s thoughtful approach and calm demeanor were critical to our ability to keep the trial courts open and our docket moving during that unprecedented experience, especially since we had no Chief Justice at that time. He has been a true steward of the culture of collegiality in our Court, and we will all miss him.”

NHSC Justice Melissa Countway, who first met Justice Bassett at Orr & Reno, says he is “meticulously thoughtful analytically and a wonderful colleague.”

“My career began with his mentorship when I was a summer associate and associate at Orr & Reno, so it has been a real pleasure working together as justices of the Supreme Court,” she says. “His insightful analysis and commitment to our jurisprudence will leave a lasting impression on New Hampshire law.”

### Access to Justice and Court Administration

Justice Bassett chaired several NHSC committees and commissions during his



Justice James Bassett speaking at the 2025 University of New Hampshire Franklin Pierce School of Law’s 50<sup>th</sup> Commencement Ceremony on May 16, 2025. Photo by Rob Zielinski

tenure, including serving as co-chair of the New Hampshire Access to Justice Commission for the past six years. He describes that work as focused on practical improvements for self-represented litigants, such as the Court Navigator Program.

He also cites projects funded through federal relief, such as simplifying court forms and creating networks to connect residents with legal information and resources.

“The reality is, as much as we want every person to have a lawyer, that’s never going to happen – at least in my lifetime,” he says. “So, acknowledging that reality and trying to make the system work as well as it can for self-represented litigants is important.”

Justice Bassett also helped build an undergraduate judicial internship and fellowship pipeline that has brought students – primarily from Dartmouth College, but also from other institutions – to the NHSC for research and court-support work. He says the program, developed over the past decade, has grown with external support and now connects students with judges nationally.

“The students have done very valuable work for the Court,” he says. “We hope that they will come back and practice law here, and maybe someday become judges.”

### Reflections on Service

Justice Bassett characterizes his years on the Court as a privilege and contrasts the appellate court’s deliberative pace with the demands on trial courts and counsel.

“If you care about the law and want to have an impact on it, it’s an incredible honor and opportunity to serve as a judge,” he says. “It’s been a wonderful 13 years.”

He also underscores the pressures borne by trial participants: “It’s important to realize when you’re here that you’re sitting in judgment on people who are making decisions under pressure on the fly. The hardest jobs are being a trial lawyer and being a trial judge. That’s much more demanding in so many ways than what we do at the Supreme Court, where we have the luxury of time and the opportunity to reflect.”

Chapman, who spoke at Justice Bassett’s swearing-in ceremony in 2012, tied those themes to Article 35 of the New Hampshire Constitution.

“I quoted: ‘It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.’ Having practiced with Jim for 27 years, I had the utmost confidence he would fulfill that essential requirement of impartiality,” Chapman says. “His opinions show that he has an open mind and is willing to be persuaded based on reason, facts, and common sense.”

### Retirement and Next Steps

Justice Bassett says his decision to retire before reaching the mandatory retirement age of 70 was driven by family and timing.

“When you get to be my age, you lose friends and mentors, and you realize life is short,” he says, noting that most of his friends are retired. “I’ve seen too many people say they’ll do things after they retire, and then they don’t get the chance. I don’t want that to happen to me and my family.”

New Hampshire law does not allow Supreme Court justices to take senior status.

“If we had what they have in the federal system, where you can take senior status and continue to sit on cases, I would do that,” he says. “Justice [David] Souter continued to sit in senior status, and Judge [Steven] McAuliffe is in senior status, as is Judge [Paul] Barbadoro. They provide a great public service continuing as judges, but they can also back off a little bit. But we don’t have that option; it’s either 120 percent or retire. So, rather than being done next September when I turn 70, I chose to retire on August 31 this year.”

Justice Bassett expects to remain engaged in legal education and public-service initiatives. He says he has been in conversation with Dartmouth College about teaching and about continuing to support the undergraduate judicial fellows program. He also plans to remain active in access to justice and civics education work.

“Civics education is incredibly important,” he says. “The rule of law is bolstered by people understanding how the Judicial Branch functions. So, I’m interested in continuing that work.”

Justice Bassett also intends to return to Orr & Reno on an of-counsel basis, focusing on mediation and arbitration and consulting on appellate matters.

“If I can stay involved in the legal world but also have time with my family and time to travel, hike, and bike, that’s the balance I want,” he says.

As he concluded work on his final opinions before August 31, Justice Bassett says he remains grateful for the opportunity to have served.

“I know there are cases that came out differently because I was on the Court,” he says. “That makes me feel that I have contributed to the rule of law and the system of justice.”

When asked about his legacy, Justice Bassett says he hopes to be remembered “as someone who was very committed to my community, the rule of law, and the development of the law; who worked hard, had a positive influence in the private sector and the nonprofit sector; and who brought thoughtfulness, thoroughness, and fairness to my job as a justice at the Supreme Court.” ♦

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# Environmental, Telecomm, Energy & Utilities Law

## PILOT-ing Renewable Energy in New Hampshire

By Amy Manzelli and  
Timothy Kopczynski



Manzelli



Kopczynski

In New Hampshire, the payment in lieu of taxes (PILOT) mechanism often takes the form of tax-exempt entities – such as hospitals, colleges, universities, religious institutions, community centers, and other nonprofit organizations and government agencies – voluntarily entering into agreements with municipalities to make payments that recognize the services that municipalities provide, including emergency services, road maintenance, and waste management.

However, state law also allows renewable energy projects to utilize the PILOT tool, and municipalities statewide have already entered into agreements involving various types of renewable energy projects. As renewable energy continues to grow, so

too will this type of PILOT agreement.

RSA 362-A:6-a allows the owner (or lessee responsible for taxes) of a renewable generation facility to enter into a PILOT agreement with the municipality in which the facility is located based on the parameters set by RSA 72:74. A “renewable generation facility” is a facility that produces electric energy for resale solely by the use of a primary energy source, which can be geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, or energy generated from bio-oil, biosynthetic gas, or biodiesel. A renewable energy facility includes the land itself, along with any other rights, easements, or interests, as well as any structures or improvements situated on the land that are necessary or incidental to power production (e.g., dams, buildings).

The general rule in New Hampshire is that all property is to be taxed at its full and true value (i.e., market value). RSA 72:74 serves as an exception to this general requirement for renewable generation facilities.

RSA 72:74 empowers the governing body of a municipality and the owner of a renewable generation facility (or lessee responsible for taxes) to enter into a voluntary PILOT agreement after a duly noticed public hearing. In the absence of a PILOT

agreement, a renewable generation facility will be subject to taxation under RSA 72. The statute promotes fairness, requiring that if a municipality enters into a PILOT agreement with an owner or lessee of a renewable generation facility, the municipality must offer a comparable agreement to the owner or lessee of a like facility.

The statute generally limits these voluntary PILOT agreements to five-year terms (with allowances for renewals) but permits the parties to agree to a longer term if necessary for financing or “otherwise advantageous” to the parties. In practice, PILOT agreements for renewable energy facilities almost always have a term longer than five years.

In enacting RSA 72:74, the General Court wanted to encourage the development of cleaner, affordable energy sources that utilize New Hampshire’s plentiful renewable natural resources, pointing to record energy prices caused by high demand and tight supply. The legislature identified property assessment related to taxation as an impediment to promoting new and existing renewable generation facilities in the state, thereby hampering the state’s energy policies and the public interest.

Therefore, the legislature authorized municipalities to enter into voluntary PILOT agreements with owners (or lessees) of renewable generation facilities. In the Gen-

eral Court’s own words, “[s]uch tax policy is appropriate because renewable generation facilities differ from other utility property and traditional generation facilities, such as fossil fuel and nuclear plants.” The legislature highlighted that renewable generation facilities are often very small, utilize weather-dependent renewable technologies, and cannot recover tax-related expenses through regulated rates.

Indeed, the voluntary PILOT agreements authorized by RSA 72:74 provide numerous benefits to renewable generation facilities. Property taxes are typically expensive in New Hampshire and, as the legislature recognized, can stymie new and existing renewable generation facilities. PILOT agreements can make these projects more economically feasible, providing cost savings by accounting for renewable generation facilities being depreciating assets and not requiring town services (or at least not to the same extent as traditional properties).

The fact that PILOT agreements are usually for a multi-year term also provides predictability, which is a major boon for upstart projects looking to forecast costs, especially for purposes of obtaining financing.

On the municipal front, RSA 72:74 voluntary PILOT agreements have the obvious benefit of creating tax revenue. Renewable

ENERGY *continued on page 30*

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## Disasters Are Inevitable: Are You and Your Clients Ready?

By Tom Burack and Megan Hilson



Burack



Hilson

Natural disasters of seemingly increasing intensity have been hitting New Hampshire hard over the past 45 years, and attorneys have important roles to play in helping their clients address them. The National Oceanic and Atmospheric Administration has cataloged 21 disaster events during that period whose total damages exceeded \$1 billion. Some of them were experienced in New Hampshire, including two floods, 11 winter storms, one drought, four tropical cyclones, and three severe storms.

But that's not all. In recent decades, the state has also experienced tornadoes, flash floods, wildfires, ice storms, earthquakes, oil spills, widespread groundwater contamination due to atmospheric deposition, and even an anthrax outbreak – variously causing financial losses, property damages, illnesses or injuries, and even loss of life.

Disasters – whether natural, technological, or human-caused – can have

devastating impacts. And although not all disasters can be prevented, a focus on preparedness offers the best way for communities, families, businesses, and organizations of all kinds to be resilient so they can minimize the damage, respond, recover, and bounce back.

Preparedness is all about planning for reasonably foreseeable hazards and taking measures to prevent those from doing damage in the first place. Something as simple as having an evacuation plan for safely leaving a building during a fire or a property during flooding can prevent serious losses. Properties can be protected with flood walls, and electronic data can be protected with remote storage and access control. And, for example, damages can be mitigated or reduced through land use ordinances that limit construction in low-lying, flood-prone areas.

The first step in preparedness is conducting a risk assessment to understand the greatest hazards. For example, a homeowner may focus on whether nearby tall trees could fall on their house, a business may be concerned about the loss of electricity, and a school may want to protect against an array of risks, including potential physical threats to its students.

