An Official Publication of the New Hampshire Bar Association

NEW HAMPSHIRE BAR NEWS

October 15, 2025 *Supporting members of the legal profession and their service to the public and the justice system.* Vol. 36, No. 5

Executive Authority Question Remains After Dismissal of Case Against Judges

By Scott Merrill

In an extraordinary move, the US Department of Justice (DOJ), under President Donald Trump, sued all 15 District of Maryland judges this summer over a procedural order in immigration cases. Though quickly dismissed, the lawsuit is already seen as a major episode in the history of judicial independence and separation of powers.

On May 28, Chief Judge George L. Russell, III issued a standing order directing the clerk's office to automatically pause deportations for two business days whenever a habeas petition was filed. The pause gave judges time to review urgent claims from immigrants facing imminent removal.

JUDGES *continued on page 26*

NHBA Forms Special Committee on Public Sector and Public Interest Attorneys

By Tom Jarvis

At the 2025 Annual Meeting, the New Hampshire Bar Association announced the formation of a Special Committee on Public Sector and Public Interest Attorneys – an ad hoc group charged with assessing needs, exploring solutions, and recommending concrete steps to better support attorneys whose work bolsters access to justice across the state.

The committee was created by NHBA Immediate Past President Kate Mahan as her final act in office and is chaired by Jane Young, who served as US Attorney for New Hampshire from 2021 to 2023 and spent nearly three decades in the Attorney General's Office.

"I've had a career I've loved, and anything I can give back is an honor," says Young.

The committee currently includes 13 members and will always have at least one representative from the Board of Governors.

Why Public Sector Representation Matters

Mahan says the initiative flows from a broader look at how the Bar can meet member needs across practice settings.

"A main priority when I became president of the Bar was to make sure the Bar was in a position to meet the needs of our members today, and also in the future," she says. "As I took a more holistic view with Sarah [Blodgett], I saw that we could do better in our offerings and support for attorneys in the public sector and public interest areas. That prompted the notion of creating a committee that is specially focused on issues surrounding public interest and public sector lawyers."

She adds that the approval and announcement of the committee marked a meaningful close to her presidential year.

"One of my proudest moments as president was being able to announce it at the Annual Meeting, after the Board approved it at my last Board of Governors meeting," says Mahan. "One of the things the Bar strives to do is support all its members. While there are services and support offered, we could be doing more. A committee of practitioners in this area of law can provide invaluable insight into how we motivate or entice people to enter that area, and how we can better support them."

COMMITTEE *continued on page 22*

Daniel Webster Scholars Program Marks 20 Years Since Approval

By Tom Jarvis

In 2025, the University of New Hampshire Franklin Pierce School of Law's (UNH Law) Daniel Webster Scholars (DWS) Honors Program marks 20 years since its approval by the New Hampshire Supreme Court (NHSC). The first cohort began in January 2006 and graduated in May 2008. Since then, more than 350 lawyers have been admitted to the New Hampshire Bar through this innovative program.

According to UNH Law Associate Dean and DWS Director Courtney Brooks, the class starting this year will represent the 20th graduating class in May 2027.

What Is DWS?

The DWS Program is the first and still only competency-based bar admission pathway in the United States. Launched in 2005 through a collaboration among the NHSC, the New Hampshire Bar Association, the New Hampshire Board of Bar Examiners (NHBBE), and UNH Law, the program was designed to better align legal education with practice.

Instead of a written test after graduation, students spend their final two years of law school in a practice-based curriculum that includes simulations, skills assessments, and hands-on training with volunteer lawyers, judges, and court staff. Their work is reviewed continuously by bar examiners, who evaluate portfolios and meet with students each semester.

According to Brooks, the structure effectively functions as a two-year bar exam. Students graduate having already demonstrated the skills needed to represent clients, and are sworn in immediately upon completion.

The program traces its roots to

DWS *continued on page 27*

The DWS Program Class of 2025 with professors. Back row, from left: Elizabeth Bedsole, Jonathan Maloberti, Youjin Jeong, Connor Brady, Sean Davis, Kiera MacWhinnie, Eric Gardner, and Tom Relyea. Middle row, from left: Joshua Sprague Oliveira, Jedediah Tressler, Doug Ringer, Nathan Fredrickson, Emalee Peterson, Alex Attilli, Meegan O'Connell, and Steve Ruisi. Front row, from left: DWS Director Courtney Brooks, Enya McGarry, Samantha Palastra, Danielle Heine, Sammie Lowe, Sarah Gittelson, Julia Burke, Gianna Fasoli, and Professor Sophie Sparrow. Photo by Rob Zielinski

INDEX

Periodical Postage paid at Concord, NH 03301

INSIDE THIS ISSUE

A Snapshot of New Hampshire Bar Association Membership

President's Perspective

By Derek D. Lick

Orr & Reno,
Concord, NH

A recent review of the New Hampshire Bar Association membership provided some interesting results, and they are worth sharing with you.

First, the Bar's membership stands at 8,876 attorneys. Of those, 5,825 are actively practicing and 3,051 are inactive.

Second, of the 5,825 active attorneys, 2,274 identify as having their primary office and practice out of state. Thus, 40 percent of our members primarily practice outside of New Hampshire.

For context, a news article from 1998 indicated that the New Hampshire Bar had 3,889 active members at that time, of which 876 (or 23 percent) had their primary office outside of New Hampshire. Thus, the trend for our members is clearly one of cross-border practice, likely driven in part by the elimination of the requirement that one pass a stand-alone New Hampshire Bar Exam and the easing of reciprocity requirements.

Third, of those who self-reported their practice type, 55 percent identified as practicing in a law firm, 18 percent identified as solo practitioners, 10 percent identified as practicing in New Hampshire state government, seven percent identified as corporate/in-house counsel, five percent identified as working for nonprofits, and nearly two percent identified as working for the federal government. There was a smattering of other practice types.

Fourth, for those practicing in the Granite State, there was a stark geographical divide. Most of the New Hampshire-based attorneys work in the state capital region or in the southernmost counties housing the population centers, such as Manchester, Nashua, and Portsmouth. Here's a breakdown of attorneys by county, from most to fewest:

Merrimack County	936
Rockingham County	709
Hillsborough County	535
Grafton County	192
Strafford County	181
Belknap County	130
Cheshire County	109
Carroll County	75
Sullivan County	43
Coos County	14

Based on these county numbers, it is clear that New Hampshire has legal deserts in the least populous counties. Of note, these numbers include government attorneys and those in the judiciary (and a handful of honorary active members in each county). Therefore, the number of attorneys in the least populous counties available to provide legal services to the state's residents is even fewer than the numbers identified in the list.

The demographics are equally interesting. Of all active members (both in-state and out-of-state), the age cohorts of 40–49, 50–59, and 60–69 each represent slightly less than 25 percent of all attorneys.

However, the younger demographics make up a smaller percentage of the Bar members, with the 20–29 age group comprising four percent of practicing attorneys and the 30–39 age group comprising about 20 percent of our members. Interestingly, the oldest cohort, 70–79 years of age, makes up about nine percent of Bar members.

It is understandable that the 20–29 age group has fewer members than the others, as most 20-somethings are still in law school and not practicing. Still, the number of 30–39-year-old attorneys could be concerning, as it could show a trend of fewer younger attorneys choosing to practice in New Hampshire, at least as a share of all practicing attorneys.

The Bar Association monitors membership statistics for a variety of reasons, including identifying what services our members may be interested in, how we can foster camaraderie and collegiality among our ever-more geographically and demographically diverse membership, and how we can help meet the legal needs of New Hampshire residents in underserved communities. The numbers tell the story of a dynamic legal community and how New Hampshire's borders are becoming less consequential when it comes to practicing law in the state. ♦

NHBA Welcomes Megan Koerber as Graphic Design and Editorial Content Coordinator

The New Hampshire Bar Association is pleased to welcome Megan Koerber as its new Graphic Design and Editorial Content Coordinator.

Koerber holds a bachelor's degree in English and creative writing from Hofstra University and a certificate in graphic design from the New York Institute of Art & Design. She most recently served as the social media coordinator for the Palace Theatre in Manchester, where she worked for four years.

Her background also includes five years as a legal assistant at Flood, Sheehan & Tobin (now merged with Orr & Reno).

"I'm thrilled to join the NHBA Marketing and Communications team and look forward to advancing its communications initiatives through fresh, strategic content for social media, as well as the *Bar News*," says Koerber. ♦

NEW HAMPSHIRE BAR NEWS

(ISSN 1051-4023)
An official monthly publication of the New Hampshire Bar Association.

EDITOR
Tom Jarvis
(603) 715-3212
tjarvis@nhbar.org

SALES AND TECHNICAL EDITOR
Donna J. Parker
(603) 715-3263
dparker@nhbar.org

GRAPHIC DESIGN & EDITORIAL CONTENT COORDINATOR
Megan Koerber
(603) 715-3214
mkoerber@nhbar.org

ADDITIONAL PROOFREADING
Cheryl Moore

BAR PRESIDENT
Derek D. Lick, Esq.
dlick@orr-reno.com

EXECUTIVE DIRECTOR
Sarah T. Blodgett, Esq.
sblodgett@nhbar.org

DIRECTOR OF MARKETING, COMMUNICATIONS & MEMBER OUTREACH
Caitlin Dow
(603) 715-3250
cdow@nhbar.org

MEMBER SERVICES MANAGER
Misty Griffith, Esq.
(603) 715-3227
mgriffith@nhbar.org

Subscription price: $160/year to non-members; members, included in annual dues; $80/year to students. Advertising rates on request. Periodical postage paid at Concord, New Hampshire 03301. Postmaster: send address changes to *New Hampshire Bar News*, 2 Pillsbury Street, Suite 300, Concord, NH 03301.

CONTACT US:
news@nhbar.org
2 Pillsbury Street, Suite 300
Concord, New Hampshire 03301
(603) 224-6942 • Fax (603) 224-2910
www.nhbar.org

new-hampshire-bar-association
@NHBAR
NHBAR
new_hampshire_bar_association

Content in the *New Hampshire Bar News*, including articles, opinions expressed in letters or commentaries, as well as advertisements, do not necessarily reflect the policies or viewpoints of the New Hampshire Bar Association, the Board of Governors, the NHBA Editorial Advisory Board, or the NHBA Staff.

State Funding Revives Criminal Defense Academy at UNH Law

The University of New Hampshire Franklin Pierce School of Law. Courtesy Photo

By Megan Koerber

Thanks to newly allocated state funding, the University of New Hampshire Franklin Pierce School of Law (UNH Law) has reactivated its Criminal Defense Academy (CDA), an initiative aimed at strengthening the pipeline of attorneys serving New Hampshire's indigent population.

The initial program was conceptualized in September 2023 in a conversation between UNH Law Professor Melissa Davis and then-New Hampshire Judicial Council (NHJC) Executive Director Sarah Blodgett. Blodgett, who now serves as the executive director for the New Hampshire Bar Association, was able to secure funding for the initiative through the American Rescue Plan Act, and once the funding was in place, NHJC Interim Executive Director Richard Samdperil used it to launch the program.

"This partnership between the state and the law school is really important," Samdperil says. "It's a win for the law school, which gets the funding to provide training, and it's a win for the state, getting this sort of really great training at a really great deal."

The CDA's carefully structured curriculum begins with a three-day introductory session followed by monthly, day-long training workshops and concludes with an intensive three-day trial skills training. The instructional plan is extensive, addressing critical stages of the criminal defense process, including arraignment and bail, motions to suppress, evidentiary issues, and theory building.

Current NHJC Executive Director Jay Buckey expressed enthusiasm about the relaunch of the CDA, noting the program's popularity.

"We had a lot of strong responses," he says. "It's essentially at full capacity."

The program began its second class on September 26.

Looking back on the first session, Davis shares, "The first time we did it, we got everybody who we thought was interested, but we had many more people come out and say, 'I'd like to do it next time,' so we're excited [to bring it back]."

The strong interest is reflected in enrollment numbers. In 2024, the program successfully graduated 10 out of the 11 initial enrollees. This year, 18 applicants signed up, six of whom Davis notes came from a different background than usual.

"We had a number of people who had been practicing for a long time in Massachusetts as bar counsel," Davis says. "We realized that they just needed the local practice aspect; a quick intensive New Hampshire training weekend along with access to resources and they could start taking cases immediately. The remaining 12 will be sticking with

UNH *continued on page 28*

Amy Beaton: Ensuring Legal Access for Marginalized Clients

By Kathie Ragsdale

Amy K. Beaton has spent most of her career helping people navigate their most challenging times.

It is a skill she's been called upon to use in her own life.

A partner in the Hampton-based office of Beaton & Kiers, she spent nearly 30 years as a public defender before co-founding her firm in January 2024, focusing on criminal defense, estate planning, and elder law.

"Justice With Heart" is the firm's slogan.

Beaton is also an advocate for suicide prevention and education, and until recently served as vice president of the Connor's Climb Foundation, a New Hampshire-based nonprofit that promotes mental health awareness and provides suicide prevention education to schools and communities.

Her son Jack died by suicide in 2016 at the age of 17.

She has tried to harness her grief and use it for good, she says.

Raised in Mansfield, Massachusetts, Beaton went to Colgate University in New York, where she majored in Spanish. She also spent several months in Spain.

"I just love the language," she says. "I've been able to use it in every aspect of my life, including my career."

But the law also called to her, and Beaton ultimately decided on law school over seeking a master's degree in Spanish.

She went to Northeastern University School of Law, drawn by its non-traditional approach to education and its robust co-op program. Many of her co-op opportunities dealt with prosecution, "and it became clear I was very defense-aligned," she says.

After marrying her high school sweetheart, Doug, she moved to El Paso, Texas, where he was stationed, and started working as an assistant federal public defender.

"It ended up being just a wonderful place to start my legal career because it was on the border and I got to use my Spanish all day, every day," she recalls. "Most of my clients were Mexican or Mexican American, and most of the cases were in federal court. To cut your teeth in federal court, that was a good way to start my formative years."

The couple moved to New Hampshire in 1999, and Beaton started working for the New Hampshire Public Defender, first in Manchester and a year later in Stratham, where she remained for more than 24 years.

Much of that work was in the specialty courts – mental health court, veterans court, and recovery court, formerly called drug court. That work, more than any individual case, is the labor of which she is most proud.