Once the key risks or hazards have been identified, the next step is developing a response plan that sets reporting protocols to local emergency responders, identifies key actions necessary to protect human life and property, assigns responsibilities, establishes communication protocols and evacuation and sheltering strategies, and

puts in place emergency supplies – bottled water, food, first aid equipment, and other necessities. Once the plan has been developed, drills and practice sessions can help make sure everyone knows how to respond in the event of an actual emergency.

Depending on the context, these plans go by various names, including Emergency Operations Plans, Emergency Action Plans, Business Continuity Plans, or Continuity of Operations Plans. Some types of organizations and businesses – such as schools, hospitals, dams, and many manufacturers and employers – are legally required under federal or state laws to have certain plans.

If there's advance warning of an impending disaster, such as with a hurricane, the emergency plan can be quickly implemented to move people to emergency shelters and protect property from high winds and heavy rain to help minimize the potential damages. Even if there is no warning, the basic elements of an emergency plan should be capable of providing protection during the first hours or even days of a wide range of incidents.

Once disaster strikes, the immediate response phase begins and typically includes local emergency responders putting out fires and performing rescues, other local, county, or state personnel removing hazardous materials or dangerous structures, and the collection and disposal of debris. After the immediate threats of the incident have subsided, community stabilization begins – restoring utilities, clearing roads, and then moving to more sustained operations over the course of a month or

so. After this, the recovery phase commences – long-term cleanup, rebuilding, and trying to get life back to normal again.

If the Governor requests and the President issues an emergency or major disaster declaration, various forms of federal assistance may be made available for debris removal, emergency protective measures, as well as permanent repairs. If there is overwhelming damage to private residences, individual assistance may also be authorized.

Even in the absence of federal funding, many families, businesses, and organizations look to their insurance coverage to help them bounce back. Securing insurance that adequately addresses the risk to property, equipment, and operations is a key element of disaster preparedness. Regular consultation with an insurance professional to discuss assets, operations, and risk exposure will go a long way toward avoiding crippling financial loss from a catastrophic event.

While flood insurance is typically only available to homeowners and businesses located in designated flood-prone areas, there are other kinds of insurance that can help rebuild homes and keep store and factory doors open. For example, policies of all kinds may provide business interruption coverage, which can compensate a company for lost income due to a disaster. Property, general liability, and specialty environmental policies may provide coverage for weather-related damages or cleaning up spills of oil or hazardous materials.

**DISASTERS** *continued on page 30*

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# From Long Runway to Hard Stop: OBBBA Shuts the Door on Clean Energy Credits

By Viggo Fish

On July 4, President Trump signed into law the One Big Beautiful Bill Act (H.R. 1, 119th Congress) (OBBBA). Among its many tax and spending provisions, the law curtailed or eliminated many of the tax incentives, primarily for wind and solar clean energy projects that were established or expanded by the Biden administration under the Inflation Reduction Act of 2022 (IRA).

The IRA, which marked the most significant expansion of federal clean energy incentives in US history, expanded both the investment tax credit (ITC) and production tax credit (PTC) for solar, wind, storage, and other low- or zero-emission technologies. It also introduced new provisions for municipal and other tax-exempt entities allowing for transferability of credits and elective pay (also known as direct pay), which allows tax-exempt entities to receive cash payments in lieu of taxes for eligible projects.

The OBBBA, in contrast to the IRA, accelerates phase-outs of the ITC and PTC clean energy credits, tightens eligibility standards for commercial and utility-scale projects, and restricts the direct



pay benefit that had underpinned much of the IRA's support for clean energy. The OBBBA marks a significant reversal in clean energy policy in the United States and a dramatic contraction of federal support for the clean energy industry championed by the Biden administration.

Whereas the IRA extended the ITC and PTC tax credits to 2032 with a phase-out period thereafter, under the new law, the tax credits for solar and wind projects will terminate at the end of 2027. Projects must begin construction by July 5, 2026, and be placed in service no later than December 31, 2027, to be eligible.

Further, newly issued guidance by the Internal Revenue Service and the Department of the Treasury (Notice 2025-42) makes more stringent the requirements for "beginning of construction" for new solar and wind projects under Internal Revenue Code Section 48E (ITC) and Section 45Y (PTC). The guidance follows an executive order issued by the Trump administration on July 7, 2025, that directed the Department of the Treasury to revisit the "beginning of construction" rules to, among other things, "restrict[ ] the use of broad safe harbors unless a substantial portion of a subject facility has been built."

Under the existing IRS guidance, a taxpayer could begin construction by commencing "physical work of a significant nature" on the project (the Physical Work Test) or incurring five percent of the cost of equipment for the project (the Five Percent Safe Harbor).

With the exception of "low output solar facilities" – defined as a solar facility that has a maximum net output no greater than 1.5 megawatts – the new guidance removes the Five Percent Safe Harbor, limiting developers to the Physical Work Test to meet the start of construction requirement for ITC and PTC eligibility. Under a Continuity Requirement, developers must also maintain a continuous construction program once construction commences.

In addition to narrowing the window to qualify for tax credits, the OBBBA requires that all solar and wind projects that commence construction after December 31, 2025, meet strict new foreign ownership and material sourcing requirements.

Originally introduced under the Biden administration with a narrower scope confined to EV and battery supply chains, the OBBBA expanded these "foreign entity of concern" (FEOC) requirements to eligibility for solar and wind tax credits. Simply, the FEOC rules disqualify projects from tax credit eligibility if they are owned or controlled by certain foreign entities or purchase materials from or make project-related payments to certain foreign entities, including China, which leads the world in solar manufacturing.

The start date for construction, therefore, is a critical factor in determining a project's eligibility for tax credits and the extent to which projects must meet burdensome new FEOC require-

ments. Importantly, a developer will be subject to recapture of 100 percent of the ITC claimed if, within 10 years after the subject project is placed in service, it engages in a transaction that would be deemed to give a foreign entity of concern "effective control" of the project. Any new project after 2025 should rigorously ensure that neither ownership nor supply chains involve prohibited foreign entities.

With respect to municipal entities (cities, towns, public schools, water/sewer districts) and other tax-exempt entities, the OBBBA left the "direct pay" option available but constrained its timing. To qualify, municipal entities must begin construction by July 4, 2026, and projects must be placed in service by December 31, 2027. Municipal entities, or any direct pay recipient, should proceed carefully because disallowed credits can trigger a 20 percent "excessive payment" penalty in addition to recapturing the disallowed amount.

Overall, following the OBBBA, across market segments, the combination of requirements to begin construction by July 4, 2026, and be placed in service by December 31, 2027, is a key gating item for many projects. Build schedules, EPC contracts, and procurement should be evaluated in view of these deadlines to benefit from tax credit eligibility.

With the removal of the Five Percent Safe Harbor, developers will have to

*OBBBA continued on page 30*

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## ■ ENERGY *from page 27*

generation facilities put land into productive use, including parcels that may have little to no value otherwise, such as former landfill sites and non-productive areas of farms, and the PILOT agreements allow the host municipality to add tax revenue to its coffers. Host municipalities can generate this additional revenue at minimal cost because renewable generation facilities have little to no impact on municipal services. What is more, as the legislature expressed, these agreements benefit the public at large and promote the state's energy policies by enabling renewable energy.

Many New Hampshire localities and renewable generation facilities have already taken advantage of RSA 72:74 and entered into voluntary PILOT agreements – the Town of Bethlehem and Barrington Power; the Town of Webster and Hopkinton Solar; the Town of Milford and Milford Spartan Solar; and the City of Laconia and Laconia Town Solar are just a few examples from recent years.

Part of the appeal of these voluntary PILOT agreements is that they are flexible and

can be tailored by the parties to fit unique situations. According to Clean Energy New Hampshire, the typical PILOT amount for solar projects, for example, is \$2,800 to \$4,000 per MW/AC. However, parties to a potential PILOT are in no way bound by this range; they can negotiate based on the specific nature of the proposed project.

As renewable energy continues to grow in New Hampshire, RSA 72:74 voluntary PILOT agreements will likely see similar proliferation. These agreements help to mitigate the state's high property taxes and make renewable energy projects economically feasible, while also providing municipalities with additional tax dollars. As the General Court recognized, renewable energy will become an increasingly important component of New Hampshire's energy landscape, and PILOT agreements by extension will be an integral legal tool for effectuating renewable energy's promise. ♦

*Amy Manzelli and Timothy Kopczynski are attorneys at BCM Environmental and Land Law, PLLC. The legal team at BCM practices environmental, energy, conservation, and land law throughout New Hampshire, Maine, and Vermont.*

## ■ DISASTERS *from page 28*

Cyber insurance policies can provide critical financial, legal, and operational support when digital disaster results in data destruction, theft, hijacking, and misuse.

When an insured loss occurs, notifying the insurance carrier of the claim as soon as practicable is not only required under most policies, but may also enable the insured party to maximize the benefits available under the policy. For example, many property policies offer policyholders assistance with finding temporary shelter when displaced due to a catastrophic event.

Although an insured party can and should take reasonable steps to minimize harm in the immediate aftermath of a disaster, which causes damage to property, allowing the insurance company the opportunity to inspect the damage and otherwise investigate the claim before permanent repairs are undertaken is typically necessary. Documenting the event and the damage sustained through photographs, videos, written records, and safekeeping of important physical evidence is recommended to obtain the most compensation

available under the policy.

Disasters will happen – it's only a matter of time. By assessing and understanding the risks, planning for those hazards that are most likely to occur, putting equipment and supplies in place ahead of time, and ensuring appropriate insurance coverage is in place, households, communities, businesses, and organizations of all kinds can make themselves resilient in the face of whatever the disaster may be – natural, technological, or manmade. ♦

*Thomas S. Burack is a shareholder at Sheehan Phinney, where he practices environmental, energy, real estate, and non-profit organizations law. He is co-editor and a contributing author of Disaster and Hazardous Materials Incident Response: A Lawyer's Guide (ABA 2025) and previously served as Commissioner of the New Hampshire Department of Environmental Services. Megan Hilson, also a shareholder at Sheehan Phinney, represents clients in commercial and construction disputes, including disaster-related insurance claims, and previously served as in-house counsel for a national real estate development company.*

## ■ OBBBA *from page 29*

prove that significant on-site or factory-level work (e.g., foundation excavation, tower fabrication) began by July 5, 2026. Developers should carefully document construction progress sufficiently to

withstand IRS scrutiny under the Physical Work Test. Municipal owners should continue to plan for direct pay but should be especially attentive to the new FEOC and placed-in-service requirements.

Fundamentally, while the OBBBA does not eliminate clean-energy credits, it significantly compresses the timelines

and raises the bar for proving eligibility. In all cases – whether residential, municipal, commercial and industrial, or utility-scale projects – tax credit eligibility has become a project-management exercise as much as a tax analysis, requiring more careful coordination of acquisition, construction, and supply chain diligence

for eligibility for these benefits to be realized. ♦

*Viggo Fish is a member of McLane Middleton's Administrative Law Department, focusing on energy and environmental permitting, enforcement, and compliance matters. He can be reached at [viggo.fish@mclane.com](mailto:viggo.fish@mclane.com).*

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August 2025

## Constitutional/Right-to-Know Law

**Keene Publishing Corp. v. Fall Mtn. Regional Sch. Dist.**

**An appeal from Cheshire No. 2024-0250 Aug. 12, 2025**

**Affirmed in part, reversed in part, and remanded.**

- Was the trial court's *ex parte in camera* review with provision by the school district of a Vaughn index clearly untenable or unreasonable to the prejudice of its case?
- Did the trial court err in finding that certain records were exempt from disclosure under RSA Ch. 91-A:5, IV (exemption for confidential and personnel records where release would result in invasion of privacy) and XII (attorney-client/work product privileges)?
- Was the school district responsible for Keene Publishing's attorneys' fees under the statute?

In 2022, Keene Publishing sent a Right-to-Know Law RSA Ch 91-A (2023 & Supp. 2024) request to the defendant school district. The request sought records of the investigation into alleged sexual harassment committed by a school district employee against other employees. The investigation was conducted by a law firm hired by the school district which yielded a report and settlement with the investigated employee. After several failed attempts to gain disclosure, Keene Publishing sued the school district. The investigated employee intervened. The school district moved for *in camera* review, which was undertaken by the trial court. After *in camera* review, the trial court granted a protective order and partial motion to seal based on RSA 91-A exemptions, and thereafter redacted information subject to attorney-client privilege and attorney work product before distribution to the parties under further protective order. The trial court deferred ruling on whether drafts of the settlement agreement would be disclosed until later, after hearing.

On appeal, the Court reiterated that Right-to-Know Law, RSA Ch 91-A (2023 7 Supp. 2024) supports the requirements of N.H. CONST. pt. I, art. 8 that prohibit unreasonable restriction of public access to government records. The Court rejected Keene Publishing's argument that the *in camera* review of the school investigation records could not be performed without counsel present because it had to comply with procedures set forth by prior case law for *in camera* review of sealed court records. The Court confirmed that court records are treated differently, and the trial court has substantial discretion including to conduct record reviews *ex parte* "rarely and cautiously" when, as here, release of the reviewed records "may cause an invasion of privacy."

The Court rejected Keene Publishing's argument that the same balancing test applies to exemptions under RSA 91-A:5, IV and XII. Instead, when it comes to exemptions for privilege and work product (XII). The Court noted that even historically when records subject to attorney-client privilege and attorney work product were evaluated as confidential records, a balancing test was not applied to them, unlike other types of confidential records.

After recent amendment, RSA 91-A:5 now includes a distinct subsection (XII) for attorney documents which codified the different treatment of these records. The trial court's review and order that attorney documents were exempt was without error. Applying a two-part test to the trial court's finding that certain confidential records were exempt, the Court (1) assumed that the trial court correctly determined that the records were within the statute's enumerated categories and (2) employed a three-step test – which asks is there a privacy interest, what is the public's interest in disclosure, and a balancing of the public's, government's, and individual's respective interests in disclosure/nondisclosure – to determine whether disclosure would be an invasion of privacy. The Court agreed that the individual witnesses and complainants to and of the alleged sexual harassment had substantial privacy interests and redaction of their names and identifying information, information that did not pertain to the government's activities, was proper.

However, the Court agreed with Keene Publishing that the public had a strong interest in disclosure of information pertaining to the government's activities and how it responded to the investigated allegations of sexual harassment by a school employee (relating to, among other things, "the safety of the school environment" and how taxes were being spent) that outweighed the countervailing interests against disclosure of records redacted to protect the identity of witnesses and victims. Lastly, the Court found that Keene Publishing was entitled to an award of attorney's fees under RSA ch. 91-A:8 for violation by the school district of RSA 91-A:4, I-a. This section required disclosure of "original documents that evidence the actual payments" to satisfy the requirement that "records of payment made to public employees upon leaving employment be immediately available for public inspection" "without alternation." The school district should have known that providing only a narrative summary and only after litigation was initiated violated the statute and established that it was necessary to bring a lawsuit to compel proper disclosure. Regarding the disclosure of other documents, further findings were required.

*Malloy & Sullivan, LPC of Hingham, MA (Gregory V. Sullivan and Kathleen C. Sullivan on the brief, and Gregory V. Sullivan orally), for the plaintiff.*

*Soule, Leslie, Kidder, Sayward & Loughman, PLLC, of Salem (Diane M. Gorrow on the brief and orally), for the defendant.*

*NEA-New Hampshire, of Concord (Lauren Snow Chadwick on the brief and orally), for the intervenor*

## Criminal Law

**State v. Moses**

**An appeal from Rockingham No. 2023-0532**

**Aug. 14, 2025**

**Reversed and remanded.**

- Did the lower court err in admitting into evidence prior assault of the victim by the defendant and violation of a resulting restraining order via telephone call to the victim?

## At a Glance Contributor



**Shenanne Tucker**

Practiced law in New Hampshire and Maine since 2002, and currently is predominantly privately employed working in insurance.

In the summer of 2020, the defendant and victim were married and living together when financial strain resulted in arguments and domestic violence. One episode involved the defendant and victim breaking each other's phones and the defendant physically assaulting the victim. The victim did not report this incident at the time.

A few weeks later, the defendant committed violence against the victim causing her to run away to a point of safety, involve the police and get a restraining order. This led to the defendant being brought up on multiple charges of simple- and second-degree domestic violence assault, domestic violence kidnapping, and criminal threatening. While incarcerated following arrest, the defendant called the victim in violation of the associated restraining order.

Over the defendant's objection, the trial court granted the State's motions *in limine* to admit into evidence the earlier unreported incident, the existence of a restraining order, and the defendant's telephone call made to the victim in violation of the restraining order. Following trial, the defendant was convicted on all but one charge.

Considering on appeal "only what was presented at the pretrial hearing," the Court reviewed the trial court's grant of the State's motions *in limine* for admission of "other acts evidence." The Court determined that, due to the similarity between the prior incident and the charged one, there was significant risk that the jury would make determinations about the charged incident based on the prior one in violation of 404(b). Evidence of the prior incident had little probative value. Similarly, the existence of a restraining order, in place under a lower burden of proof but ordered by a court of law, had low probative value, and carried with it a high risk of prejudice. Likewise, the State failed to meet its burden of establishing that the defendant's violation of the restraining order was relevant. However, the Court on ap-

peal found that the only probative value of this evidence was that the defendant had a propensity to break the law in his relationship with the victim ("propensity inferences") and it otherwise had no "direct bearing on an issue actually in dispute." Based on these findings, the Court ruled that the objected-to evidence was not admissible under R 404(b) because it was inflammatory and otherwise unfairly prejudicial to the defendant. The trial court's error in admitting it at the trial was not harmless under the totality of the circumstances, especially in the absence of a limiting instruction.

*John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general, with Sam M. Gonyea, assistant attorney general (on the brief and orally) for the State.*

*Pamela E. Phelan, senior assistant appellate defender, of Concord (on the brief and orally), for the defendant.*

**State v. Reed**

**An appeal from Rockingham No. 2023-0526**

**Aug. 6, 2025**

**Affirmed.**

- Whether the trial court erred in allowing the State to argue that the defendant was in a position of authority over the victim within the meaning of RSA 632-A:2, I(k) on evidence that he was a father figure and a religious leader to the victim, and whether the evidence that he was in a position of authority was nevertheless insufficient.
- Whether the trial court committed reversible error in permitting evidence of sexual acts with the victim that were not part of the charged conduct.

The victim met and had started spending time with and accompanying the defendant and his family to church beginning when she was just nine years old and he was 54. Starting when the victim was 15, the victim and defendant referred to each other as father and daughter, respectively. This was evidenced by testimony, school writings, and correspondence between the two. Therefore, there was sufficient evidence that the defendant was in a father figure role with respect to the victim. Among other things, the defendant was much older, the victim subjectively believed that

AT A GLANCE *continued on page 32*

## Need to schedule a Mediation?

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adults had unquestionable authority. The victim went to the defendant for advice and would not make decisions without his approval, she followed his instructions to be baptized at his church without her own mother knowing and saw him as a parent. In 2023, the defendant was charged with multiple counts of aggregated felonious sexual assault and sexual assault as a result of alleged sexual conduct perpetrated against a victim between 2005 and 2007. Ahead of trial, the defendant moved to prevent the State from taking a position at trial that the defendant was in a position of authority over the defendant or to introduce evidence of non-charged conduct. The trial court denied defendant's motions and admitted evidence of all the aforementioned facts, and this appeal followed the defendant's jury conviction.

On appeal, the Court rejected the defendant's argument that RSA 632-A:2, I(k) requires that the defendant be in a "formal" or "official" position with "formal authority" over a victim to meet the statute's criteria that the perpetrator be in a position of authority in relationship to the victim.