"I found it to be the most meaningful, working with marginalized clients that have these additional issues, like mental health," she says. "It's really lovely to work with that population in treatment court that recognizes their issues, helps them get the treatment they need, and monitors their cases. I found that to be really rewarding."

Losing her son to suicide only strengthened her commitment.

"We're a family of two professionals with good health insurance, parents doing all the right things to get their child all the help he needed, and he still struggled," she says of her family. "It was important to me to work with people who didn't necessarily have those resources."

That work goes beyond the courtroom, as she shares her experience with others through programs like Connor's Climb.

"There's such a stigma around mental health and suicide," Beaton says. "When I start talking about it, and I'm very open, you'd be amazed how many people's lives have been touched by suicide, and they just don't talk about it. It's important for me to reduce that stigma around mental health."

Beaton's work inside and outside the courtroom has won the admiration of people like Deanna Campbell, managing attorney for the Stratham office of the New Hampshire Public Defender, who has known Beaton almost 25 years.

"She's a brilliant woman and her work ethic is unmatched," Campbell says. "As a person, she is so generous with not just her knowledge but her time and her resources. She's one of the most giving people I've ever met."

Campbell continues: "For somebody who has gone through what she went through with her son, many people might have shied away because it was so painful, but she just turned it around into a cause and a mission and it really took on a life of its own. I'm sure she's helped hundreds if not thousands of people over the years."

Amy Beaton enjoys down time with husband Doug and daughter Annabelle. Courtesy photo

Kari Salema, treatment provider for Rockingham County Recovery Court, is another fan.

She worked with Beaton through Recovery Court for seven or eight years and says, "she was always dedicated to her clients, authentic, a strong advocate, was passionate and diligent about following the best practices of the program, and was always energetic, despite working with a challenging population," Salema says.

BEATON *continued on page 26*

Collaboration Brings Professional Listening Services into Family Law Practice

By Tom Jarvis

A Massachusetts family law firm and a former New Hampshire Legal Assistance (NHLA) paralegal are piloting a new model that combines legal services with professional listening sessions, offering clients both legal strategy and emotional support at no additional cost.

The partnership between Foundations Family Law & Mediation Center, led by attorney Jolee Vacchi, and the Seacoast Listening Lounge, founded by former NHLA paralegal Erin Snow, launched in August. The initiative aims to help clients manage the emotional toll of divorce and family law matters while allowing attorneys to stay focused on their legal work.

"It makes so much sense combining legal services with listening services," Snow says. "Attorneys want to support their clients emotionally, but they're also balancing billable hours. This model allows the lawyer to focus on the legal issues while I can help address the emotional side – at no additional cost to the client."

From NHLA to Professional Listening

Snow spent 16 years at NHLA, directing the Domestic Violence Advocacy Project and becoming the first paralegal in New Hampshire to practice under Rule 35. In that role, she represented clients in protective order, divorce, and parenting cases.

"I worked with hundreds of victims and survivors of domestic violence, sexual assault, and stalking," she says. "The common theme that kept coming up was, 'I don't feel listened to. Nobody's hearing me.' I didn't want anyone to ever have that experience – where they didn't feel heard, where their voice didn't matter."

In 2024, Snow left NHLA to start the Seacoast Listening Lounge, which she describes as a "professional listening and vent space" where women can share their stories in a safe, judgment-free setting. Unlike therapy, the service has no diagnosis or treatment plan. Clients book sessions as needed, whether to process a difficult event or simply to vent, and Snow listens without offering fixes unless asked.

"I created this because I could have been my client," she says. "I remember not telling my friends I was getting divorced because I didn't want their judgment. I just needed a space where I could talk."

Snow says that personal experience now shapes how she structures each session, with the format tailored to whatever the client needs in that moment.

"I always start every session by asking, 'How do you want me to listen to you today?'" she says. "Most people listen to respond or to fix something; they don't listen to understand. This service is about listening to understand. And at the end of every session, I ask for a word to describe how they feel. A lot of people say 'relieved.'"


Snow


Vacchi

Legal Collaboration

Vacchi, who has practiced family law since 2012 and opened her firm two and a half years ago, says she was intrigued when she first learned about professional listening.

"I first heard about it when we interviewed Erin on my podcast, *Divorce Detox*," Vacchi says. "It was a totally new idea to me – innovative and needed – especially in family law and divorce, where emotions run high."

Family law attorneys, Vacchi explains, often struggle to balance compassion with efficiency. A five-minute call about a financial affidavit can easily stretch into an hour-long conversation about an upsetting email from an ex-spouse.

"As a divorce attorney, it's tough keeping boundaries – focusing on the legal work without becoming the sounding board for every emotional element," she says. "Legal services are expensive. Clients shouldn't be paying us to help with the emotions of a divorce. We don't have the specialized training. We can be compassionate and listen, but our job is legal strategy. Having someone like Erin gives clients a confidential space to vent at a much more cost-effective rate than doing it with their attorney."

Built Into the Retainer

Under the collaboration, clients of Foundations Family Law can schedule listening sessions through a dedicated link. Snow invoices the firm directly, and the cost is covered by the client's retainer.

"It's no additional cost to the client, and in fact, it may reduce their legal costs," Snow says. "Attorneys aren't spending billable time on long emotional conversations, and clients still get the support they need."

Vacchi says the arrangement helps both sides.

"This helps us stay focused on the legal issues and leaves the emotional side to someone who can support them better," she says. "It feels sterile to cut people off because we're 'on the clock.' With this option, we can say, 'Schedule with Erin, then we'll revisit,' which balances efficiency with humanity."

Staff Buy-In and Next Steps

Although the collaboration is still new, Vacchi says her team quickly embraced it.

"When I announced it at a staff meeting, everybody was really excited," she says. "They thought it was a great idea."

Her firm is also creating a new "client concierge" role to check in with clients throughout their cases and connect them to professional partners such as Snow.

"If a client is really stuck in the emotions, the concierge can steer them to a listening session with Erin," Vacchi says.

Snow hopes to expand the model to New Hampshire, where she spent much of her career.

"I think attorneys here need to know about it," she says. "This is about providing the best legal representation possible while also supporting clients emotionally."

A Broader Vision

Both women see potential for the concept beyond one firm.

"I wish more practices would adopt it," Vacchi says. "Our tagline is 'resolving family law conflicts as painlessly and peacefully as possible.' We are known for compassionate divorce. This doubles down on that commitment."

Snow adds that the service could also support attorneys themselves.

"We're in a loneliness epidemic coming out of COVID," she says. "This isn't just for clients. Even lawyers, who work in high-stress jobs, could use a confidential space to process what they're carrying."

For Snow, the work remains rooted in her earliest observations at NHLA.

"Even on the days you feel like you don't have a voice, this is a place where it matters," she says. "I hope clients leave with relief, and most of all, with hope."

When asked what advice she would give to other attorneys who may want to implement a similar model, Vacchi says a collaboration like this "yields positive ben-

PRACTICE *continued on page 26*

An Ode to Justice Souter: Champion of Civics Education

By Susan Leahy

On May 8, Justice Souter passed away, and tributes poured in from across the nation. His obituary captured the essence of the man: "The true meaning of his life can be found in the many lives he touched, the many friends he made and kept, and his decency and character that were so manifest, simple, and grounded."

A video published this July by the Supreme Court Historical Society of the United States, *Justice David H. Souter Remembered: A Tribute Conversation with Former Law Clerks,* highlights the decency, simplicity, and character that defined his life. Yet for those of us in New Hampshire, there is another part of Justice Souter's legacy that deserves to be remembered – his tenacity in championing the cause of civics education.

Unknown to many, he was a founder and guiding spirit behind NH Civics, working quietly but tirelessly until near the end of his life to ensure that young people in the Granite State, regardless of whether they pursue college, leave school prepared for the responsibilities of citizenship.

A Justice with Tenacity

Justice Souter's tenacity was evident in his work for civics education reform even while still serving on the United States Supreme Court. As early as 2007, he gathered with a small group of like-minded citizens in New Hampshire to address what he saw as a crisis: a generation of students leaving public schools unprepared for democratic self-government. Out of this early work, NH Civics was conceived. His particular concern was the erosion of civics instruction in New Hampshire's public schools.

He often pointed to the practical reasons for civic knowledge.

"How do you know who to call to fix your road if you don't understand that state roads require a call to the Department of Transportation and town roads to the town road agent?" he asked. But more often, he returned to the deeper rationale: without knowledge of government, democracy itself was at risk.

In his own words: "It is not that so many hours of school teaching guarantee good citizenship, but that no hours of civic instruction and no attention to current public issues is lethal to civic responsibility."

The Statement of the Case

Justice Souter captured his concerns most powerfully in a 2010 report for the New Hampshire Supreme Court Society's Civics Education Task Force, "The Compelling Need for Comprehensive Civics Education Reform in New Hampshire: Interim Conclusions." In the call for reform, he laid out the evidence, noting that young people with college experience vote at nearly twice the rate of those without it, leaving half of the rising generation effectively disengaged from the democratic process. He emphasized that the numbers show that two-thirds of young Americans who do not go on to college are disengaged from the most fundamental process of democracy.

He reminded us that civic neglect is a choice. Until the 1970s, American high schools required multiple civics and government courses. The decline began just as 18-year-olds won the right to vote, when an odd and counterintuitive view took hold – that schools make little difference in preparing citizens. But as the evidence of widespread ignorance mounted – two out of five Americans unaware of the three branches of government, only one-third able to name them – Justice Souter countered that civics education is essential. Without it, students resemble spectators at a baseball game with no knowledge of the rules. With no knowledge of the rules, "it would be tough to keep the attention of the folks in the bleachers, and at the end of the day the final score would make no sense. But telling the fans about the three-strike rule would make a world of difference."

The Call for Reform

In the call for reform and in countless conversations, Justice Souter argued that schools must do better:

- Civics should be taught starting in kindergarten and continuing through high school.
- Teachers should be trained and supported with strong curricula.
- Students should be engaged not only in classrooms but also in extracurricular and community service opportunities.
- Civics should once again be tested, lest it remain the "poor cousin" of math and reading.

He concluded with a warning, invoking Benjamin Franklin and Thomas Jefferson: "In the aftermath of the Philadelphia convention of the Constitution, [Franklin] was asked what kind of government the proposed Constitution would give us. 'A republic,' he answered, 'if you can keep it.' And in one sentence Thomas Jefferson explained how to lose it: 'If a nation expects to be ignorant and free ... it expects what never was and never will be.'"

Building NH Civics

From 2007 until the incorporation of NH Civics in 2016, Justice Souter was deeply involved. He joined the New Hampshire Supreme Court Society's Think Tank on Civics Education in 2008, which proposed making New Hampshire a national role model for civics education. In 2010, he authored the Call for Reform, and in September 2012 at the Capitol Center for the Arts in Concord, he delivered a memorable address on the importance of maintaining an informed citizenry, an address still widely quoted today.

Justice Souter's persistence bore fruit. In 2016, together with four other distinguished New Hampshire citizens, he formally incorporated NH Civics. The organization's mission – to engage New Hampshire students in understanding civics and inspiring lifelong civic engagement – reflects his vision.

His Legacy for Us

Justice Souter's words resonate as urgently now as when he first spoke them. He believed that civic knowledge and re-

CIVICS *continued on page 26*

Chris Johnson Named NHPD Executive Director, Prioritizes Staff Retention and Caseload Relief

By Scott Merrill

Chris Johnson, whose career has focused on securing access to justice for indigent defendants, took the helm as executive director for the New Hampshire Public Defender (NHPD) in July at a time when the organization faces high caseloads and challenges with staff retention.

"People arrive in a position like mine always at a very specific point in time with specific challenges," he says. "Right now, the caseload is getting unmanageably large, so the challenge is to confront this as well as staffing while maintaining excellence. We're struggling to reconcile those things and to make them compatible."

A California native, Johnson clerked after law school and then spent six years at the Southern Center for Human Rights in Atlanta, an organization dedicated to prison conditions, death penalty defense, and access-to-justice litigation across Georgia and Alabama.

"I did mostly death penalty cases there," Johnson recalls. "That experience really grounded me in the urgency of indigent defense."

In 2001, Johnson and his wife relocated to New Hampshire with their young daughter, where he accepted a combined faculty position at the Franklin Pierce Law Center (now the University of New Hampshire Franklin Pierce School of Law) and with the NHPD. While teaching he simultaneously served as head of the NHPD's appeals section.

"I really enjoyed that combination of teaching and practicing," he says. "I specialized in appeals, and teaching helped me master the subject. To be a teacher in a formal sense, I think, makes you understand the law much better yourself."

By 2012, when the law school's partnership with NHPD ended, Johnson chose to stay with the public defender's office full-time, leading its appellate work for more than a decade.

The Public Defender Models

In his new role, Johnson reflects on the different public defender models across the country. Some systems, he notes, are essentially high-attrition training grounds where young attorneys churn through heavy caseloads before leaving for other jobs. Others, like the Public Defender Service in Washington, DC, maintain low caseloads, add social workers, and approach defense holistically.

New Hampshire, Johnson argues, is a hybrid model that aspires to cover the majority of cases while maintaining a high standard of representation.

"I think it's the best of all possible worlds," he says. "We aspire to take substantially the whole caseload, but we also aspire to excellence in the quality of the representation. That's enormously challenging, but it's the right model for the state."

NHPD Structure and Scope

The NHPD traces its origins to the early 1970s, when New Hampshire experimented with indigent defense through a pilot program. Today, it operates as an independent nonprofit corporation under contract with the New Hampshire Judicial Council (NHJC). Its structure includes 11 trial offices across the state and a centralized appellate office.

Currently, the NHPD employs about 130 attorneys and 250 staff overall, including investigators and administrative support. Each year, the agency handles more than 28,000 criminal and delinquency cases – the vast majority of New Hampshire's indigent defense workload.

Rising Caseloads, Growing Complexity

The greatest challenge for the NHPD's 130 attorneys, Johnson says, is sheer volume. Attorneys routinely exceed the recommended 70 open cases per lawyer, and each case demands more time than in the past.

"Fifteen years ago, discovery might mean a police report or two," Johnson says. "Today, with body cameras, you can have hours of footage from multiple officers. It's a great tool, but it means each case takes much longer."