In interpreting the statute, the Court noted in its *de novo* review that the text did not include the terms "formal" or "official." The Court found that the dictionary definition of "position" included relative social positions. Relying on earlier case law, the Court reiterated that "authority" under RSA 632-A:2, I(k) has been defined as "power to require and receive submission: the right to expect obedience: superiority derived from a status that carries with it the right to command and give final decisions." The subjective beliefs of the victim as to whether the defendant had authority over them is a relevant consideration in determining whether the defendant was in a position of power within the meaning of the statute. The Court noted previous case law in which a priest and, separately, a head of the household were each held to be in "sufficient position[s] of authority under RSA 632-A:2, I(k). The Court found no support in the statute or precedent for defendant's arguments that there must be cohabitation in the absence of actual relatedness between an adult and a victim to establish a position of authority.

Next the Court reviewed the defendant's insufficiency of evidence argument *de novo* to determine whether a rational trier of facts could find beyond a reasonable doubt all elements of RSA 632-A:2, I(k). The Court held that the introduction of non-charged sexual acts was harmless, even if erroneous. The other evidence submitted was overwhelmingly in support of

a finding of guilt. Accordingly, the defendant's convictions were affirmed.

*John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general, with Sam M. Gonyea, assistant attorney general (on the brief and orally) for the State.*

*Brennan, Lenehan, Iacopino & Hickey, of Manchester with Michael J. Iacopino (on the brief and orally) and Alexandra M. Brill (on the brief) for the defendant.*

## Land Use Law

**Taylor Community v. City of Laconia**  
An appeal from Belknap No. 2024-0393  
Aug. 27, 2025  
Affirmed.

- Did the trial court err in concluding that there was occasion for the defendants, the City of Laconia (City) and its Mayor and City Council, to layout the disputed cul-de-sac as a public highway.

The plaintiff, a subdivision in Laconia, planned and built a cul-de-sac in the late 1980s. During that process, plaintiff represented on its planning board submissions that the cul-de-sac would be deeded to the city as part of the subdivision plan. Though never actually deeded to Laconia, the city maintained the cul-de-sac for over three decades. When the plaintiff desired changes to the existing cul-de-sac, the city denied its application resulting in appeal by the plaintiff to the superior court. On that appeal, the court determined that the cul-de-sac had remained a private road because Laconia never formally accepted it. Intervenor thereafter, on the vote of the Laconia City Council, sought to lay out the cul-de-sac as a public highway pursuant to RSA 231:34 (2009). On cross-motions filed on the issue of whether there "was occasion" to lay out the cul-de-sac as a public highway, the superior court found that the plaintiff's submission of subdivision plans noting an intention to deed the cul-de-sac to the city and selling lots based on that plan was a "dedication" of the cul-de-sac to public use. After the court did not reconsider its order on motion, the plaintiff filed the instant appeal.

On appeal the Court noted that RSA 229:I (Supp. 2024) permits a public highway to be created by various means: through a governmental taking and laying out by a governmental authority, construction on public land, via use for 20 years prior to 1968, or dedication and acceptance. With respect to laying out, occasion to lay out must exist, and that finding requires

a balancing of the public's and landowners' respective interests and weighing the public's interest against the burden placed on the town or city by layout. The Court reiterated the definition of dedication to be "the devotion of land to public use by an unequivocal act of the owner of the fee manifesting an intention" that it would be for public use but noted that, here, any dedication was not accepted and therefore did not directly create the cul-de-sac as a public highway. However, the plaintiff's dedication had not been released by the subdivision's petition or by vote of the city pursuant to RSA 231:51 or 52, respectively. Accordingly, the Court found that the public had an easement over the cul-de-sac that prevented the subdivision, as fee owner, from interfering with public use for travel. Additionally, the public continued to have a vested right to accept the cul-de-sac as a public highway without cost or compensation. The plaintiff did not have rights to use the cul-de-sac exclusively. Thus, the weighing of competing interests favored the public's interest and that there was no evidence that laying out the cul-de-sac was burdensome on the city. The Court also found that RSA 231's provisions and procedure addressed and balanced policy concerns.

Accordingly, the trial court's grant of summary judgment against the plaintiff was affirmed.

*Sheehan Phinney Bass & Green PA, of Manchester (Megan C. Carrier and Christopher Cole on the brief, and Megan C. Carrier orally), for the plaintiff.*

*Mitchell Municipal Group, P.A., of Laconia (Laura Spector-Morgan on the brief and orally), for the defendants.*

*Matthew J. Lahey, of Laconia, self-represented party, and Stephan T. Nix, of Gilford, for intervenor Nancy Ettelson, on the intervenors' memorandum of law.*

## Tax Law/Constitutional Law

**Morris v. N.H. Dept. of Rev.**  
An appeal from Merrimack No. 2024-0234  
Aug. 28, 2025  
Affirmed.

- Did the NH DRA err in finding that the plaintiffs were residents of New Hampshire for purposes of subjecting them to NH interest and dividends tax on certain income?
- Did the NH DRA err in not crediting the plaintiffs for taxes they paid to the State of Connecticut for this same time period?

Though the plaintiffs worked, owned real property, and lived and raised their family in Connecticut, they owned a second home in New Hampshire that they used for recreation. In the summer of 2017, among other things, the plaintiffs acquired New Hampshire drivers' licenses, registered two of three cars, registered to vote in New Hampshire, had two of their children with them at their New Hampshire home, registered their business with the New Hampshire Secretary of State, and otherwise began using their New London home as their resident address—all with the intention to be soon partially retired in New Hampshire. However, they kept their doctors' appointments, memberships, and important possessions in Connecticut during this same time. The plaintiffs did not end up retiring in New Hampshire as

planned and by the start of 2018, were back more fully in Connecticut.

In 2020, the NH DRA assessed the plaintiffs for interest and dividends tax for the period from June 16 to December 31, 2017, on the basis that they were residents of New Hampshire during this time. The plaintiffs sought redetermination which was denied after hearing. Thereafter, the plaintiffs sought review in the superior court where their motion for judgment, following hearing, was denied and the matter proceeded to bench trial. After post-verdict motions in the trial court were unsuccessful, the plaintiffs appealed.

The Court on appeal looked to RSA 77:3, I(a) (tax on interest and dividends), RSA 21:6 (definition of resident or inhabitant of New Hampshire), and the DRA administrative rules (N.H. Admin R., Rev 902.01 & .04 pertaining to intent to establish residency and residency). The Court rejected the plaintiffs' argument that the DRA administrative rules were inconsistent with the applicable statutes. Instead, the Court confirmed that the appropriate inquiry was whether the plaintiffs had the "current intent to designate" New Hampshire as the place of their "ongoing physical presence." Reviewing the evidence and trial court's findings, the Court on appeal concluded that the plaintiffs failed to meet their burden of showing they were residents of Connecticut instead of New Hampshire during the operative times. These same facts supported the trial court's ruling that the plaintiffs intended to designate New Hampshire as their place of residency.

The Court rejected the plaintiffs' argument that the DRA subjected the plaintiffs to double taxation in violation of Part I, Article 12 and Part II, Article 5 of the New Hampshire constitution by not taking deductions for taxes the plaintiffs paid to Connecticut for this same time period. Because the plaintiffs were properly determined to be New Hampshire residents for the relevant months of 2017, the Court found that their interest and dividend income earned during that time was properly taxable by New Hampshire and no credit needed to be taken for wrongfully paid Connecticut taxes. Addressing plaintiffs' arguments under U.S. CONST. art. 1, § 8, cl. 3 (Commerce Clause), the Court found that there was no violation or discriminatory result in application of New Hampshire's and the DRA's residency considerations based on the steps the plaintiffs took to change their license and voting registration to New Hampshire, among other things. The Court did not reach the plaintiffs' argument that the taxed income was ordinary income for services, not interest and dividends as the plaintiffs did not develop that argument in the trial court. The imposition of penalties and interest was deemed appropriate because the plaintiffs did not sufficiently demonstrate that their failure to pay taxes for this period was "due to 'reasonable cause'" given their extensive steps in establishing New Hampshire residency during this time. Lastly, the Court found no error in the trial court accepting the DRA's objection to their motion for summary judgment without supplying a counter-affidavit in support.

*Pierce Atwood LLP, of Portland, Maine (Jonathan A. Block and Olga J. Goldberg on the brief), for the plaintiffs.*

*John M. Formella, attorney general and Anthony J. Galdieri, solicitor general (Mary A. Triick, senior assistant attorney general, on the brief), for the Commissioner, New Hampshire Department of Revenue Administration.*

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The Access to Justice Commission (commission) was established by Supreme Court order dated January 12, 2007. The court appoints Supreme Court Justice Melissa B. Countway to succeed Supreme Court Justice James P. Bassett as a co-chair of the commission for the remainder of Justice Bassett's term, which expires on August 31, 2027.

Issued: August 19, 2025

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



The Access to Justice Commission (commission) was established by Supreme Court order dated January 12, 2007. The court, without Chief Justice Gordon J. MacDonald's participation, appoints Attorney Jennifer Eber as a member of the commission for a three-year term commencing immediately and expiring on August 18, 2028.

Issued: August 19, 2025

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



In accordance with Supreme Court Rule 37(3)(d), the Supreme Court appoints Attorney Oliver Bloom to serve as the Board of Governors' representative on the Professional Conduct Committee for a term commencing as of August 1, 2025, and expiring on July 31, 2026. See Rule 37(3)(d) ("If the vice president of the New Hampshire Bar Association has a conflict preventing his or her appointment to the Professional Conduct Committee, the court shall appoint another member of the board of governors in his or her stead").

Issued: August 19, 2025

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



Pursuant to Part II, Article 73-a of the New Hampshire Constitution and Supreme Court Rule 51, the Supreme Court of New Hampshire adopts the following amendments to court rules.

## I. Supreme Court Rule 49

*(The amendment adds a new provision imposing a service charge on payments made by credit card or debit card.)*

1. Amend Supreme Court Rule 49 as set forth in Appendix A.

## II. Rule 19 of the Supplemental Rules of the Supreme Court for Electronic Filing

*(The amendment adds references to the service charge imposed by Supreme Court Rule 49.)*

1. Amend Rule 19 of the Supplemental Rules of the Supreme Court for Electronic Filing as set forth in Appendix B.

## III. Rule 52 of the Rules of Criminal Procedure

*(The amendment adds a new provision imposing a service charge on payments made by credit card or debit card.)*

1. Amend Rule 52 of the Rules of Criminal Procedure as set forth in Appendix C.

## IV. Superior Court Rule 201

*(The amendment adds a new provision imposing a service charge on payments made by credit card or debit card.)*

1. Amend Superior Court Rule 201 as set forth in Appendix D.

## V. Circuit Court – District Division Rule 1.28

*(The amendment adds a new provision imposing a service charge on payments made by credit card or debit card.)*

1. Amend District Division Rule 1.28 as set forth in Appendix E.

## VI. Circuit Court – District Division Rule 3.3 (applicable to cases filed before the implementation of electronic filing in civil cases in the district division)

*(The amendment adds a new provision imposing a service charge on payments made by credit card or debit card.)*

1. Amend District Division Rule 3.3 (applicable to cases filed before the implementation of electronic filing in civil cases in the district division) as set forth in Appendix F.

## VII. Circuit Court – Probate Division Rule 169

*(The amendment adds a new provision imposing a service charge on payments made by credit card or debit card.)*

1. Amend Probate Division Rule 169 as set forth in Appendix G.

## VIII. Circuit Court – Family Division Rule 1.3

*(The amendment adds a new provision imposing a service charge on payments made by credit card or debit card.)*

1. Amend Family Division Rule 1.3 as set forth in Appendix H.

### Effective Date

The amendments shall take effect on September 3, 2025, except that the service charge in Supreme Court Rule 49(II) (Appendix A) shall not apply to credit card or debit card payments made through the supreme court's electronic filing system until the date set forth in a subsequent order issued by the supreme court.

Date: August 27, 2025

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



Pursuant to Supreme Court Rule 38-A, the Supreme Court appoints Superior Court Justice Anne M. Edwards and Circuit Court Judge Polly L. Hall to the Advisory Committee on Judicial Ethics, to serve three-year terms commencing as of September 1, 2025, and expiring on August 31, 2028. They succeed Superior Court Justice Elizabeth M. Leonard and Superior Court Justice Amy B. Messer, both of whom are ineligible for reappointment after having served two successive full terms on the Advisory Committee on Judicial Ethics.

Issued: September 2, 2025

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



In accordance with Supreme Court Rule 37(5)(a), the Supreme Court appoints Jessica Kuron, a non-attorney, to the Complaint Screening Committee. Jessica

Kuron replaces Stephen Bartlett, who has resigned from the Complaint Screening Committee. She is appointed to serve the remaining portion of his three-year term, which expires on December 31, 2026.

Date: September 2, 2025

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



## R-2025-0006 In re July 18, 2025 Report of the Advisory Committee on Rules

The New Hampshire Supreme Court Advisory Committee on Rules (committee) has reported proposed rule amendments to the New Hampshire Supreme Court with a recommendation that they be adopted. On or before **October 6, 2025**, members of the bench, bar, legislature, executive branch or public may file with the clerk of the supreme court comments on any of the proposed rule amendments.

In accordance with Rules 3 and 4 of the Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing, comments should be submitted through the supreme court's electronic filing (e-filing) system into case no. **R-2025-0006**, using "Rules Docket Entries" as the Filing Type and "Comment on Rule" as the Filing Sub-type. The address of the supreme court's e-filing system is: <https://ctefile.nhccourt.us>. The e-filing system is also accessible through the Electronic Services page of the New Hampshire judicial branch website: <https://www.courts.nh.gov/resources/electronic-services/supreme-court/attorneys-self-represented-parties-and-other-non>. Prior to registering with the e-filing system, attorneys should review the Quick Guide – Registering as an Attorney E-Filer; nonlawyers should review the Quick Guide – Registering as a Nonlawyer E-Filer. The Quick Guides are available on the Electronic Services page.

Persons who electronically submit a comment into case no. **R-2025-0006** will be able to view all other comments through the "Case Search" functionality of the e-filing system. Persons who are unable to submit their comments electronically may mail or deliver them to the clerk of the supreme court at the N.H. Supreme Court Building, 1 Charles Doe Drive, Concord, New Hampshire 03301. All comments, whether submitted electronically or in paper, will be available for public viewing at the computer kiosks located in the lobby outside the clerk's office of the Supreme Court Building; they will also be available for remote public viewing on the web-

page of the Advisory Committee on Rules: <https://www.courts.nh.gov/resources/committees/advisory-committee-rules>.

The language of the proposed rules changes and background regarding the proposals may be found in the July 18, 2025 Advisory Committee on Rules Report, which is available at: <https://www.courts.nh.gov/resources/committees/advisory-committee-rules/reports-court>. Copies of the July 18, 2025 Advisory Committee on Rules Report are also available upon request submitted to the clerk of the supreme court at the N.H. Supreme Court Building, 1 Charles Doe Drive, Concord, New Hampshire 03301. The current rules of the New Hampshire state courts are available at: <https://www.courts.nh.gov/resources/court-rules>.

The supreme court is requesting comments on recommendations to amend the following rules:

### I. Supreme Court Rule 36

This proposed amendment, the language of which is set forth in Appendix A, would expand Rule 36 eligibility to include persons who have submitted applications for admission to the New Hampshire bar by transferred Uniform Bar Examination score or by motion without examination.

### II. Rule 30(a) of the New Hampshire Rules of Criminal Procedure

This proposed amendment, the language of which is set forth in Appendix B, would clarify the requirement in Rule 30 concerning the signing "under oath" and filing of the violation of probation and supporting statement of facts.

Date: September 4, 2025

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



The Supreme Court of New Hampshire hereby designates Attorney Bruce W. Felmlly to serve as chair of the Board of Bar Examiners (Board) and Attorney Megan C. Carrier to serve as vice-chair of the Board. The designations shall take effect immediately. Attorney Mary E. Tenn concluded her service as a member and the chair of the Board following its meeting on September 3, 2025.

Date: September 9, 2025

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

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## June 2025

\* Published

## 28 U.S.C. 2241

*Williams v. Warden*, 23-cv-509-LM, 2025 DNH 073P, June 12, 2025

The petitioner sought a writ of habeas corpus on the alleged grounds that BOP was unlawfully refusing to apply his FSA time credits because of an immigration detainer. Following respondent's assurance that the petitioner would be imminently placed in prerelease custody, the court granted respondent's summary judgment motion on mootness grounds. But when the petitioner was subsequently re-arrested and returned to prison from a halfway house pursuant to a BOP memo cancelling prerelease custody placements for persons with immigration detainers, he sought to amend and supplement his original habeas petition to include allegations regarding his subsequent re-detention. The government responded that the petitioner's motion to amend was, in reality, a new habeas petition, which needed to be filed in the district in which he was confined at the time of filing. The court held that the petitioner's motion was a permissible motion to amend or supplement his original habeas petition, over which the court continued to have jurisdiction despite the petitioner's transfer out-of-district because a person with custodial responsibility for the petitioner (the Attorney General) remained within reach of the court's process. 30 pages. Chief Judge Landya B. McCafferty.

## Fourth Amendment

*United States v. Rodriguez-Garcia*, 24-cr-072-LM, 2025 DNH 077P, June 26, 2025.

The government charged the defendant with child pornography offenses following the warrantless search of a flash drive found in the defendant's possessions following his apprehension for illegally crossing the United States-Canada border. The defendant moved to suppress the fruits of that warrantless search, but the court concluded that the search was lawful under the extended border search doctrine. It was reasonably certain that the defendant had crossed the border approximately an hour before his apprehension, and given the rural location of the crossing and apprehension, it was implausible that the defendant could have obtained the flash drive after entering the United States. Because there was reasonable certainty that the defendant crossed the border with the flash drive, and officers had reasonable suspicion that the flash drive was involved in the unlawful activity of an improper border crossing, the search complied with the Fourth Amendment. 17 pages. Chief Judge Landya B. McCafferty.

## Second Amendment

*Thomas Marshall v. U.S. Attorney General, et al.*, 24-cv-191-PB-AJ, 2025 DNH 067, June 3, 2025.

Thomas Marshall sued the United States and several of its officers seeking declaratory and injunctive relief from the application of the federal felon-in-possession law, codified at 18 U.S.C. § 922(g)(1). Marshall, who has two qualifying state-level convictions for

operating a vehicle under the influence of alcohol, alleged that it was unconstitutional to apply the felon-in-possession law to him. He argued that to do so would be beyond the scope of the history, text, and tradition of the Second Amendment. Concluding that First Circuit precedent precluded Marshall's argument and that nothing in any recent Supreme Court opinions displaces the First Circuit's conclusions, the Court granted the government's motion to dismiss for failure to state a claim. 17 pages. Judge Paul J. Barbadoro.

## Administrative Law

*Committee to Save the Derry Rail Trail Tunnel, et al. v. Bhatt et al.*, 24-cv-262-PB, 2025 DNH 078, June 30, 2025.

The Federal Highway Administration approved the New Hampshire Department of Transportation's plans to connect the town of Derry and a new I-93 Exit 4A interchange using a new six-lane road that will cross over a historic railroad corridor. Two rail trail advocacy groups challenged the FHWA's decision to abandon an earlier design that included an underpass—through which a planned extension of the Derry Rail Trail could run—in favor of a less costly design that included a path allowing users to follow the rail corridor via an at-grade signalized crosswalk. The plaintiffs argued that the agencies failed to comply with the requirement of § 4(f) of the Department of Transportation Act of 1966 and its implementing regulations to compare both proposals and choose the one that causes the least overall harm to the historic district. Defendants conceded that they were required to do this analysis and argued that a fair reading of the administrative record indicated that they did so. Because the Court found that the agencies had failed to do a least overall harm analysis, it concluded that the decision to abandon the underpass design in favor of the redesign was not in accordance with law. The Court enjoined the defendants from performing construction in the immediate proximity of the historic railroad corridor that would foreclose or substantially hinder the completion of the original underpass design. 37 pages. Judge Paul J. Barbadoro.