A New Model for Measuring Caseloads

For decades, the NHPD's contract with the NHJC set case limits based on the number of open cases per lawyer. That approach, Johnson says, no longer reflected the real workload.

This summer, the NHPD and the NHJC adopted a new unit system, which weighs misdemeanors, felonies, and homicides differently. An experienced lawyer may be expected to handle 600 units per year, while a newer lawyer is capped lower.

"The unit system is more sensitive and modern," Johnson explains. "When an office exceeds its allotment, we can close intake temporarily. It keeps us accountable to both quality and quantity."

NHJC Executive Director Jay Buckey agrees.

"It's not perfect, but it's a big step forward," he says. "It gives us real data to advocate for funding and helps prevent overload."

Budget Pressures and Intake Closures

The system arrives amid financial strain. The latest state budget left the NHPD short, forcing temporary intake closures. COVID-era attrition has worsened the problem, with dozens of attorneys leaving amid burnout.

When the NHPD cannot take a case – due to conflict or closed intake – private attorneys step in under NHJC oversight. Johnson points to Massachusetts, where public defenders handle only about a third of cases, as a cautionary example.

"Their bar advocates went on strike over inadequate pay," he says. "We're trying to avoid that here, but it requires consistent state investment."

Buckey echoes the concern.

"The public defender handles up to 85 to 90 percent of criminal defendants' legal cases," he says. "But when they can't, contract and assigned counsel are the backstop. That's why we raised hourly rates to $125–$150. It helps, but with attorney shortages across New England, it's not enough."

Pay and Retention

Retention remains one of Johnson's biggest concerns. According to the NHPD, it offers the lowest pay among public defender programs in New England states and is in the bottom quarter for pay nationally. In addition, the starting salary of $65,000 is lower than every county attorney office in the state.

"We need to be funded at a level where we can hire enough lawyers," Johnson says, explaining the Sixth Amendment guarantees the right to counsel. "It is a state duty to fund these services."

Buckey agrees.

"Our job is to make sure the state meets that constitutional obligation by building realistic budgets and supporting the public defender," he says.

Looking Ahead

Johnson sees a path forward through systemic reform and investment. Reclassifying some misdemeanors that don't carry incarceration could reduce demand, and technology like JusticeText – software that makes body-camera footage searchable –

JOHNSON *continued on page 26*

Judicial Branch Report Charts Course for Efficiency and Reform

By Tom Jarvis

The New Hampshire Judicial Branch has taken a major step toward reshaping its administrative structure, releasing a comprehensive report that lays out 27 recommendations for greater efficiency, stronger coordination, and improved technology across the state's court system.

The report, prepared by the National Center for State Courts (NCSC), was made public this month and approved by the New Hampshire Supreme Court (NHSC). It now provides a roadmap for reform that could affect everything from trial court administration to criminal case processing.

Photo by Tom Jarvis

Origins of the Review

The effort traces back to an April 2025 order by the NHSC directing a committee of judges and administrators to conduct a full review of Judicial Branch operations. NHSC Chief Justice Gordon MacDonald, Superior Court Chief Justice Mark Howard, Circuit Court Administrative Judge Ellen Christo, Circuit Court Judge Christopher Keating (serving as interim director of the Administrative Office of the Courts), Superior Court Administrator Jennifer Haggar, and Second Circuit Court Clerk Pamela Kozlowski were tasked with the work.

The order, citing the state constitution's grant of administrative authority to the judiciary, emphasized the need to "maximize the efficient use of resources to better serve the people of New Hampshire" and to identify opportunities to streamline administrative functions across the branch.

To assist in the effort, the committee engaged the NCSC, a nonprofit organization based in Williamsburg, Virginia, that supports state and territorial court systems nationwide. The NCSC regularly assists jurisdictions with structural reviews, technology planning, and the adoption of best practices, serving as a clearinghouse for judicial innovation.

Key Recommendations

The final report offers 27 recommendations, ranging from broad structural changes to targeted improvements in technology and case management. Among them:

- Clearly defining the authority of the Administrative Office of the Courts (AOC) and consolidating the Circuit and Superior Court administrative functions under the AOC.
- Developing and implementing a strategic plan to guide ongoing changes to the Judicial Branch structure.
- Establishing a committee to consider whether further unification of the trial courts would serve the public interest.
- Prioritizing adequate funding for the Information Technology Department and creating an IT governance structure to better coordinate projects and automation policies.
- Evaluating how the repeal of the "Felonies First" statute has affected efficiency in the courts and reporting those findings to the legislature.
- Exploring the use of early case resolution processes in criminal cases.

The NHSC has signaled that some recommendations will receive immediate attention, including administrative consolidation, strategic planning, technology improvements, and expanded use of e-filing and the branch's information centers.

Gathering Input

The report reflects input from both inside and outside the Judicial Branch. The NCSC conducted focus groups and interviews with judges, attorneys, court staff, and court users. Dozens of employees also submitted suggestions, many of which were incorporated into the recommendations. In addition, the review examined the organizational structures of court systems in other states, identifying models that might be adapted for New Hampshire.

Chief Justice MacDonald said the process and resulting report represent a turning point for the state's courts.

"This is an exciting time for New Hampshire's Judicial Branch," MacDonald said. "With the benefit of extensive input and outside expertise, we have a clear roadmap to implement meaningful improvements to our operations. I thank everyone involved for their contributions to this important effort."

A Wide Reach

The Judicial Branch is one of the largest public institutions in the state. It employs roughly 800 people, operates more than 40 courthouses, and handles about 150,000 cases annually. Its structure includes two trial courts – the Circuit Court and the Superior Court – alongside the NHSC and the AOC.

Given this size and scope, even incremental improvements could have broad effects on how efficiently justice is delivered. Streamlining administrative functions could reduce duplication across trial courts, while stronger IT governance may improve both internal operations and public access through e-filing. The exploration of early resolution processes in criminal cases could reduce caseload pressure and deliver faster outcomes for litigants.

What Comes Next

The NHSC will now consider each recommendation individually, deciding whether to implement changes by court rule or whether legislative action will be required. The report does not prescribe a specific timeline, but the justices have prioritized some areas they believe will deliver the most immediate benefits.

For court users, the practical impacts could range from simpler filing processes to quicker case resolution. For staff and judges, the reforms may mean new lines of reporting and more centralized support through the AOC. For the legislature, at least some of the recommendations may require statutory changes.

What is clear is that the conversation about efficiency and modernization will continue. The release of the report is not an endpoint but the beginning of what could be years of incremental reforms aimed at bringing the state's judicial system into line with national best practices.

The full report is available on the Judicial Branch website at **courts.nh.gov/sites/g/files/ehbemt471/files/documents/2025-09/nh-final-report-6.30.25.pdf**. ♦

The Perkins Coie Pity Party: Much Ado About Nothing

By William Gillespie

Poor Perkins Coie! But before we shed too many tears, let's compare Perkins' and its Amici's rhetoric with the facts. Perkins, a law firm of the shadiest ethics, whines when its lucrative government gravy train grinds to a halt. The situation is merely this: a client has ditched its attorney. But to the Amici, it's Armageddon. Yet their cries do not withstand even cursory scrutiny. Read on, and you'll see.

The Firm That Cried Wolf

Perkins wrings its hands, declaring that the Executive Order (XO) somehow violates law. But that theory is dead on arrival. For the XO limits its actions (at least seven times) "to the extent permitted by law," so any action actually prohibited by law may be ignored by Perkins.

And consider the gist of Perkins' complaint. It claims the government cannot fire it. What? A client has no right to terminate counsel? A simple demurrer, assuming an honest judge, ought to dispose of this case.

Perkins' position becomes yet more untenable when it whines that the government has taken away its security clearances and special access to federal buildings. Did Perkins really think it could keep these once its employment ended? A parallel example will clarify: a corporate employee gets to use the company car. When fired, he has to return it. But Perkins thinks it can keep the car!

And the XO puts no limits on Perkins in any way. Perkins can court any client it wants, and any client desirous of hiring Perkins may do so. The only exception is a firm already doing business with the United States. And this makes sense: as Perkins has proved itself untrustworthy, the United States wants to prevent any sensitive information given to its contractors from finding its way to Perkins.

A Leopard Doesn't Change its Spots

Amici paint Perkins in heroic terms. But its history reveals a firm of shoddy ethics. As but one example, Perkins foisted a fraud upon the public to skew the 2016 presidential election. This fraud, known as the Steele Dossier, brainchild of Perkins partner Mark Elias and funded by none other than Hillary Clinton, contained defamation of the basest sort against President Donald Trump (Elias has recently voiced agreement with Amici, to no one's surprise). Some might say yes, but that was in 2016. Yet Perkins never apologized for this vicious attack on democracy. And a leopard doesn't change its spots.

The Highfalutin Rhetoric that Rings False

In reading Amici's self-praise, I almost felt compelled to genuflect. Perhaps exaggerated rhetoric is needful when facts and law are lacking.

First, the grandiose language: "the XO poses a grave threat to our system of constitutional government and the rule of law itself." Wow! It gets even more dramatic: the XO visits "draconian punishment and devastating retaliation [on Perkins]." And there is a "looming threat" that lawyers will be "disbarred, prosecuted, and jailed."

Second, Amici paint themselves as heroes riding to the rescue "fiercely committed." They liken themselves to John Adams in his defense of the British soldiers in the Boston Massacre. They even lift a phrase from the Gettysburg Address "long endure," to liken themselves to Lincoln.

But Amici's premise is flawed. The XO inflicts no "devastating retaliation" or "punitive sanctions." A client is simply ditching counsel. The XO wrecks no careers and disbars no lawyers (the lawyers who have resigned firms "in protest" are simply naïve).

Polonius quipped, "Brevity is the soul of wit." Yet Perkins took 172 paragraphs and 42 pages to explain just how it was harmed. When a pleading in a simple matter takes that much ink, something is amiss.

Enter Judge [Beryl] Howell. She is an Obama appointee, the same Obama whose involvement in the Steele Dossier smear campaign has recently come to light. Yet she blithely dismissed Trump's concern about this attack on democracy as a "bee in his bonnet." She then concludes the XO is really a prelude to kill lawyers the government doesn't like! Not content with mere exaggeration, she further concludes the XO hinders Perkins' right to petition. Huh? But isn't Perkins' complaint a petition?

Other mega firms have dealt with various XOs by settling – Paul Weiss for $40 million, and Skadden Arps for $100 million. Perkins might read the writing on the wall and quit while the quitting's good.

Conclusion

Perkins' allegations are serious but crumble under even cursory analysis. A client simply ditched its attorney. So why the ballyhoo? I can only conclude that the toxic chant – "orange man bad" – like a drumbeat has bewitched Amici. My hope is that Amici, and Perkins itself, reconsider their positions and let law and reason prevail over emotion. ♦

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.

NEW HAMPSHIRE
BAR FOUNDATION NEWS

Bar Foundation Kicks Off Annual Appeal

NEW HAMPSHIRE BAR FOUNDATION
Strengthening Justice for All

October 9, 2025

Dear Members,

The freedoms we enjoy depend in large part on the rule of law and the ability of independent courts to uphold that principle. In turn, the courts depend upon the adversarial process to provide needed legal redress. Without skilled and educated attorneys representing their clients' best interests, framing appropriate arguments and abiding court rules, access to justice and the preservation of the rule of law are in jeopardy.

The New Hampshire Bar Foundation (the Foundation) administers the Interest on Lawyers Trust Accounts program pursuant to Rule 50 of the New Hampshire Supreme Court Rules. In its administration of IOLTA and as the philanthropic arm of the New Hampshire Bar Association, the Foundation has been working hard to preserve access to lawyers who can assist the disadvantaged with life-altering legal problems. It has also renewed its efforts to educate the public regarding the role of the courts and the judicial system generally.

We are seeking the support of long-term friends and encouraging new supporters to discover the many ways the Foundation is helping within your community. We are looking for your support to fund the following ongoing and new initiatives:

- Law School Loan Repayment Assistance Program (LRAP) - $30,000
- New Hampshire High School Civics Essay Contest - $15,000
- Law School for the New Hampshire Legislature - $5,000
- Civics Learning Center at the New Hampshire Supreme Court - $150,000

Now, more than ever, we need to put a spotlight on and encourage access to justice, the rule of law and civics education. Your tax-deductible donation to these programs can be made by either using the enclosed remittance form or by visiting our website at www.nhbarfoundation.org.

Thank you for your support.

Sincerely yours,

Scott H. Harris Esq., Chair
New Hampshire Bar Foundation
Board of Directors

Dedicated to Supporting Civil Legal Aid for the Disadvantaged and Law Related Education in New Hampshire

YOUR DONATION MAKES A DIFFERENCE!

When you give to the New Hampshire Bar Foundation, you're investing in the future of justice. Your support helps new lawyers serve those in need through the Law School Loan Repayment Assistance Program (LRAP), inspires students statewide through the High School Civics Essay Contest, administers the Law School for the New Hampshire Legislature Program, and brings civics to life through the new Civics Learning Center at the New Hampshire Supreme Court.

Every gift strengthens access to justice, nurtures civic understanding, and ensures the rule of law endures for generations.

SCAN THE QR CODE TO MAKE YOUR IMPACT TODAY!

Letter to the Editor

Differences of Opinion Can Be Learning Opportunities

Dear Editor,

Our colleagues are leaders in most aspects of ordinary life. Many senior lawyers serve in politics, academia, media, and every level of government. With recent events and continued societal polarization, we should take stock of how well we have done.

Those of us who were raised, trained, and taught during the cultural shifts of the Civil Rights and Vietnam eras inevitably learned through experience and by constant reminders that mere tolerance of different ideas is never good enough. To progress to a better society and individual life, we must celebrate differences.

Every facet of our civilization that we today consider good, and all the generally accepted norms of behavior, were initially introduced by a minority. We benefited and learned from those who disagreed with the majority of our predecessors. But for their willingness to engage in debate, we would still be segregated by race, religion, creed, or ethnicity – an ugly world.

We have not done right by the younger generation through our own words and deeds. As a people, we have degenerated into claiming moral superiority over those who dare to disagree, as if we are the divine keepers of the wholesome truth. It is this dehumanization of any opposing view which manifests as license to ignore, ridicule, and too often resort to violence rather than engage.