## July 2025

\* Published

## Intervention

*Tirrell v. Edelblut*, 24-cv-251-LM, 2025 DNH 080P, July 15, 2025

A nationwide organization dedicated to reserving girls' sports and private spaces for cisgender girls sought intervention in this proceeding challenging various state and federal laws that restrict transgender girls' participation in girls' sports. The court found that the organization met the standard for permissive intervention. The motion to intervene was timely because the organization filed it immediately after plaintiffs amended their complaint to challenge executive orders having nationwide effect; before that point, plaintiffs challenged only a New Hampshire law and this lawsuit stood to have little effect on the majority of the organization's members. Moreover, the organization's arguments in defense of the laws

shared common questions of law or fact with the plaintiffs' claims, and allowing intervention would not cause undue prejudice. Finally, as a group that represents cisgender athletes, the perspectives of the organization and its members could contribute to fully understanding the impact of the challenged laws and to reaching a just resolution. Permissive intervention was therefore warranted. 10 pages. Chief Judge Landya B. McCafferty.

## Social Security

*Phachansiri v. SSA*, 24-cv-267-PB-AJ, 2025 DNH 083, July 28, 2025

Petitioner challenged the denial of his application for Social Security benefits pursuant to 42 U.S.C. 405(g), arguing that the Administrative Law Judge's (ALJ) residual functional capacity finding was not supported by substantial evidence because the ALJ improperly weighed certain medical opinions, resulting in an erroneous finding at step five of the sequential analysis under 20 C.F.R. 404.1520. After considering all the medical evidence in the record, the Court found that the ALJ had a substantial basis for finding certain medical opinions less persuasive. The ALJ's decision was affirmed. 17 pages. Judge Paul J. Barbadoro.

## August 2025

\* Published

## Federal Telecommunications Act

*Vertex Towers, LLC v. Zoning Board of Adjustment of the Town of Hampton, et al.*, 24-cv-045-PB-AJ, 2025 DNH 087, August 6, 2025

Vertex Towers, a telecommunications infrastructure developer, sued the Zoning Board and Town of Hampton, asserting three claims under the federal Telecommunications Act of 1996 and one under New Hampshire state variance law. Vertex alleged that the Board decision denying a height-and-use variance to build a cell tower was not supported by substantial evidence in a written record, that the decision was unreasonable and contrary to state law, and that the Board improperly relied on evidence regarding the effects of radiofrequency emissions. Using the deferential standard of review prescribed by law, the Court concluded on cross motions for summary judgment that the town and Board were entitled to judgment as a matter of law on all three of these claims. Vertex also claimed that the denial of its variance application amounted to an effective prohibition of personal cell service in Hampton. Because there remained a genuine dispute of material fact as to the availability of viable alternatives to closing the coverage gap in Hampton, the Court denied both parties' motions for summary judgment on the effective prohibition claim. 36 pages. Judge Paul J. Barbadoro.

## Employment Discrimination

*Wellman v. Amica*, 25-cv-27-PB-TSM, 2025 DNH 090, August 12, 2025

Plaintiff brought an action against her former employer after the company issued disciplinary warnings and told her that she

would be terminated for anything less than perfect attendance following a period of doctor-recommended health leave. She asserted claims under New Hampshire's Law Against Discrimination and the federal Family and Medical Leave Act. Defendants moved to dismiss her state discrimination claims on the grounds that she had failed to exhaust her state remedies by filing a complaint with the commission before commencing a civil action in court. Defendants also sought dismissal of her FMLA constructive discharge claim on the grounds that it was not sufficiently pleaded in her complaint. The Court granted dismissal of the state NHLAD claims, finding that plaintiff had failed to file a complaint with the Commission, a prerequisite to bringing a civil action. As to the FMLA claim, the Court denied the motion, finding that the plaintiff had stated sufficient facts to make out a claim of constructive discharge. 12 pages. Judge Paul J. Barbadoro.

## Voting Rights

*New Hampshire Youth Movement v. David Scanlan*, 24-cv-291-SE, 2025 DNH 093, August 13, 2025

The plaintiff sued the New Hampshire Secretary of State seeking a declaratory judgment that a provision of 2024 New Hampshire House Bill 1569 (HB 1569) violates the United States Constitution and requesting injunctive relief barring state officials from implementing that provision. The Secretary moved to dismiss the case, arguing that the plaintiff lacked standing to assert the claim, that the claim presented a non-justiciable political question, and that the complaint failed to state a plausible claim for relief. The court denied the motion, holding that the plaintiff had both organizational standing under a theory derived largely from *Havens Realty Corporation v. Coleman*, 455 U.S. 363 (1982) an associational standing to bring suit on behalf of at least one of its members. The court further rejected the argument that the constitutional challenge to HB 1569 presented a nonjusticiable political question and held that the plaintiff adequately alleged that HB 1569's challenged provision unjustifiably burdens the right to vote in violation of the First and Fourteenth Amendment. 20 pages. Judge Samantha D. Elliott.

## Tort Liability

*Dunn v. Northern Extremes Sports & Recreation, Inc.*, 24-cv-256-PB-TSM, 2020 DNH 098, August 19, 2025

Plaintiffs, a husband and wife, brought numerous tort claims against the defendant for injuries sustained during a snowmobiling accident near Bretton Woods. Defendant moved to dismiss the husband's loss of consortium claim, arguing that the waiver he signed prior to riding the snowmobile, which released the defendants from all claims arising out of his participation in the activity, barred his claim. Applying New Hampshire's law on loss of consortium, the Court reasoned that such claim belongs wholly to the husband, not his injured spouse. Because the waiver only released the defendant from claims arising out of the husband's participation in the snowmobiling, dismissal of the loss of consortium claim was denied. 11 pages. Judge Paul J. Barbadoro.



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## Exciting Opportunity: Join Sabbeth Law!

### Personal Injury Attorney - Experience Preferred (Up to 5 Years)

Are you an attorney passionate about **making an impact** while growing **personally and professionally**? Sabbeth Law, a growth-oriented personal injury firm serving Vermont and New Hampshire, is looking for a **dedicated, innovative** attorney to join our dynamic team.

We prefer candidates with relevant legal experience, but we're open to speaking with exceptional applicants who demonstrate the drive, mindset, and capability to excel in this role

### Why Sabbeth Law?

**A Culture of Growth:** Personal and professional development is at the core of what we do.

**Innovative Practices:** We embrace cutting-edge technology and invest heavily in training with the best lawyers nationwide.

**Collaborative Environment:** We believe in the power of teamwork and positive challenges.

**Commitment to Justice:** We deliver above-average outcomes by uncovering the true value of every case.

### Who We're Looking For

✓ **Experience preferred** - ideally up to 5 years in personal injury or similar practice area.

✓ A **growth mindset** and eagerness to learn.

✓ Adaptability and openness to **innovative technologies**.

✓ A **team player** who thrives in dynamic environments.

✓ **Detail-oriented** and organized.

### Ready to Make a Difference?

Join a firm where your **contributions matter**, and your **growth is prioritized** alongside the success of our clients, **where you are not alone but part of a team**.

Submit your resume, cover letter, and accomplishments to [mjs@sabbethlaw.com](mailto:mjs@sabbethlaw.com) and [crystal@sabbethlaw.com](mailto:crystal@sabbethlaw.com).

Let's explore how your talents can help us deliver **justice with excellence and innovation**.





### Trusts & Estates Administrative Assistant

Hamblett & Kerrigan is seeking an experienced full-time administrative assistant for the Trusts & Estates department of its Nashua, NH office.

This assistant will work in-person at the firm's office and will have administrative responsibilities for multiple attorneys and paralegals who prepare and update estate plans, process probate and trust administrations, and prepare fiduciary tax returns. Responsibilities include coordination and scheduling of client meetings, communicating with clients and court personnel, sending and responding to emails, screening and intake of potential clients, formatting estate planning documents for client execution, processing and scanning incoming mail, managing the document vault library, generating correspondence and other documents, and organizing paper and electronic (Clio) files.

Prior law office administrative experience will be considered, but prior experience in the areas of trusts and estates is preferred. The candidate must have excellent verbal and written communication skills, ability to organize and manage a large volume of files and work collaboratively with others. Significant experience with Word, Outlook and Excel is required.

Hamblett & Kerrigan offers competitive compensation, medical, dental and 401(k).

Please submit a cover letter and resume to Sarah Walsh at [swalsh@hamker.com](mailto:swalsh@hamker.com). All inquiries will be confidential.



### CORPORATE ATTORNEY

McLane Middleton, Professional Association a leading New England-based law firm, is seeking a Corporate Law Attorney to join our growing corporate practice. This position will afford you the opportunity to take on new responsibilities, work with and learn from some of the region's leading corporate lawyers, work directly with clients, and be provided with the resources to develop your professional skills.

The ideal candidate should possess 2 to 5 years of general corporate experience and a strong interest in corporate law. The candidate will be adept at collaborating with partners and clients in representing and advising closely held businesses, including entity formation and structuring, corporate governance, contract drafting and negotiating, mergers, acquisitions and other strategic transactions.

Self-starters looking for career advancement and business development opportunities are encouraged to apply. The qualified candidate will have prior private firm experience and will demonstrate the ability to manage billable hour requirements and maintain accurate timekeeping records.

Options for a hybrid work schedule combining in-office and remote work are available. The candidate must possess excellent academic credentials from an accredited law school with strong analytical abilities, excellent client service, as well as strong communication and writing skills.

We offer a collegial team environment, professional development and personal satisfaction in a fast-paced work environment. Qualified candidates must be admitted to the New Hampshire or Massachusetts Bar, or have the ability to waive in. Other bar memberships are a plus. Competitive compensation and benefits package offered.

Built on over 106 years of experience, McLane Middleton helps create a long-term career path to assist professionals in their pursuit of personal and professional achievement.

McLane Middleton's Corporate Department brings over ten decades of corporate law experience. We represent clients across a broad spectrum of size, complexity, and industry, with their most important corporate law issues, including business formation, corporate governance, complex agreements, capital raising, securities offerings, executive compensation, mergers, acquisitions, and other strategic transactions. Our experience, combined with our industry knowledge, positions us to identify innovative solutions to complex issues.