Today, I am a genocidal fascist for my support for Israel. Yet I know that those who consider me a vile human being unworthy of life itself can be people of goodwill who support the Palestinian cause. We must again learn that differences of opinion do not render me evil, nor make another an antisemite.

Please lead better. Manifest your goodwill through your words and your deeds. ♦

– Tony Soltani

The views expressed in letters to the editor are solely those of the authors and do not reflect the views of the NHBA or its members.

Community Notes

Tim Gudas Elected Vice President of the NCACC

New Hampshire Supreme Court Clerk of Court Timothy Gudas was elected Vice President of the National Conference of Appellate Court Clerks (NCACC) at the organization's recent annual meeting in Albuquerque, New Mexico.

Gudas has served as clerk since January 2020, following nine years as deputy clerk. From 1997 to 2011, he practiced civil and appellate litigation at Sulloway & Hollis, PLLC, in Concord. Earlier in his career, from 1996 to 1997, he was a law clerk to New Hampshire Supreme Court Justice Sherman Horton, Jr.

He earned his BA from Dartmouth College in 1989 and his JD from Boston College Law School in 1994. Gudas is a member of the New Hampshire Bar Association's Committee on Cooperation with the Courts and serves as an officer of its Appellate Law Section.

An active member of the NCACC since 2014, Gudas has served on the Executive Committee, the Program Committee, the Convention Assistance Committee, the Strategic Planning Committee, and others. In 2024, he organized and hosted the NCACC's 51st annual conference in Burlington, Vermont.

Founded in 1973, the NCACC is dedicated to enhancing the skills and knowledge of its members, promoting effective court administration, facilitating the exchange of ideas, and providing resources for the dissemination of information on appellate court operations. Its membership includes state, federal, military, and tribal appellate and supreme court clerks from across the United States, the District of Columbia, and US territories. ♦

LawLine

Orr & Reno LawLine volunteers are pictured. Back row, from left: Stephanie Brown, Jim Laboe, George Roussos, Bob Carey, Michaela Dunn, and Peter Burger. Front row, from left: Lisa Bourcier, Lindsay Nadeau, and Elizabeth Vélez. Not pictured: Steve Winer.

The New Hampshire Bar Association thanks Family Legal Services and Orr & Reno for the very successful LawLine event held on September 10. Thanks to their efforts, 56 calls from residents across the state were answered on a wide range of topics, including defamation, contract litigation, divorce procedures, and mental health law.

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 would love to have you join us! To learn more or to volunteer, please contact NHBA LawLine Coordinator Amanda Adams at **aadams@nhbar.org**. ♦

Jest Is For All — by Arnie Glick

"As part of my estate planning lawyer costume this Halloween, I have a power of attorney form for you to sign to authorize me to distribute all of your remaining candy."

The Bar News Crossword by James P. Mulhern

Here are the answers to the *Bar News* Crossword from the September 2025 issue (Vol. 36, No. 4), along with a new puzzle. Did you fully solve the September crossword? Tell us how you did or give feedback at **news@nhbar.org**.

■	1 B	2 A	3 G	■
4 M	E	T	R	5 O
6 L	A	B	O	R
7 B	R	A	V	E
■	8 D	R	E	■

1	2	3	4	5
6				
7				
8				
9				■

ACROSS
1. Halloween choice #1
6. Blathered away
7. World-weary feeling
8. Proficient
9. Razed, with "down"

DOWN
1. Halloween choice #2
2. Unknown person, in modern slang
3. Word before ear or peace
4. Sporty car
5. Fabricate, as a scarf

Welcome to WADLEIGH!

WADLEIGH STARR & PETERS
Attorneys since 1899

Elizabeth J. Bedsole

Elizabeth graduated from the University of New Hampshire Franklin Pierce School of Law in May 2025 as a Daniel Webster Scholar and was honored with the National Association of Women Lawyers Outstanding Law Student Award. During law school, she gained hands-on experience as a Rule 36 student attorney in the UNH Advanced Criminal Practice Clinic and served as a summer associate at Wadleigh.

Colette Polezonis

Colette graduated from the University of Connecticut School of Law in 2025. During law school, she served as a certified legal intern at a Hartford firm and advocated through the UConn Law Animal Law Clinic. She joined Wadleigh as a summer associate before coming on board full-time.

wadleighlaw.com

95 Market St., Manchester, NH 03101
P: 603-669-4140 F: 603-669-6018

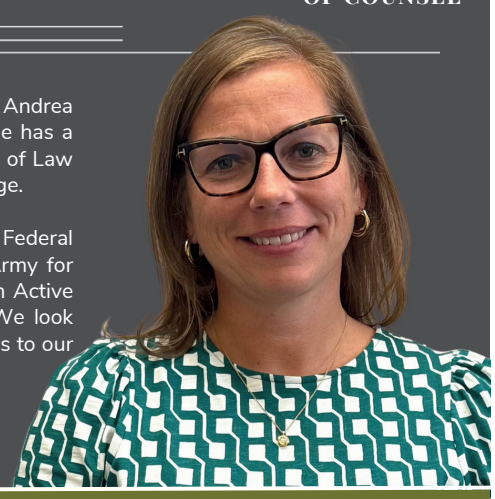
DEVINE MILLIMET
ATTORNEYS AT LAW

ANDREA SAGLIMBENE
OF COUNSEL

Devine Millimet is pleased to welcome Andrea Saglimbene to the firm. Attorney Saglimbene has a Juris Doctor from University of Maine School of Law and a Master's Degree from Army War College.

Andrea has advised, litigated, and taught Federal Employment Law as a civilian in the U.S. Army for many years and held various positions as an Active Duty and Reserve Army Judge Advocate. We look forward to the valuable experience she brings to our Corporate Department.

asaglimbene@devinemillimet.com
603.695.8516



MANCHESTER | CONCORD | PORTSMOUTH

DEVINE MILLIMET
ATTORNEYS AT LAW

Welcome!

We are pleased to welcome Andrea M. Van Iten to Devine Millimet! Andrea has a Juris Doctor from Roger Williams University School of Law and will be located in our Downtown Manchester office.

Andrea joins our Trusts & Estates team, bringing with her extensive experience that will be a tremendous asset to our clients.

603.695.8519
avaniten@devinemillimet.com
www.DevineMillimet.com

ANDREA VAN ITEN
OF COUNSEL

MANCHESTER | CONCORD | PORTSMOUTH

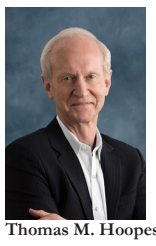
LIBBY HOOPES BROOKS & MULVEY

Welcome, Brandon F. Chase!

We're pleased to welcome Brandon F. Chase as Of Counsel at Libby Hoopes Brooks & Mulvey, P.C. Brandon and the rest of the LHBM team look forward to serving clients from both our Boston office and our new location in Concord, New Hampshire.

Brandon joins us from his senior position with the New Hampshire Attorney General's Office, bringing significant experience in high-profile, complex litigation and government investigations. We are excited to have him on board and look forward to the expertise and perspective he brings to our clients and our team.

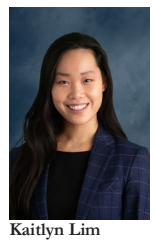

Frank A. Libby, Jr.

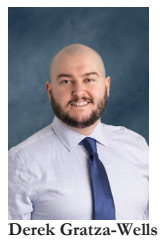

Thomas M. Hoopes


Douglas S. Brooks


Elizabeth N. Mulvey


Sarah M. Milkovich


Kaitlyn Lim


Derek Gratza-Wells

260 Franklin Street
Boston, Massachusetts 02110
Telephone: 617- 338-9300
Fax: 617-338-9911

100 North Main Street
Concord, New Hampshire 03301
Telephone: 603-968-5134
Fax: 617-338-9911

LIBBY HOOPES BROOKS & MULVEY, P.C.
lhbmlegal.com

DEVINE MILLIMET

ATTORNEYS AT LAW

Welcome!

We are thrilled to welcome Jonathan C. Maloberti to the firm as an Associate in our Litigation Department. Jonathan previously worked with us both as a Summer Associate and as an Intern, and we are fortunate to now have him continue his career here at Devine Millimet.

As part of our Litigation Team, Jonathan will represent clients in a wide range of matters, including Probate, Family Law, Criminal Defense, and commercial disputes. We are excited to have him on board and look forward to his contributions to our team and clients.

603.695.8503
jmaloberti@devinemillimet.com

JONATHAN C. MALOBERTI
ASSOCIATE

MANCHESTER | CONCORD | PORTSMOUTH

DEVINE MILLIMET

ATTORNEYS AT LAW

Welcome!

We are excited to welcome back Attorney Joe Rheaume to Devine Millimet!

Joe will be concentrating his practice on Employee Stock Ownership Plans (ESOPs), mergers and acquisitions, and a broad range of corporate matters.

We look forward to his valuable contributions and expertise in these areas.

603.695.8515
jrheaume@devinemillimet.com
www.DevineMillimet.com

JOE RHEAUME
OF COUNSEL

MANCHESTER | CONCORD | PORTSMOUTH

SHEEHAN PHINNEY

Sheehan Phinney **WELCOMES** Mark Bartram to our Estate Planning Group

Mark Bartram is an accomplished attorney who focuses his practice on trusts and estates with extensive experience in estate planning, trust and fiduciary administration, and probate matters. He works closely with individuals and families to design and implement strategies that preserve wealth, minimize taxes, protect assets, and achieve charitable and legacy planning goals.

Mark Bartram
Estate Planning Attorney

603.627.8326 / mbartram@sheehan.com

Boston / Concord / Manchester / Portsmouth / Upper Valley

SHEEHAN.COM

COHEN & WINTERS

ATTORNEYS AT LAW

Is very pleased to announce that

Attorney Melaney Hodge

has become a Partner in the firm.

64 North State Street, Concord, NH 03301 • (603) 224-6999 • www.cohenwinters.com

After Acceptance, Action – That's Lawyer Wellness

By Kirk Simoneau

After I wrote about wellness in the August issue of the *Bar News*, many of you emailed or called to congratulate me for being open and honest, and for sharing some difficult things I've had to accept. Accepting our hard things, I explained, is the first step to living a brilliantly absurd life. You see, as it turns out, lawyers are not known for being open or honest. We aren't known for embracing our imperfections. Perhaps that's why so many people, including Shakespeare, dislike us. Perhaps that's why we dislike ourselves so much. We aren't genuine.

After all, study after study shows we are an unhappy bunch. Maybe that unhappiness is due not only to our clients' loads, but also to our own. Loads we don't share. Loads we hide. Loads we ignore. Last time, I urged you to face your absurdity, but acknowledging the absurdity of your life is only the first step. Acting brilliantly about it is another.

If you want to be brilliantly absurd, you must figure out what to do about – and with – the thing you have finally forced yourself to accept. Oftentimes, that means seeking out a medical or mental health professional. Reach out to the New Hampshire Lawyers Assistance Program, your local minister, or even dial 211. I have. Not 211, but I have sought all kinds of professional help. I even did a spinal cord stimulator trial. I'm still in a lot of pain most days. That's life. Getting better doesn't always mean getting fully healed.

Absurdities, physical and psychological, linger. Even if time does heal your wounds, sometimes those wounds scar up ugly. Being brilliantly absurd means figuring out how to live a full life with, not despite, those ugly scars. So, at the risk of getting more support from the legal community for being "brave," let me tell you what I did with my ugly scars once I got to a point of not fully healed.

The Story of the Red Sneakers

Almost 15 years ago, I injured myself. I was coaching my daughter's basketball team and I wanted to show the kids that, even though I was old, I could dunk. I never could dunk, but my ego figured I could. I leapt. I missed. I landed. My left leg hurt. Mainly, just above my ankle. Long story short: CRPS. You can Google it. Trust me, it sucks.

And then life changed. It became really absurd. Some of you may remember me using a knee walker and my partners calling me Scooter. Some of you may remember me switching from wingtips to black, nondescript sneakers. I copied that after seeing David Boies in Reeboks at an ABA event. Regular shoes, regular lawyer shoes, just hurt too much. Still do. That was the beginning. It was a hard time, but I learned to function. I kept moving.

But I was trying to pretend I was okay. Think about it: black, nondescript sneakers? I didn't want to draw attention to myself, to my growing disability. I'm willing to bet there's something you are pretending about so you can conform. Isn't there? I mean, we don't want anyone to know we have a weakness, an imperfection. That might hurt a case or cost us a partnership. We, after all, are lawyers.

So, there I was pretending I was just any other lawyer, when opposing counsel and I passed one another at counsel table. The exhibit in his hand brushed my left leg. Barely. Innocuous. Innocent. Painful. The pain grew and grew. The hearing ended. I went to the men's room. I cried. I really cried. I even lay on that floor, curled in a ball, sobbing. Yes, a floor where lawyers and criminals stood to pee. It was awful. I lay there, in real agony, for ten minutes, maybe more. I collected myself and went home.

At dinner that night, my family up-

WELLNESS *continued on page 20*

CONGRATULATIONS TO BRYAN K. GOULD, ASSOCIATE JUSTICE OF THE NEW HAMPSHIRE SUPREME COURT!

The attorneys, staff, alumni and family of Cleveland, Waters and Bass, P.A. join together in extending Bryan our heartfelt congratulations on this well-deserved honor. We are deeply proud of Bryan's achievement and know that his unwavering ethics, commitment to justice and dedication to public service will make him an asset to our highest court. While we will miss his voice, guidance and wit around our table, we are confident the citizens of New Hampshire will be very well served by Bryan's intellect, thoughtfulness, and integrity.

C|W|B

CLEVELAND, WATERS AND BASS

ATTORNEYS AT LAW

2 Capital Plaza, 5th floor, Concord, NH 03301 | Phone: 603-224-7761 | www.cwbpa.com

Also with offices in Dover and New London, NH

As Winter Approaches, Take Your Wellness Routine Back to Basics

By Charla Stevens

When speaking with lawyers about how to enhance mental health and well-being, we often face resistance with practitioners saying, "I don't have the time for a fitness or wellness routine" or "my clients and coworkers won't support my taking time for that."

Although establishing a routine and devoting proper space in your schedule for exercise, sleep, meditation, therapy, or whatever you need is certainly best, when it comes to mental health, something is better than nothing.

By taking your fitness and wellness routine back to basics, you can make incremental changes that can be very beneficial. It is sometimes easier to think about things like exercise and de-stressing in small pieces rather than overwhelming yourself by deciding that ninety minutes of exercise a day needs to be crammed into your already busy schedule.

Speaking from experience, although running can do wonders for your physical and mental health, adding a goal of running a marathon or triathlon does not free up time or make you forget about everything else you need to do.

The following are some suggestions about how to add small intervals of respite into your day:

Exercise

If you live a sedentary lifestyle and don't regularly incorporate exercise into your routine, think about getting up from your desk and taking a ten-minute walk outside.

Get a fitness app (I am partial to Peloton but there are so many others), which offers a number of different modalities that you can use during the day or evening. Close your office door and do ten minutes of chair yoga, a standing stretch, or a ten-minute meditation.

Reduce Stress

Although a telehealth therapy session or a chair massage might be more beneficial when you are overwhelmed, you can take five minutes to sit in your chair with your feet on the floor and do some box breathing.

Listen to a motivational meditation or some calming music. Pop your earbuds in and listen to white noise while you close your eyes and try to regulate your breathing and heart rate.

Interact with Others

Take a walk around your office and say hello to people. Even when working in the office, we have become more and more isolated. We eat at our desks if we eat at all, schedule ourselves without breaks during the day, and stay in our closed-door offices grinding out work.

When I worked in an office that occupied four floors, I would often walk up the stairs from my ninth-floor office to the twelfth floor to see if anyone was around to say hi to. Even if no one had time to talk, I had gotten myself moving for a few minutes. Make it a point to grab lunch with someone once a week, even if it is just a sandwich in the park across the street.

Get Fresh Air

Especially in the winter months when we start and end our workdays in the dark, it is critical to get outside during the day. Take a walk down the street to grab a coffee or forego that fast food lunch for a smoothie you can drink while walking around the block. A walk in the cold can be invigorating.

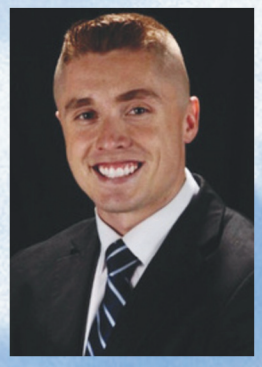
The danger is allowing a busy schedule to rob you of making beneficial changes. Set your watch or phone to tell you when it's time to move for five minutes. Schedule downtime on your calendar and use the many technological tools available to make small changes which can have big benefits. ♦

Charla Bizios Stevens is a retired attorney who consults with companies on workplace issues. She is a member of the ABA Section of Litigation's Mental Health and Wellness Committee, chair of the NHBA's Special Committee on Attorney Well-Being, and a commissioner of the New Hampshire Lawyers Assistance Program. She can be reached at ***charlastevensconsulting.com****.*

NEW HAMPSHIRE BAR ASSOCIATION

LEADERSHIP ACADEMY

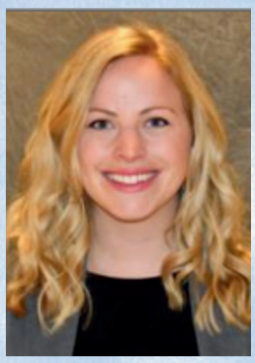
Welcome Class of 2026



Leif A. Becker
Becker Legal

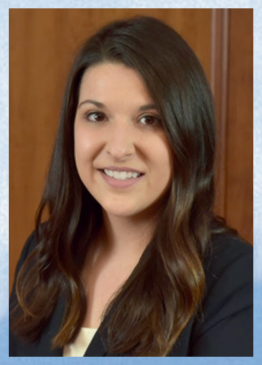
Nicole M. Bluefort
Bluefort Law

Justin R. Braga
Hinckley Allen



Katelyn N. Brown
Rockingham County Attorney's Office

Rebecca K. Dowd
Schwartz & Associates



Katheryn E. Dumais
Chisholm, Persson & Ball, PC

Julia W. Hawthorne
603 Legal Aid

Madeline K. Matulis
Upton & Hatfield

Ariana J. McQuarrie
Alfano Law

Cassandra A. Moran
Rath, Young & Pignatelli

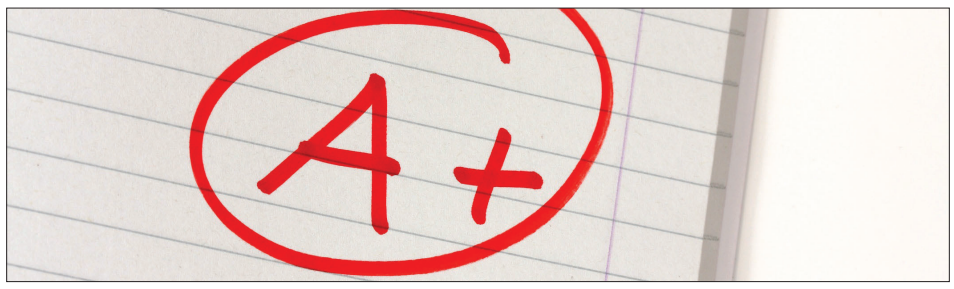
Christopher D. Morrow
Southern New Hampshire University

Mark E. Waldner
Cleveland, Waters and Bass

Graham W. Steadman
McLane Middleton

Rocktober: When Grades Rule the Hallways

By Bethany Hartt



As the foliage approaches peak season across the Granite State, the University of New Hampshire Franklin Pierce School of Law (UNH Law) students relentlessly plod through October, hoping to survive what feels like the longest month of the year. By the time leaves litter the sidewalks in White Park, students will know if they've grasped the first few weeks of material – or not.

October usually marks the first round of midterm exams and assignments. Students contemptuously refer to the month by a moniker not suitable for print. Some have attempted to rehabilitate and rebrand it as "Rocktober" – but it hasn't caught on. Naturally accompanying these October assessments is the concomitant and perpetual chatter about grades.

Daniel Webster Scholar and 2L Conner Shipp says that he tries "not to discuss grades with anyone for any reason" and that "[nothing] positive ever comes from it."

However, Shipp acknowledges the reality that "most courses ... are subject to a B-mean, which inherently ties our academic performance *to each other*."

While UNH Law is often a reflection of the state's collaborative bar of attorneys, this inherent competition repeatedly tests the limits of our collegiality.

It's impossible to ignore that practicing law is frequently about winning. So, is it wrong to loathe the inevitable posturing when grades hit our inboxes, or the not-so-subtle fist-pumping outside exam pick-up? There's an omnipresent tension between reveling in hard-won self-confidence and teetering on the edge of boastfulness.

Fortunately, UNH Law students certainly don't engage in ruthless behaviors, well-documented in law school memoirs and Reddit threads alike.

Notwithstanding the more considerate culture at the law school, Shipp says, "I have certainly been subjected to and overheard commentary [about grades] ... I think it's healthy to have pride in your academic success, but you should also be respectful of the boundaries and wishes of other students."

For some, the incessant conversations about grades are merely distracting. For others, they can be destructive.

Alumni and future employers – don't despair – UNH Law is not totally devoid of competitive spirit. There is ambition in spades. But that ambition within the law school vortex can reduce a person's self-perception to a single letter grade.

That's why Professor Sophie Sparrow addresses that issue head-on with students.

Professor Sparrow is one of the law school's most iconic and revered professors. Everyone deserves to take at least one course from her before graduation. The way she teaches makes the material unforgettable. This is not surprising, as she is a leading voice in teaching innovation in law.

Professor Sparrow reports her own law school experience "wasn't great."

The reading she did outside of class was never covered in the classroom and the final exam questions seemed to be pulled from thin air. She resolved to do better for her students and offers reminders throughout the semester to relish the process of learning.

Professor Sparrow regularly shares a story with her first-year classes about a former 1L tort student who dropped out of law school because "it was just too much." He dropped out in October, waited a year, and then came back and succeeded.

"I'm just focusing on learning; I'm not comparing myself and always coming up short," the student said when Professor Sparrow asked him what allowed him to come back and endure.

"Many law students have never encountered so many people like themselves – people who want to do well and work hard," says Professor Sparrow.

When grades are released, it can suddenly and radically alter a person's perspective on their core identity. She says that when the topic of grades comes up, "the [class] room gets *very* quiet."

Professor Sparrow capitalizes on that silence and reminds students that if they "work hard and are invested in [their] learning and I can tell [they] are engaged, I will write [them] a *great* recommendation."

While grades maintain importance to attain certain employment outcomes, Professor Sparrow writes these letters of recommendation because she knows that employers seek out recent graduates who exude integrity, grit, and self-reflection.

Although A+ grades on the curve are in short supply, a shortage of intelligent, impressive, and resilient students at the law school is not.

Happy Rocktober. ♦

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.

LAWYER REFERRAL SERVICE

Build Your Client Base with LRS

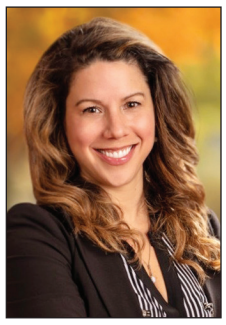
800-1,000 Referrals Made Monthly

- Receive referrals in your practice areas
- Set your own fees with LRS Full Fee program
- Choose which cases to accept
- Help people in need through LRS Modest Means program

Learn more at nhbar.org/join-lawyer-referral-service or contact LRSreferral@nhbar.org

IRS Issues New 401(k) Rules for High-Earning Attorneys: What You Need to Know

By Valerie McClendon



As of January 1, 2026, a significant shift is coming to retirement planning for high-income earners, including many private practice attorneys and in-house counsel. Among many other provisions, the SECURE 2.0 Act introduced a new requirement that catch-up contributions made by "high earners" to employer-sponsored retirement plans must be made on a Roth (after-tax) basis. This development affects not just financial planning, but may also require proactive steps from law firms and legal departments alike.

The Basics

Standard 401(k) contributions are the regular, annual deferrals employees can make to their 401(k) plan, currently capped at $23,500. Catch-up contributions, on the other hand, are additional amounts (up to $7,500) that workers aged 50 and older can contribute on top of the standard limit. Catch-up contributions are designed to help older employees accelerate their retirement savings as they near retirement age.

Currently, catch-up contributions can be made in *either* pre-tax or Roth (after-tax) form. However, starting January 1, 2026, catch-up contributions for high earners may *only* be made as Roth 401(k) contributions. High earners are defined as anyone who earned more than $145,000 in FICA wages in 2025.

What This Means

Beginning in 2026, pre-tax catch-up contributions will no longer be available to high-income earners. Standard 401(k) contributions of $23,500 may still be contributed on a pre-tax basis. The definition for who a high-income earner in 2026 is based on the compensation earned in the year prior (2025).

Why This Matters to You

For many attorneys, whether they own their own practice or are employees in medium-to-large firms, $145,000 in compensation is exceeded in a calendar year. That means their future 401(k) catch-up contributions will be required to be made as Roth, *causing those funds to be taxed in the year contributed, as opposed to deferring those taxes*. However, the invested funds and subsequent growth will be tax-free at distribution, assuming the funds are invested for at least 5 years.

This is a marked departure from traditional tax deferral strategies and presents a few considerations:

1. **Higher Current-Year Taxes** – Since Roth contributions are made with after-tax dollars, high earners will see increased current-year tax liability.
2. **Plan Participation Requirements** – If the employer-sponsored retirement plan does not include a Roth option, high earners will be barred from making catch-up contributions entirely. That could disproportionately impact solo practitioners or small firms with less robust retirement plans.
3. **Administrative Burden** – Law firms that sponsor retirement plans will need to coordinate with both their payroll providers and their plan administrators to ensure that Roth options are available and properly coded for affected employees. Mistakes could lead to plan compliance issues and time-consuming corrections.

Super Catch-Up

Another provision of SECURE 2.0 this year introduces a *super catch-up* for individuals aged 60 to 63. Eligible participants may contribute an extra $3,750, in addition to the $7,500 catch-up, for a total catch-up contribution of $11,250. For high-income earners, these must be Roth contributions as well, starting in 2026.

Action Items

Given these upcoming changes, law firms and attorneys should begin preparing now. Here are a few key steps:

- **Review Plan Documents** – Ensure your firm's retirement plan offers a Roth 401(k) feature. If not, work with your plan provider to implement one before 2026.
- **Educate Staff and Partners** – Inform affected employees about the upcoming change, particularly those nearing retirement age who may be relying on catch-up contributions.
- **Payroll System Updates** – Coordinate with HR or your third-party administrator to ensure payroll systems are equipped to track compensation thresholds and enforce Roth-only contributions where applicable.

While the intent behind the new rule is to boost tax revenue in the short term, it forces private practices to make sure they have their administrative ducks in a row, and prompt high-income earners to reconsider their retirement strategies. For lawyers, particularly those nearing retirement age, this could mean the end of a tax-deferral strategy they've relied on for years.

These upcoming changes make it important for firms and attorneys to review their retirement plans and compliance procedures to avoid complications and ensure eligibility for future catch-up contributions. ♦

Valerie McClendon is the Director of Retirement Plan Design for Financial Strategies Retirement Partners (FSRP) in Bedford. She has over 25 years of experience as a qualified plan design and IRS compliance specialist. With extensive experience in 401(k), 403(b), and Cash Balance Plans, her goal is to improve retirement planning through stronger oversight, thoughtful design, and a better overall participant experience. She can be reached directly at 603-627-1463 or at ***val@fsrp.net****.*

■ WELLNESS *from page 14*

dated one another about our days. Someone got an A in history. Another heard a bad word. Our youngest asked for a horse again. My wife said no to the horse, corrected the pronunciation of the bad word, and applauded the A. I told the story of crying on the bathroom floor.

My oldest, nine or so at the time, smiled. No, she wasn't happy I was in pain, but she really perked up. She had an idea. If I wore bright red sneakers, everyone would notice and no one would ever bump into me, and I wouldn't have to cry anymore.

Brilliant. Absurd.

That night, we went out and bought the first pair. Red, low-top Chuck Taylors. I still have them. I have 50 different pairs of red sneakers now. Not once since has anyone bumped into me. Admittedly, the red cane I now must use probably helps too. The point is, I leaned in.