Qualified candidates should send a cover letter, resume, transcript and writing sample to: Jessica Boisvert, Manager of Professional Recruiting and Retention, [jessica.boisvert@mcclane.com](mailto:jessica.boisvert@mcclane.com).



### Business/Corporate Attorney Portland, Maine

Drummond Woodsum seeks an attorney to join its business services practice at its Portland, Maine office. This position will involve a broad range of work, including mergers and acquisitions, debt and equity financings, securities laws matters, and other commercial transactions. The ideal candidate will be responsible for providing expert legal advice on corporate and commercial matters, including corporate governance and contract issues, as well as drafting, reviewing, and negotiating a variety of contracts and agreements.

Candidates must have outstanding academic credentials, excellent research and writing skills, a strong work ethic, and the ability to manage and work well on a team. A minimum of 5 years of prior experience is required. To apply, please submit a letter of interest and a resume to [hr@dwmlaw.com](mailto:hr@dwmlaw.com). No phone calls, please. All inquiries are held in the strictest of confidence.

Drummond Woodsum is a full-service law firm with more than 100 attorneys and consultants providing a wide range of services for our nationwide client base, which ranges from some of the nation's largest corporations to small start-up companies, financial institutions, Tribal Nations and Tribal enterprises and individuals. We recognize that our greatest asset is our people so we have intentionally created an environment where personal and professional growth are encouraged and fostered through mentorship and a respect for work-life balance. Drummond Woodsum offers a generous benefits package including a choice of medical plans with wellness reimbursements, life insurance, short and long-term disability insurance, 401(k)/Profit Sharing plan, on-site covered parking, and more. We look forward to hearing from you.

*Drummond Woodsum is an equal opportunity employer that does not discriminate on the basis of race, religion, color, national origin, sex, veteran's status, age, disability, sexual orientation, gender identity, genetic information, creed, citizenship status, marital status, or any other characteristic protected by federal, state or local laws. Our Firm's policy applies to all terms and conditions of employment. To achieve our goal of equal opportunity, Drummond Woodsum makes good faith efforts to recruit, hire and advance in employment qualified minorities, females, disabled individuals and covered veterans. EOE M/F/V/D*



### Tax Attorney Portland, Maine

Drummond Woodsum seeks an attorney to join its tax law practice full-time at its Portland, Maine office. The ideal candidate will possess experience in a wide-range of transactional tax matters including mergers, acquisitions, financing, and investment. Candidates should also have experience with partnership and corporate taxation. Experience with stock options, phantom, deferred compensation and/or international taxation is a plus. Our tax practice is dedicated to delivering comprehensive guidance on federal, state, and Indian tax law issues that emerge during the structuring of strategic, commercial, and financial transactions. Candidates with experience in these areas are encouraged to apply.

Candidates must have outstanding academic credentials, excellent research and writing skills, a strong work ethic, and the ability to manage and work well on a team. Maine bar admission is strongly preferred, and 4-5 years of prior experience is preferred, but excellent candidates with less experience may be considered. To apply, please submit a letter of interest and a resume to [hr@dwmlaw.com](mailto:hr@dwmlaw.com). No phone calls, please. All inquiries are held in the strictest of confidence.

Drummond Woodsum is a full-service law firm with more than 100 attorneys and consultants providing a wide range of services for our clients, which range from some of the nation's largest corporations to small start-up companies, financial institutions, Tribal Nations and Tribal enterprises, municipalities, school districts, and individuals. We recognize that our greatest asset is our people so we have intentionally created an environment where personal and professional growth are encouraged and fostered through mentorship and a respect for work-life balance. Drummond Woodsum offers a generous benefits package including a choice of medical plans with wellness reimbursements, life insurance, short and long-term disability insurance, 401(k)/Profit Sharing plan, on-site covered parking, and more. We look forward to hearing from you.

*Drummond Woodsum is an equal opportunity employer that does not discriminate on the basis of race, religion, color, national origin, sex, veteran's status, age, disability, sexual orientation, gender identity, genetic information, creed, citizenship status, marital status, or any other characteristic protected by federal, state or local laws. Our Firm's policy applies to all terms and conditions of employment. To achieve our goal of equal opportunity, Drummond Woodsum makes good faith efforts to recruit, hire and advance in employment qualified minorities, females, disabled individuals and covered veterans. EOE M/F/V/D*



# MCLANE MIDDLETON

## REAL ESTATE ASSOCIATE

McLane Middleton, Professional Association is seeking a talented and driven Real Estate Attorney to join our ranks.

The ideal candidate will have 2 to 4 years of relevant commercial real estate experience and a strong interest in real estate law. Experience representing owners and developers in connection with the acquisition, ownership, financing, development, leasing, and sale of real estate is highly valued. Residential real estate experience is also desirable.

The successful candidate will have prior experience in a private law firm setting and will demonstrate the ability to manage billable hour requirements and maintain accurate timekeeping records. We are looking for a self-starter who is motivated to advance their career and take an active role in business development. An interest in networking, marketing, and client development is essential. Candidates who are eager to contribute to a collaborative real estate practice are encouraged to apply.

New Hampshire Real Estate experience is required; Massachusetts experience is a plus. This position would be based out of our Manchester, New Hampshire office. Options for a hybrid work schedule combining in-office and remote work are available. The candidate must possess excellent academic credentials from an accredited law school with strong analytical abilities, excellent client service skills, as well as strong communication and writing skills.

We offer a collegial team-focused environment, support for professional development and professional satisfaction in a fast-paced work environment. Qualified candidates must be admitted to the New Hampshire Bar or have the ability to waive in. Other bar memberships are a plus. Competitive compensation and benefits package offered.

Built on over 106 years of experience, McLane Middleton helps create a long-term career path to assist professionals in their pursuit of personal and professional achievement. We encourage you to consider joining our team!

Qualified candidates should send a cover letter, resume and law school transcript.

All submissions kept confidential.

Jessica Boisvert, Manager of Professional Recruiting and Retention, Email: [Jessica.boisvert@mclane.com](mailto:Jessica.boisvert@mclane.com)

# MCLANE MIDDLETON

## TRUSTS & ESTATES ATTORNEY

McLane Middleton, Professional Association, is seeking a Trusts and Estates Attorney to join our active and expanding Trusts and Estates Department. McLane Middleton has one of the largest Trusts and Estates departments in New England. This is a unique opportunity to work alongside some of New England's most highly-skilled Trusts and Estates attorneys.

The ideal candidate should possess a strong academic record and excellent written and oral communication skills, with 7+ years of experience in estate planning, tax planning, and trust and estate administration. Experience in New Hampshire trust law and asset protection planning is a plus. Ideally, the candidate would have prior experience working directly with high net-worth individuals and families and their advisors on designing and implementing personalized estate plans, and tax-efficient and estate and wealth transfer strategies, including transfer of closely-held business interests to irrevocable trusts. Equally important is the ability to manage a preexisting volume practice while working alongside a team of skilled professionals.

McLane Middleton has a strong tradition over its 106-year history of deep involvement by its employees in the communities where they work and live. The firm itself is an active participant in the community as well, supporting numerous charitable, business and professional associations. The firm helps create a long-term career path to assist professionals in their pursuit of personal and professional achievement. We offer a collegial team environment, professional development, and personal satisfaction in a fast-paced and motivating work environment. Competitive compensation and benefits package offered.

Qualified candidates should send cover letter and resume to: Jessica Boisvert, Manager of Professional Recruiting and Retention, [jessica.boisvert@mclane.com](mailto:jessica.boisvert@mclane.com).

## DrummondWoodsum

ATTORNEYS AT LAW

### Labor and Employment Attorney Manchester, New Hampshire

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 labor and employment counseling to public, private, and Tribal Nation employers. We provide advice on all aspects of the employer/employee relationship, including workplace discrimination, ADA compliance, state and federal wage and hour laws, workplace misconduct, collective bargaining, and grievance administration. 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 training on employment law topics to supervisors and employees.

This position is open to qualified applicants who have excellent academic credentials, research, writing, interpersonal, and analytical skills, and who are able to balance client advocacy with compassion and understanding. Applicants with 0-2 years of experience and a strong interest in labor and employment law are encouraged to apply. 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.

Drummond Woodsum has a firm culture that emphasizes client service, collaboration and collegiality, and a respect for work-life balance. In addition to 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, which includes medical, dental, and disability insurance, a retirement plan and paid parental leave. We are committed to diversity and inclusion in our hiring practice and encourage qualified candidates of all backgrounds to apply. Please send your cover letter and resume to [hr@dwmlaw.com](mailto:hr@dwmlaw.com). All inquiries are held in the strictest confidence. No phone calls, please.

Drummond Woodsum is an equal opportunity employer that does not discriminate on the basis of race, religion, color, national origin, sex, veteran's status, age, disability, sexual orientation, gender identity, genetic information, creed, citizenship status, marital status, or any other characteristic protected by federal, state or local laws. Our Firm's policy applies to all terms and conditions of employment. To achieve our goal of equal opportunity, Drummond Woodsum makes good faith efforts to recruit, hire and advance in employment qualified minorities, females, disabled individuals and covered veterans. EOE M/F/V/D



COOPER  
CARGILL  
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ATTORNEYS AT LAW

## North Conway NEW HAMPSHIRE

### Now Hiring: Litigation Attorney

**Love Where you Live. Practice Law Where it Matters.**

Cooper Cargill Chant, P.A., North Conway's largest law firm, is seeking a **Litigation Attorney** to join our team. This is an excellent opportunity for a litigator who values meaningful cases that make a real impact – from complex civil litigation to business disputes and beyond. All while living in one of New England's most beautiful and most vibrant mountain communities - the heart of New Hampshire's scenic Mount Washington Valley.

#### About Us:

Cooper Cargill Chant has a long-standing reputation for providing top-tier legal services across a wide range of practice areas. Our attorneys are deeply engaged in the local community and committed to delivering practical, results-driven solutions for our clients.