I stopped pretending I was just another lawyer, just normal. As most of you know, I've turned the whole thing into a personal brand. My firm is Red Sneaker Law, PLLC. It's in the name of my website. My logo is a pair of red sneakers hung over the scales of justice. Leg still hurts. The thing is spreading. Scars are still there. But I use them. My clients, often disabled themselves, know I understand their situations. I let them see me and that lets me help them.

What then, just as I asked you last time, do you need to own and start to take control of? What's your ugly scar? Seriously, think for a minute or an hour or a day or even for the rest of the week, but name it.

Then, when you're ready, do the harder part. What do your red sneakers look like? What are you going to do with your scar, your hard thing? What is your brilliantly absurd? ♦

If you or a client needs a keynote speaker and want to learn more about being brilliantly absurd or Kirk's red sneakers, email him at ***kirk@redsneakerlaw.com****. And yes, he's expensive.*

Under the Hood of AI: What Lawyers Need to Know

By Ian Reardon

Artificial intelligence is becoming part of daily practice for many lawyers. From drafting emails to summarizing case law, new AI tools like ChatGPT are showing up everywhere. Many attorneys use these tools casually, typing in a question and hoping for the best. But just as you wouldn't use a new research database or case management system without first learning how it works, you shouldn't rely on AI without understanding at least a little about its mechanics.

Looking underneath the hood doesn't mean earning an engineering degree. It means learning enough about the basic mechanics of these tools, what they do well, and where they fail. With that foundation, you can write better prompts, get more reliable answers, and use AI in ways that complement your professional judgment.

What's Behind Tools Like ChatGPT?

At its core, AI is powered by a large language model (LLM). An LLM is basically a very sophisticated prediction machine. It doesn't *think*. Instead, it predicts what word is likely to come next based on the massive amount of text it has already read. For example, with the text *I like peanut*, an LLM predicts *butter* because it has seen *peanut butter* countless times.

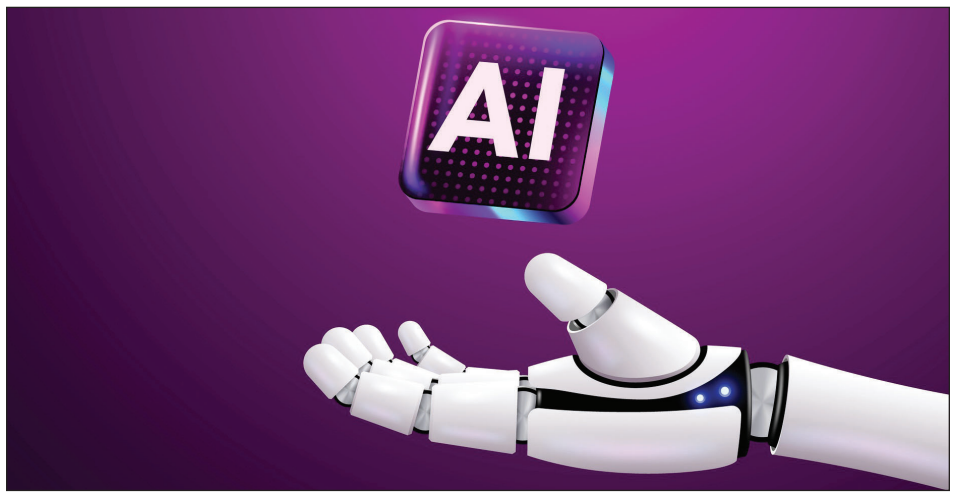
These LLMs are trained on an incomprehensible amount of text – webpages, books, articles, and essentially anything engineers could gather. The idea is simple: the more data an LLM receives, the better it gets at spotting patterns and predicting words. But the training itself is anything but simple. It takes data centers full of powerful computers running flat-out for weeks or months. That's why only a few large companies, like Google, Microsoft, and Meta (Facebook), have the resources to build these LLMs. In fact, almost all other "AI tools" are powered by just a handful of LLMs. So when you see custom AI products for attorneys, they are usually just another tool built on top of ChatGPT or one of the few other LLMs.

A simple analogy helps. An LLM is like a pianist who has practiced millions of songs. It doesn't *know* music theory the way a composer does, but it can predict which notes usually follow and play them smoothly. The performance can sound impressive, but deciding whether the piece fits the occasion, and how to interpret it, is still your job.

This means that when you get a solid answer, it's not because the model understands law, but because it has seen similar text before. Understanding this point is critical: LLMs aren't legal experts, but pattern recognizers.

Why Context Matters

If you've used ChatGPT, you've probably noticed that sometimes it gives a clear answer, and other times it rambles or invents a case. The difference usually comes down to context – what information you provide.



Think of it this way: during training, the model reads massive amounts of text – that's like law school for the AI. But when you ask it a question, it doesn't go back and search all that material. Instead, it only works with the words you put in your prompt and what's been said in the conversation so far. That "working memory" is called the context window.

The more useful details you put into your prompt – names, facts, statutes, and the specific issue you care about – the better the answer. Ask, "Summarize this case," and you'll get something generic. Ask, "Summarize this case focusing on RSA 458-C and how the court applied it to child support," and you'll get something much more precise.

Where LLMs Fall Short

Of course, LLMs have limits. Because they're trained on large but finite sets of text, the deeper or more obscure your question, the less reliable the answer becomes.

It's like Shepardizing: heavily cited precedent is reliable, but with a rarely cited 1920s case, the resources thin out, and results may be incomplete. LLMs are the same way. They shine when dealing with common, well-documented knowledge but falter when the subject matter is niche or under-represented in their training data.

That's why digging deeper often leads to weaker answers. Asking about the broad principles of child support will likely give you clear explanations. Asking about how a specific county probate judge ruled in a 2014 unpublished order is much less likely to yield anything useful.

Recognizing this boundary keeps you from wasting time or, worse, relying on answers that appear polished but are inaccurate.

How Lawyers Can Write Better Prompts

If you know how LLMs work and where they fall short, you can shape your questions, your prompts, to get better results. Think of prompting as issue-spotting: the clearer the issue you present, the better the response you'll get.

Here are some practical examples from law practice:

1. When drafting a client letter: Instead of asking, "Write a letter to my client about discovery," you could say, "Draft a letter to my client explaining that the discovery deadline is 30 days away, that we need to produce bank statements, and that failure to do so could harm her case. Use a professional but reassuring tone." The difference in quality will be night and day.
2. When summarizing case law: Rather than typing, "Summarize *Smith v. Jones*," try, "Summarize *Smith v. Jones* (NH 2019) in under 200 words, focusing on how the court applied the statute of limitations to a malpractice claim." You'll get a focused summary aligned with your actual research needs.
3. When brainstorming settlement language: If you ask, "Write a settlement clause," you'll receive something generic. But if you prompt, "Draft three alternative settlement clauses dividing retirement accounts, ensuring compliance with ERISA and written in plain English," you'll get specific, practical options to work from.

These examples highlight the larger lesson: the more specific and contextual your prompts, the more useful the AI's answers.

Tools Are Only as Good as Their Users

AI will not replace lawyers any more than Westlaw replaced legal research. It's a tool, a powerful one, but still a tool. Think of it as having the world's biggest law library with your own research assistant. The assistant doesn't argue your case or decide what's relevant. It just gives you the raw material you're asking for. The judgment call is still yours.

By recognizing what an LLM is (and isn't), why context matters, where it falls short, and how to prompt it effectively, you can avoid frustration and make AI work for you. For lawyers willing to learn a little about the machinery behind the curtain, the payoff is clear: better answers, more efficient drafting, and more time to focus on issues that really matter.

Note: Ethical rules around the use of AI in law practice are still evolving. It is your responsibility to ensure that any use of AI complies with the rules of professional conduct. ♦

Ian Reardon is a member of Schoff & Reardon, PLLC, in Portsmouth. He has a degree in computer science and a background in software engineering.

In Memoriam

Gregory A. Felice

Gregory Alan Felice, 42, died unexpectedly on September 2, 2025.

Born December 29, 1982, in Sacramento, California, he was the son of Francis and Dawn Felice. He moved with his family to England in 1985 and later to Tabb, Virginia, while his father served as a pilot in the Air Force. The family relocated to Trussville, Alabama, in 1990, where Greg attended Hewitt Trussville Schools and later Auburn University, becoming a loyal Auburn football fan.

In 2002, he moved with his family to Hyde Park, New York, and continued his education at Dutchess Community College, SUNY Oneonta, and UMass Law School, where he earned his law degree. He practiced law in New Hampshire before returning to Hyde Park, where he later worked as a carpenter – a trade he thoroughly enjoyed.

Greg is survived by his parents, Dawn and Francis Felice; his sister, Skyler Felice; his sister-in-law, Laura Felice, and nephew, Chace Felice; his maternal grandmother, Norma Shore; and many loving aunts, uncles, and cousins. He was predeceased by his brothers, Michael (2005) and Jonathan (2020); his paternal grandparents, Joseph and Ruth Felice; and his maternal grandfather, Garrett Entrup.

A free spirit, Greg loved the outdoors and was a staunch believer in our Constitution and Bill of Rights. He enjoyed skiing, hunting, fishing, camping, and golfing. In younger years, he played ice hockey and was a member of the drum line at Hewitt Trussville High School. He loved classic rock, was an avid reader, and enjoyed movies and documentaries.

Greg had a kind heart and many friends he cared deeply for throughout his life. He will be greatly missed.

Funeral services were held on September 9 in Hyde Park, followed by burial beside his brothers at Union Cemetery of Hyde Park.

Condolences may be made at **sweetsfuneralhome.com**.

William Hurley, Jr.

Bill Hurley, 78, of Wolfeboro, New Hampshire, passed away peacefully on April 27, 2025, from complications due to Alzheimer's disease. Bill grew up in Manchester, where he graduated from Bishop Bradley High School. He attended the University of New Hampshire and then Suffolk University Law School in Boston. Bill practiced law in the Seacoast area while living in Rye with his family before retiring to Wolfeboro.

Bill was an avid lover of nature and animals. Even as his health declined, he loved taking rides around the Lakes Region. He would want to be known for being the best dad and Pop Pop he could be, and lived to make his grandchildren laugh. His quick Irish wit and fantastic sense of humor brought smiles to so many.

Just a couple of weeks before his passing, he responded to the question, "What kind of lawyer were you, Mr. Hurley?" with "A good one!"

He was also free from judgment, earnest and thoughtful with his advice, and would go to the ends of the earth for those he loved. He gave his family the gift of knowing that he loved them until the end, even when he couldn't say the words. His values of kindness and acceptance of all, as well as his love of nature and animals, will live on through his children and grandchildren.

Bill is survived by his daughter and son-in-law, Jennifer Pollard and Philip Hyman of Georgetown, Massachusetts; daughter Elizabeth Hurley of Wolfeboro; his former wife and good friend Christine (Miller); and grandchildren Joshua Hyman and Leah Hyman.

In lieu of flowers, please consider donating to the Pope Memorial Humane Society–Cocheco Valley, 221 County Farm Road, Dover, NH 03820; the Nature Conservancy, Attention: Treasury, 4245 N. Fairfax Drive, Suite 100, Arlington, VA 22203.

■ COMMITTEE *from page 1*

Committee chair Jane Young sees the committee as a launching pad and echoes the need for a focused, statewide effort, underscoring that many public sector attorneys feel underrepresented.

"When I was asked to be a member of this committee, I thought this was a long time coming, and I applaud Sarah and Kate for their creativity and vision," she says. "Having spent a career in the public sector, it often felt like public sector attorneys didn't have a voice. We pay Bar dues, and we need resources available to us."

She also emphasizes geographic equity and inclusion.

"There are county attorneys in the northern counties who find it hard to participate and come to meetings," says Young. "Where is their voice? The needs of an attorney in the northern part of the state are different from someone in a metropolitan area."

Charge and Early Focus

Those themes are at the heart of the committee's formal charge, which sets out several goals and areas of focus. Under that directive, the committee will identify statewide trends in public sector and public interest employment, explore ways to interest law students in these careers, determine what resources the Bar can provide, and develop concrete steps to promote the representation of these attorneys in Bar activities and the profession.

The committee carry out its work through surveys, stakeholder meetings, and other methods, with a formal report due by June 1, 2026.

Committee members point to common challenges for public service attorneys, including heavy caseloads, emotionally demanding work, constrained resources, and the need to both attract and retain lawyers in these roles.

Young notes that sheer workload can dampen participation in Bar life.

"If you survey anybody doing public service – whether a prosecutor, nonprofit attorney, or public defender – their caseloads are heavy," she says. "To carve out time to volunteer for the Bar is a real challenge."

Committee member Marcie Hornick, who has served as both a public defender and now a county attorney, framed the broader pipeline issue.

"A major issue across the country – and certainly in New Hampshire – is that there doesn't seem to be that many law school graduates going into public interest law," Hornick says. "People go into law school full of appreciable zest and enthusiasm for practicing that kind of law, but by graduation the number who actually choose that path is just not as high as those who thought they would."

Young drives home the point, adding that financial realities often pull new lawyers away from public service.

"Life interferes," she says. "Education is expensive, bills need to be paid, and the pay in the public sector is challenging. Many leave for private practice, and it's hard when you lose experienced public sector attorneys who are skilled in the courtroom."

Hornick points to training and cost-saving measures as one practical area for impact.

"This committee is tasked with and excited to explore avenues where there may be offerings from the Bar at a reduced rate that make public interest work more appealing," she says. "We're trying to think outside the box to make it more attractive for people in these lesser-paying but vital jobs."

The committee met for the first time on September 16. Young reports the first meeting was energetic and solutions-oriented.

"It was robust and very engaged," says Young. "The committee is really looking to revitalize attorneys who are skilled but facing burnout, and to provide them opportunities, even small ones – like CLEs geared to public sector attorneys or perhaps at a discounted rate."

Committee Composition and Next Steps

Mahan emphasizes that the committee was designed to reflect the breadth of public service practice.

"It's a good mix of public interest and public sector attorneys – government lawyers, staff from the attorney general's office past and present, two former US Attorneys, public defenders, people from groups like 603 Legal Aid, and a broader mix that's representative of the landscape out there," she says.

Young stresses the importance of representation across regions and roles.

"For me it was crucial to have varied voices from different parts of the state that did different work," says Young. "One of the key voices is Marcie Hornick, the county attorney in Grafton County, who also spent a career as a public defender. She brings a unique perspective on what prosecutors and defense attorneys need."

Committee members note the diversity of voices is central not only to the committee's makeup but also to how it will measure success in its first year.

"Success would be that public sector and public interest lawyers have a voice within the Bar, that there are resources provided to them, and that they, in turn, give back to the Bar," Young says. "But my opinion is let's not wait until June 2026 to deliver recommendations. If we have deliverables now, let's deliver them now."

Hornick anticipates early, concrete progress.

"In this first year, if we're able to broaden the offerings from the Bar Association to include things that appeal to public defenders as well as prosecutors, that would be a meaningful start," she says. "It may not be the complete answer for how to retain lawyers long-term, but we'll have some practical ideas we can hopefully see put into effect before the end of the year. We've only met once, but we've already got a little subcommittee going with [New Hampshire Public Defender Executive Director] Chris Johnson, [NHBA Executive Director] Sarah Blodgett, and me. We're making headway, and it'll be exciting to revisit what we've been able to accomplish – to see how solid the bridge we built is between then and now."

Looking back, Mahan says the committee also represents a personal milestone as she closed her presidential year.

"I'm very proud of it," says Mahan. "I felt like it was a nice capstone to the work that I did throughout the year. I tried to focus on making pro bono accessible to a wider swath of our members, and also making sure that people felt seen and supported by the Bar. I hope I furthered both of those goals this year, and this was an important part of it."

NHBA Executive Director Sarah Blodgett says the committee reflects the organization's broader commitment to serving all members.

"The Bar Association is committed to ensuring that public sector and public interest attorneys feel supported and represented in every aspect of our work," she says. "We are grateful to Jane and the committee members for their service, and we encourage members with feedback or ideas to reach out to NHBA staff so their input can be shared with the committee."

The committee will continue meeting throughout the year and consult with stakeholders statewide to gather data and deliver actionable recommendations. ♦

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.

OCTOBER 2025

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

THU, OCT 23 – 12:00 p.m. – 1:00 p.m.
Financial & Healthcare Advance Directives
- 60 NHMCLE min.
- Live Webcast

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

NOVEMBER 2025

TUE, NOV 4 – 9:00 a.m. – 3:35 p.m.
Best Practices in Trusts & Estates
- 325 NHMCLE min., incl. 20 ethics min.
- Concord – NHBA Seminar Room/Webcast

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

DECEMBER 2025

TUE, DEC 2 – 12:00 p.m. – 1:00 p.m.
Complying with NH's Parental Medical Leave Law
- 60 NHMCLE min.
- Live Webcast

WED, DEC 3 – Time TBD
Landlord/Tenant Law
- Credits TBD
- Concord – NHBA Seminar Room/Webcast

TUE, DEC 9 – 12:00 p.m. – 1:00 p.m.
Traps for the Unwary: Real Estate
- 60 NHMCLE min.
- Live Webcast

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

WED, DEC 17 – 12:00 p.m. – 1:00 p.m.
Traps for the Unwary: E-Filing
- 60 NHMCLE min.
- Live Webcast

THU, DEC 18 – Time TBD
Child Support
- Credits TBD
- Concord – NHBA Seminar Room/Webcast

JANUARY 2026

TUE, JAN 13 – 12:00 p.m. – 1:30 p.m.
Specialty Courts
- 60 NHMCLE min.
- Live Webcast

WED, JAN 21 – 12:00 p.m. – 2:00 p.m.
Traps for the Unwary: Probate
- 60 NHMCLE min.
- Live Webcast

Learn@Lunch Series

12 – 1 pm
(unless otherwise noted)
Live Webcast

Complying with New Hampshire's Parental Medical Leave Act
Tuesday, December 2

Traps for the Unwary: Real Estate
Tuesday, December 9

Traps for the Unwary: E-Filing
Wednesday, December 17

Specialty Courts
Tuesday, January 13
12 – 1:30 pm

Traps for the Unwary: Probate
Wednesday, January 21
12-2 pm

Traps for the Unwary: Business
Wednesday, January 28

Representing Clients of Domestic Violence
Thursday, January 30

WE DO THE REPORTING FOR YOU!

How to Register

All registrations must be made online at
https://nhbar.inreachce.com/
(if you missed any of the previously held programs, they are now available ON-DEMAND)

We have a NEW Group Discount Policy at NHBA CLE

Whenever four or more NHBA members who work together for a firm, state agency, or other entity register for an **in-person** NHBA CLE seminar, each attorney will receive a 50% discount off the registration fee. *Midyear Meeting, Annual Meeting, Developments in the Law, and Practical Skills programs are excluded*; NHBA CLE reserves the right to exclude other programs on a case-by-case basis.

Live Programs • Timely Topics • Great Faculty • Online CLE • CLEtoGo!™ • DVDs • Webcasts • and More!

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 NHMCLE 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

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

Developments in the Law

Friday, October 24, 2025

9:00 – 4:30 p.m.
360 NHMCLE 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

Financial & Healthcare Advance Directives

Thursday, October 23, 2025

12:00 p.m. – 1:00 p.m.
60 NHMCLE min.
Live Webcast

Find out NH practitioners need to know about the 2021 NH Health Care Power of Attorney; the Living Will and HIPAA Release Form; and the Durable General Financial Power of Attorney. This one-hour Learn at Lunch will cover the "nuts and bolts" of these critical documents for our clients.

Faculty

Robert A. Wells, Program Chair/CLE Committee Member, McLane Middleton Professional Association, Manchester

Laura T. Tetrault, Shaheen & Gordon, PA, Manchester

Best Practices in Trusts & Estates

Co-sponsored w/the NHBA's Trusts & Estates Law Section

Tuesday, November 4, 2025

9:00 a.m. – 3:35 p.m.
325 NHMCLE min., incl 20 ethics min..
NHBA Seminar Room/Webcast

Step into a fresh and dynamic approach to continuing legal education with Best Practices in Trusts & Estates. This program breaks away from the traditional lecture format. It embodies a TED Talk-inspired style, featuring short, powerful, and engaging presentations from some of New Hampshire's most experienced practitioners and judges. Each segment offers practical insights on estate planning, administration, litigation, and probate court best practices, all delivered in a concise, story-driven format. Attendees will not just listen, they'll have the opportunity to engage directly with faculty through built-in Q&A sessions, making this an interactive experience designed to spark dialogue, sharpen practice skills, and inspire new ideas.

Faculty

Lisa U. Bollinger, Program Co-Chair/CLE Committee/Clerk, Trust & Estates Section, Black, LaFrance & Bollinger, LLC, Nashua

Amanda S. Steenhuis, Program Co-Chair/Co-Chair, Trust & Estates Section, Shaheen & Gordon, PA, Nashua

Laura T. Tetrault, Program Co-Chair/Co-Chair, Trust & Estates Section, Shaheen & Gordon, PA, Manchester

Sarah S. Ambrogi, Devine, Millimet & Branch, PA, Manchester

Stephanie K. Annunziata, Shaheen & Gordon, PA, Concord

Ann Thompson Bennett, Attorney at Law, Manchester

Christopher B. Casko, NH Circuit Court, 6th Circuit-Probate

Jonathan M. Eck, Orr & Reno, PA, Concord

Ryan P. Flatley, CLE Committee, Downs, Rachlin & Martin, PLLC, Lebanon, NH

Alyssa Graham Garrigan, Ansell & Anderson, PA, Bedford

Rebecca E. Lamarre, Devine, Millimet & Branch, PA, Manchester

Peter A. Moustakis, Sowerby & Moustakis Law, PLLC, Amherst

Hon. Michael P. Panebianco, NH Circuit Court

Benjamin T. Siracusa Hillman, Shaheen & Gordon, PA, Concord

Hon. Tanya L. Spony, NH Circuit Court-Family Division

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

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 NHMCLE 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. Sibbernsen, Jackson Lewis, PC, Portsmouth

Kevin W. Stuart, Bernard & Merrill, Manchester

Right-to-Know Law RSA 91-A Update

Friday, November 14, 2025

9:00 a.m. – 12:15 p.m.
180 NHMCLE 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

School Law in New Hampshire 2025

Friday, November 7, 2025

9:00 a.m. – 4:30 p.m.
380 NHMCLE 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 NHMCLE 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

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

■ JUDGES *from page 1*

To advocates, the standing order was a modest safeguard. To the DOJ, it was an affront. Less than a month later, the department filed suit against the Maryland court, its clerk, and every judge. The complaint argued the order functioned as a blanket injunction against executive immigration authority and violated Supreme Court precedent.

On August 26, US District Judge Thomas T. Cullen of Virginia dismissed the complaint in sharp terms, ruling that judges are immune from liability for judicial acts.

"Whatever the merits of its grievance … the Executive must find a proper way to raise those concerns," he wrote, adding that the correct path was appellate review, not litigation against judges.

Why the Case Matters

Daniel Pi, a professor at the University of New Hampshire Franklin Pierce School of Law (UNH Law), says the lawsuit struck at "principles absolutely fundamental to the Constitution."

"The proper process to dispute an erroneous judicial decision is to appeal it," Pi says. "It has never been an acceptable remedy to sue the judge, much less all the judges. To do so violates the separation of powers, judicial immunity, and standing rules."

For Pi, the danger is larger than the lawsuit.

"Trump could simply say, 'I don't care what the courts say, I'm going to do what I want.' The courts have no army, no power of the purse, no real enforcement power. That's the nightmare for Chief Justice [John] Roberts and the judiciary as an institution."

Historical Fault Lines and Fragile Norms

The Maryland case recalls earlier showdowns over executive power. In 1952, the Supreme Court blocked President Harry S. Truman's attempt to seize steel mills during the Korean War in *Youngstown v. Sawyer*. Truman ultimately gave in to the Supreme Court's ruling and returned control of the mills to their owners.

The Court's authority, Pi says, has always rested on compliance by the other branches. He traces some of today's tensions back to *Marbury v. Madison* (1803), the foundational case that established judicial review. He described the decision in that case as a trick in which the Court claimed the authority to strike down laws while avoiding a direct confrontation with President Thomas Jefferson.

"[The Supreme Court] essentially claimed the power to interpret the Constitution while appearing to do nothing," Pi says. "They knew Jefferson would not listen if they told him what he was doing was unconstitutional. So instead, they said the law that gave them that power was itself unconstitutional. In other words, they said: 'We have the power to say Congress didn't have the power to give us the power to tell you what to do. Therefore, we have the power to interpret the Constitution.' And Jefferson couldn't object, because he got what he wanted."

The Court then largely avoided striking down laws for the next half-century, Pi notes.

"By the time they actually used judicial review again, everyone had just sort of forgotten it was ever controversial," he says. "The Court's authority has rested ever since on this really fragile norm, a presumption that the other branches and the states will abide."

Pi points to President Andrew Jackson and the Cherokee removal as an example of outright defiance by a sitting president. After the Supreme Court ruled that Georgia's actions against the Cherokee were unconstitutional, Jackson, championing the Indian Removal Act of 1830, allegedly responded: "John Marshall has made his decision; now let him enforce it." The result was the Trail of Tears, in which thousands of Native Americans were forcibly relocated west of the Mississippi.

"That's the worst-case scenario," Pi says. "When the president just says: 'We're going to do what we want.' The courts have no mechanism to stop it."

Trump and the Edge of Crisis

Pi argues the Trump administration has repeatedly tested the limits of executive authority.

"They come close, then retreat, which at least shows some recognition of obligation," he says. But Vice President JD Vance has been more blunt, warning the administration may not comply if too many rulings go against it.

"That would be a constitutional crisis," Pi says. "Historically, the Constitution means what the Court says it means. If the president asserts his own interpretation as binding, we don't know what the Constitution means anymore."

For now, Trump has pulled back short of outright defiance of the Court. But, Pi cautions, "the whole constitutional order is based on the assumption that the Executive will ultimately comply."

He adds: "The Trump administration keeps coming right up to the line. Because they have a friendly Supreme Court, defiance is less attractive for now. But the rhetoric makes it impossible to know if or when they'll cross it. Judges must be free to decide cases without fear of personal liability or retaliation. That independence is the cornerstone of the constitutional system. But it only works if presidents respect it."

While the Maryland order remains in effect, the DOJ has signaled an appeal of Cullen's dismissal. The case could reach the appellate courts, or even the Supreme Court. ♦

■ BEATON *from page 4*

Beaton joined another former public defender, Larissa Kiers, to found their firm last year. While she still does criminal defense, an estimated 50 percent of her practice is estate planning, Beaton says – again, a way of helping a vulnerable population.

With New Hampshire's aging population, "a lot of people aren't protecting their assets as they should," she says. "It's very rewarding when people leave here with a sense of security."

When not working, she enjoys hiking, paddleboarding, photography, collecting sea glass on the beach, and playing tennis. A new hobby is scuba diving and last year, she, her husband, and their daughter Annabelle went diving off the coast of Tanzania.

Beaton still calls her public defender work "a big part of my identity" and remains close to many of those with whom she worked.

"The respect I developed for her strengthened and transitioned into a friendship," Salema says of her former colleague. "She maintained the same genuine nature and was just as empathetic, honest, reliable, amiable, organized, and calm as she was at work." ♦

■ CIVICS *from page 6*

sponsibility must reach all students, not just the college-bound. He believed that good teaching, discussion of public issues, and opportunities for participation could counter civic ignorance and disengagement. And he believed that the survival of American democracy depends on citizens who know enough history and government to govern themselves.

In his own words: "When schools stimulate attention to public problems and civic knowledge goes up, so does participation. The voting percentage climbs, and voters' thinking tends to be tempered by a consciousness that they are not alone, but citizens together, who can disagree and still move in the direction of a public interest they share."

Not only NH Civics, but all of us owe Justice Souter a debt of gratitude, not just for his service on the Supreme Court, but for his work here at home. May his tenacity inspire us to carry forward the work of reviving and strengthening civics education in our schools.

As Justice Souter reminds us, the challenge of self-government never ends.

"It is time to face what it takes for a whole people to govern itself, and time to reaffirm the value of civic education," he said.