#### Why Join Us?

- Challenging, high-level litigation work across state and federal courts
- A supportive, collaborative team
- Real work-life balance – minutes from skiing, hiking, biking and lakes
- Competitive compensation and benefits
- Opportunity for professional growth and advancement

#### What We're Looking For:

- Admitted to practice in New Hampshire (Maine admission a plus)
- Excellent research, writing, people and courtroom skills
- Commitment to client service and ethical practice

Whether you're looking for a better work-life balance, a meaningful legal career, or a mountain view from your office – this could be the move you've been waiting for.

**To Apply: Submit resume and cover letter to Bridgid Anderson,  
Office Manager at: [banderson@coopercargillchant.com](mailto:banderson@coopercargillchant.com)**



## City Solicitor-City of Concord, NH

The City of Concord is seeking a City Solicitor who is highly motivated and detail oriented and can work both independently and in a team environment to provide high quality and responsive legal services for the City. The City Solicitor will provide legal representation on a wide range of municipal law issues, including: handling litigation and providing counsel to City departments and officials on legal matters including labor and employment law, land use law, real estate transactions, public record requests, property taxation, and regulatory and licensing matters; reviewing and preparing contracts, ordinances, policies, deeds, easements and other municipal related documents; and representing the City in labor contract negotiations.

**Minimum Qualifications:** Juris Doctorate; and eight to ten years legal experience; or any combination of education, training and experience

which provides the knowledge, skills and abilities required for the job.

**Licenses and Certifications:** Member of the New Hampshire Bar Association, and admitted to practice in the Federal District Court for the District of New Hampshire and First Circuit Court of Appeals.

**Starting Salary Range: \$124,446.40 - \$167,294.40** DOQ with a very competitive flexible benefits package.

**Application:** Instructions for Applying: Submit cover letter and resume to the Human Resources Department via <https://www.governmentjobs.com/careers/concordnh>. The position will remain open until September 26, 2025. For more information visit [www.concordnh.gov](http://www.concordnh.gov) or call (603) 225-8535, or TTY at 1-800-735-2964 or 7-1-1. An Equal Opportunity Employer M/F/DP/V and LGBTQ

## ASSOCIATE ATTORNEYS Medical Malpractice and/or General Liability Defense

Associate positions for the medical malpractice litigation defense and general liability litigation defense groups at mid-sized law firm. Offices in Portsmouth, NH, Woburn, Boston, and Hingham, MA. Opportunity to work with highly experienced attorneys on either the healthcare team serving prestigious healthcare institutions and providers on medical malpractice and employment-related litigation matters, and/or on the general liability team handling a high volume of cases involving real estate, construction, and general liability litigation. Competitive salary, great benefits, and reasonable billing requirement. Excellent verbal communication and writing skills required. Ability to work collaboratively with team members on cases. Candidates with, or willing and able to get, admission to MA bar will be considered. Candidates for the medical malpractice position with 3+ years experience and prior medical malpractice and/or employment law experience will get priority in hiring decision.

Send resume and cover letter, in confidence, to [tbright@hmdrslaw.com](mailto:tbright@hmdrslaw.com).



## Corporate and Transactional Paralegal

PlaneSense, Inc., seeks a full-time Corporate and Transactional Paralegal who is detail-oriented, proactive, and thrives in a collaborative environment. This pivotal role, reports to the General Counsel and works closely with all departments within PlaneSense and its affiliates, to address their legal needs, responsibilities, and obligations. These include aircraft fractional interest transactions, contract and vendor relations, corporate governance, aircraft financing transactions, collections, litigation support, and other general legal matters.

This position plays a vital role in our Legal team by drafting aircraft fractional program documents as well as other contracts, corporate organizational documents, affidavits, and legal correspondence, organizing and maintaining files, as well as other tasks as required. This role must work well with others as working with all departments is critical to closing transactions in a timely manner.

No prior experience in an in-house legal department is necessary. No more timekeeping or law firm billable hour requirements in this in-house role! Paralegal and legal operations skills in fields such as mergers & acquisitions, real estate, tax, and contracts are transferable to this position. We will train the right candidate to soar in the sophisticated world of business aviation.

The ideal candidate will have Certificate of completion from an ABA-approved paralegal certification program of education and training, or an associate degree in paralegal studies or at least five (5) years of experience in a corporate or transactional paralegal position.

PlaneSense, Inc., is an Equal Opportunity Employer. We offer competitive pay, excellent benefits, and a great work culture. To review the full job description and to apply, visit [www.planesense.com/careers](http://www.planesense.com/careers)

## ASSISTANT COUNTY ATTORNEY

The Cheshire County Attorney's Office has openings for two full-time Assistant County Attorneys:

**Felony Prosecutor** – this position involved prosecuting felony criminal cases in the Cheshire County Superior Court.

**Circuit Court Prosecutor** – this position is stationed at the Cheshire County Attorney's Office, and involved prosecuting criminal cases for 14 participating towns and the Cheshire County Sheriff's Office in the 8th Circuit Court – Keene District Division.

Cheshire County offers a comprehensive benefits program, with paid travel, CLE trainings, Court Fees and Bar Dues in addition to paid leave, medical & dental insurance options, NH Retirement with 14% County contribution and 11 paid holidays per year. Experience preferred, and salary is commensurate with experience. NH Bar membership required. Please submit cover letter and resume to Chris McLaughlin, Cheshire County Attorney, attention Kim May, 12 Court Street, Keene, NH 03431 or [kmay@co.cheshire.nh.us](mailto:kmay@co.cheshire.nh.us).

## WE'RE HIRING [www.trg.com](http://www.trg.com)

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RiverStone employs over 40 attorneys directing complex litigation across the country. If you're interested in overseeing litigation, engaging in strategic legal analysis, and negotiating resolutions, we're hiring!

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*Join our growing and diverse team  
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future of national mass tort and  
pollution litigation.*



## ASSISTANT CITY ATTORNEY

The City of Keene is a progressive city with the heart of a town, attracting people who seek to shape their community. We value and practice sustainability, innovative problem-solving, and highly collaborative engagement with our residents and businesses, creating a resilient and self-reliant community. The community's support and engagement and the collaborative work environment and opportunities to work on initiatives across the organization are among the many reasons employees love their work here.

The City is seeking a highly motivated, detailed-oriented, self-starter to serve as Assistant City Attorney. The successful candidate will be a member of the City's legal team, with a primary responsibility for assisting the City Attorney in advising the Mayor, City Council, and all City Departments on a variety of interesting legal issues related to municipal law, constitutional law, land use and construction law, litigation, and more. Additional information can be found in the job description.

This position is full-time and the salary range for this position is \$82,335 - \$102,604 annually and will also receive an attractive benefits package which includes low deductible/low-cost health insurance, low-cost dental insurance, State of NH Group I retirement, 457 retirement fund options and other benefits such as life, disability, and paid time off! Apply online at <https://keenenh.gov/jobs>. This position will be open until filled and applications will be reviewed on an ongoing basis. EOE





## TRIAL ATTORNEYS

Boyle | Shaughnessy Law is a premier trial focused law firm with offices throughout the Northeast. We are currently hiring talented attorneys who aspire to become successful trial attorneys.

This is an opportunity for an attorney who wants to develop skills and experience litigating cases. Associate attorneys at BSL work directly with experienced trial attorneys on high exposure, complicated civil matters. For those interested in the details of trial strategy and tactics, there are significant opportunities for professional and financial growth. Our firm's compensation, benefits, and professional offices offer a good work life balance.

The ideal candidate will:

- Want to become a skilled trial attorney
- Want to work in a team focused environment
- ME or NH licensing

Please send replies to: [employment@boyleshaughnessy.com](mailto:employment@boyleshaughnessy.com).



## FAMILY LAW ATTORNEY

Well-established, mid-sized, Nashua multi-practice law firm is seeking a family law attorney to work with our family law team in its growing practice.

At least two years of experience in family law is preferred. Opportunity to work in other practice areas if desired. Some remote work capability available. Candidates should be admitted to practice in New Hampshire or be admitted in a reciprocal state – and a Massachusetts legal license is a plus.

Excellent benefits package and competitive salary. No billable hours requirement.

Email resume and salary requirements to Veronica Hamilton at: [vhamilton@lawyersnh.com](mailto:vhamilton@lawyersnh.com).

## The Division for Children, Youth and Families is seeking Child Protection Attorneys Positions available in Laconia and Conway

The DCYF Legal Team is a dynamic group of experienced child protection attorneys and their legal assistants, stationed around the state, who work in partnership with the New Hampshire Attorney General's Office to 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.

We offer paid training, competitive salaries (\$72,930.00 - \$101,490.00), and a comprehensive benefits package.

**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 contact Attorney Deanna Baker, Legal Director to discuss if an exception may be requested for years of experience.

**How to APPLY:** Please submit your letter of interest, resume and application by visiting: [www.nh.gov](http://www.nh.gov) Careers (tab on upper right), Finding a Job - NH State Government Job Opportunities, Search for Job Opportunities and enter "DCYF Staff Attorney" in the Job Title field.

For questions about this position, please contact Attorney Deanna Baker, Legal Director at (603) 419-0491, [deanna.baker@dhhs.nh.gov](mailto:deanna.baker@dhhs.nh.gov).



THE GENERAL COURT OF  
**New Hampshire**

## LEGISLATIVE DRAFTING ATTORNEY

The General Court's Office of Legislative Services (OLS) is seeking a motivated, full-time attorney in the Legal Division. The nonpartisan position is located at the State House in Concord. The position responsibilities include drafting legislation and amendments for members of the Senate and the House of Representatives and advising members of the legislature in resolving practical, technical, and potential legal issues in their drafting requests. The ideal candidate is a member of (or eligible to waive into) the New Hampshire Bar, who possesses excellent writing and analytical skills. Competitive compensation and excellent benefits.

More information may be found at [www.gc.nh.gov](http://www.gc.nh.gov). The position is open until filled. Interested candidates should send a cover letter and CV to James Vara, Director, Office of Legislative Services, 107 N. State Street, Concord, NH 03301 or email [james.vara@gc.nh.gov](mailto:james.vara@gc.nh.gov).



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