In honoring his memory, we take up that call. ♦

Mary Susan Leahy is the founder and incorporator of NH Civics and serves as chair of its board of trustees. She is also senior counsel for McLane Middleton's Trusts & Estates Department.

■ PRACTICE *from page 5*

efits for both sides."

"Clients get emotional support at a reasonable cost, and attorneys get to work in our zone of genius – legal strategy, communicating with opposing counsel, and going to court. That way, we're not blurring into pseudo-therapy while still being compassionate to our clients," she says. "This is more than just a legal process; it's a holistic experience. It touches every area of their lives." ♦

■ JOHNSON *from page 7*

may free up some time.

"I want us to grow; I don't want us to turn away cases," Johnson says. "If we can calibrate caseloads, we can prevent attrition."

Buckey says he looks forward to working with Johnson to make that possible.

"Chris brings deep knowledge of the organization and respect across the system," he says. "He's committed to innovation and quality representation." ♦

■ DWS *from page 1*

the mid-1990s, when the American Bar Association's MacCrate Report raised concerns about lawyer preparation and practice readiness. Retired NHSC Chief Justice Linda Dalianis, then serving on the Superior Court, was among those who took the findings seriously.

"More than 50 percent of the new lawyers each year were opening their own solo practices, and that concerned me because these folks really didn't have much in the way of support systems," Justice Dalianis said in a 2023 interview. "In my opinion, most people in those days didn't have enough of the practical skills that they needed to be able to represent people right away."

From Tri-State to Granite State

In 1995, Justice Dalianis approached then-NHBBE Chair Frederick "Fred" Coolbroth, Sr. about creating a six-week summer boot camp for new lawyers as a requirement for Bar admission. Along with colleagues from Maine and Vermont, they formed the Northern New England Task Force on Bar Admissions to explore alternatives.

"In the beginning, judges, educators, and lawyers from all three states got together and talked about how lawyers were not prepared for practice – and what to do about it," recalls UNH Law Professor Sophie Sparrow, who later joined the New Hampshire effort in 2003. "In Maine and Vermont, there wasn't a unified approach between the court, the law school, and the Bar, so they dropped out. When Justice Dalianis was appointed to the New Hampshire Supreme Court, she and [NHSC] Justice [James] Duggan said, 'Let's keep moving forward with this' – and New Hampshire did."

Coolbroth notes that examiners were willing to sign on once a few key conditions were in place.

"It was an honors program, so they were selecting students highly likely to pass the traditional bar exam," he says. "Secondly, the program was a pilot. So, if it failed it could be terminated. There was also active bar examiner participation – we were actually reviewing the additional work that Daniel Webster Scholars were doing as part of their law school education."

By 2003, Justice Dalianis had formed and chaired the Daniel Webster Scholar Advisory Committee, this time focused solely on New Hampshire, which included Sparrow, Coolbroth, NHSC Justice James Duggan, Bruce Felmly (now chair of the Board of Bar Examiners), Larry Vogelman, then-NHBA President Martha Van Oot, and then-UNH Law Dean John Hutson. That group ultimately designed the program that would launch in 2005.

Launching the Program

After securing support from the law school faculty and a rule change from the NHSC, the committee was ready to launch the program as a three-year pilot. One key step remained: someone had to lead it. In the spring of 2005, UNH Law created a position for a director, hiring Professor John Garvey to design the program's structure and oversee its implementation before students enrolled.

"They had an idea of what they wanted to accomplish, but they hired me to do the developmental part of it," Garvey recalled in a 2023 interview. "I went through an entire year of figuring out what it would look like before we started bringing students into it. I looked at what was already available because I don't believe in wasting resources, especially when you're on a shoestring budget."

Sparrow says the team moved on two fronts: policy and curriculum.

"We had to go through a Supreme Court rule change for licensing," she says. "A lot of lawyers and judges worried we were asking for a lower standard. We had to explain this was more like a two-year bar exam instead of a two-day bar exam."

She recalls how the group refined the academic side once the rule took effect.

"We had to create and tweak courses, design rubrics, and flesh out the curriculum and artifacts – what evidence we'd gather to show students met the criteria to be effective lawyers," she says, adding that the pilot structure helped address early concerns. "The result was yes, it's effective and makes a big difference in being client-ready."

Garvey emphasized outreach.

"If you're going to have a program that's going to be ground-breaking, particularly in the legal field, there is always going to be skepticism," he said. "I immediately tried to bring in as many people as possible instead of just being the leader."

That outreach included inviting federal judges to hear students' simulated arguments and enlisting court reporters to demonstrate real-time transcripts during depositions. Volunteers across the system, from judges to court staff, helped make the simulations as authentic as possible.

"It was a community effort," Garvey said.

Today, the program is overseen by a standing DWS Oversight Committee, which includes members of the NHSC, the NHBBE, and all the DWS examiners.

Curriculum and Outcomes

The DWS curriculum spans the 2L and 3L years and uses the MacCrate skills and values as its framework. Courses include Pretrial Advocacy, Trial Advocacy, Negotiations, Business Transactions, a capstone, clinics or externships, and pro bono work. A signature assessment comes at the end of the 3L year.

"The capstone's final piece is interviewing and counseling simulated clients – actors without legal backgrounds – at the end of 3L," says Brooks. "It's the ultimate test of client-readiness, and it remains a big part of the final assessment."

She notes that the program's architects used the MacCrate Report as the overall framework and developed rubrics to ensure every skill was practiced at least once.

"That shifted the focus from just substantive learning to hands-on skills and values," Brooks says. "Twenty years later, what we're really seeing is that the DWS graduates' success goes beyond exposure to practical skills to include development of necessary 'durable skills' – working in teams, handling stress, managing legal work, and working with supervisors."

Coolbroth, who reviewed student portfolios during his tenure, says one constant stood out: "It was kind of amazing to watch them grow as they progressed through the program."

Sparrow adds that students emerge with what she calls "authentic confidence."

"When they're thrown a problem, they don't panic; they think, 'I can learn this. I can get up to speed,' and they do," she says. "It comes from doing the skills, working with others, making mistakes, and learning from them."

In 2015, the Institute for the Advancement of the American Legal System did a study – *Ahead of the Curve* – and reported that DWS students outperformed practicing lawyers in client interviewing and counseling. A follow-up study is underway, with results expected in 2027.

Brooks says that more than half of DWS students still sit for another bar exam and, historically, about 98 percent pass. Roughly 30 percent of graduates enter public service each year, with some classes closer to 40 percent. About 60 percent of DWS alumni practice in New Hampshire. Of those alumni, many return as speakers, mentors, and volunteers for the program, adding another layer to its community.

The program has also expanded over time, growing from 15 students per class to 20 in 2011, and 24 in 2013.

Interest from outside the state has continued. In 2023, Brooks and NHSC Chief Justice Gordon MacDonald presented the program at the Conference of Chief Justices. Courts and law schools in South Dakota and elsewhere have expressed interest in replication.

A Recent Graduate's View

Graduates of the program continue to report employment benefits and early responsibility. Alex Attilli, a 2025 DWS graduate, now serves as associate counsel for the State Employees Association in Concord. She said the program directly shaped her career path.

"The job was hiring in October of my 3L year," she says. "Because I was in DWS, I could start as a legal resident in January and then be automatically admitted in May. Having someone who was automatically going to be admitted was a huge plus for them."

Attilli says the work in the program was demanding, but beneficial.

"It was a lot… I felt like I was working 12- to 13-hour days, and even when I was 'off' I was thinking about DWS," she says. "But I wouldn't be here without this program. This is a dream job for me… As rough as it was in the moment, the end goal made it worth it."

She also highlights the program's peer network. Students are divided into small practice groups, known as "firms," where they collaborate on simulated cases.

"The teamwork and friendships make it valuable, too," she says. "Our 'firm' still talks every day; we go to each other's weddings and everything. And when I see a classmate as opposing counsel, I know we'll have great rapport."

Looking Back and Ahead

In a 2023 interview, Garvey commended the students who first enrolled.

"They were willing to go into a program that was a three-year pilot program that had no track record and no graduates," he said. "They were pioneers and they should get a lot of credit for that."

Sparrow says the program has continued to evolve under Brooks' leadership.

"The program keeps improving," she says. "Courtney Brooks has done a phenomenal job – she secured approval to add more writing modules in the 2L miniseries. That direct writing instruction is a really helpful change."

Brooks, who became director in 2020, says the framework of the program has remained intact.

"We've kept the solid curriculum and added pieces like an e-discovery segment and advanced writing work," she says. "I would love to see other states do it… I'm happy to share what we've done because it's a solid curriculum with good outcomes."

Justice Dalianis said the aim from the beginning was straightforward – and the results have borne it out.

"We essentially tailored whatever we did to New Hampshire and ensured that the law school offered enough practical, on-the-ground curriculum to make sure that the graduates were, in fact, client-ready when they finished law school – or at least more client-ready than they had previously been," she said. "We exceeded pretty much everybody's expectations. These graduates are essentially two years ahead… And even better than that, they get to start work the day they graduate." ♦

The 2025 Criminal Defense Academy. Back row, from left: Professor Julian Jefferson, Aaron Mitchell, Seth Dobieski, Carl Bulgini, Michael Downing, Elizabeth Bedsole, George Gelzer, Michael Eramo, and Terry Slater. Front row, from left: James Hetu, Justin St. James, Shawn Crapo, Robert Young, Melvin Diep, Professor Melissa Davis, Jacqueline Chen, Darya Ferrari, and Amy Sixt. Courtesy Photo

■ UNH *from page 3*

us."

A key component of the CDA is to create a support network for the attorneys participating.

"A goal of the current Defense Academy is to create a community of people who can rely on each other," says Davis.

Samdperil adds that the CDA isn't just about skills, but also community.

"It's helpful for the lawyers themselves to have a network that they can rely on to bounce ideas off each other and to get feedback about how to proceed in a particular case," he says.

As there are currently only 18 contract attorneys and approximately 40 assigned counsel available, the need to expand the pool was significant.

"New Hampshire has the fewest number of attorneys per capita in New England – that's according to an American Bar Association study," says Buckey. "So we have this ongoing lack of attorneys who are able and willing to take these cases, which leads us to more people needing assignments than we have attorneys."

"The public defender program handles about 85 percent of the indigent criminal cases in the state," Samdperil notes. "The remaining 15 percent of the cases are handled by lawyers in private practice, either through a contract system with the state or through what's called assigned counsel, which is where they take cases on an ad hoc basis."

This is the gap that the CDA is trying to fill.

"Unless their background before going into private practice was that they were with the public defender, they don't have access to the same training or mentoring that lawyers at the public defender have," Samdperil says. "So part of the idea was to give lawyers who were interested in handling indigent defense cases an opportunity to get adequate training and also develop a network of colleagues."

And it seems to be working. When asked how many of the first 10 graduates were still involved in indigent cases, Davis says, "All of them. Some in different ways."

She says she deeply appreciates the legislature's recognition of the CDA's importance.

"We're really grateful they saw value in the program that we did last time, and the value in UNH continuing to provide this type of service," she says.

Samdperil agrees: "It's really wonderful that the state has recognized the value of this. It's a really good investment." ♦

VALUABLE SAVINGS FOR NHBA MEMBERS

Law Practice Management Resources

- ABA Books for Bars
- ABA Retirement Funds
- ACSIA Partners
- ALPS Legal Malpractice Insurance
- Brown & Brown Inc.
- CLIO
- Decisis
- ESQ Sites
- LawPay
- MyCase
- RPost
- Smith.ai
- Smokeball
- Tracers
- Windhill Design
- Wordrake

Learn more at nhbar.org or contact memberservices@nhbar.org

Alternative Dispute Resolution

The Lawyer's Role in Mediation: Advocate, Advisor, and Problem-Solver

By Beth Deragon

Mediation has become a cornerstone of modern dispute resolution. Courts increasingly encourage it, clients ask about it, and businesses often prefer it over the expense and uncertainty of trial. Yet for lawyers, mediation presents a unique challenge: how do you zealously represent your client in a forum designed to foster compromise?

The lawyer's role in mediation differs significantly from that in litigation. It demands a blend of advocacy, creativity, pragmatism, and collaboration – each playing a distinct role at various junctures before, during, and after mediation. Lawyers who approach mediation from a one-dimensional perspective may do their clients a disservice by failing to seize the opportunities that mediation provides.

This article explores the multiple hats lawyers wear in mediation, practical strategies for success, and common pitfalls to avoid.

Understanding the Lawyer's Roles

In mediation, the lawyer is far more than a spokesperson reiterating legal arguments and factual allegations. Effective representation requires assuming four interconnected roles – advisor, advocate, negotiator, and counselor – and balancing them throughout the process. Each role demands preparation, flexibility, and emotional intelligence.

- **Advisor** – Before mediation begins, the lawyer's role as advisor is crucial. Clients often enter mediation with misconceptions, believing it is simply a settlement conference or a sign of weakness. Lawyers must educate their clients about what mediation is, what it is not, and what it can realistically achieve, often by preparing a case assessment.

- **Advocate** – Advocacy remains an essential component of mediation, but it looks very different from courtroom advocacy. The lawyer's task is not to "win" the mediation but to persuade – to frame facts and arguments in ways that help the mediator and opposing party understand the client's perspective. The lawyer presents the client's case clearly and forcefully, but in a way that does not alienate the opposing party or the mediator.
- **Negotiator** – At its core, mediation is a negotiation process. Effective lawyers enter mediation with a clear understanding of their client's goals, priorities, and bottom lines – but also with the creativity to explore outcomes beyond monetary terms. Lawyers must be ready to frame proposals, test options, and creatively explore resolutions beyond what a court could order.
- **Counselor** – The most demanding role in mediation is that of counselor. Mediation can be emotionally charged, particularly when clients feel wronged or misunderstood. Lawyers must help clients manage emotions, evaluate offers objectively, and make informed decisions in real time.

Mediation is not just "showing up and seeing what happens." The lawyers who are most successful for their clients in mediation take their role as advisor to heart and invest significant effort in preparation, which includes educating their clients about mediation and providing a case assessment that includes the risks involved and the cost of litigation. Explaining the mediation process, confidentiality rules, the mediator's role, and the opposing party's possible responses helps to avoid surprises and builds trust for all involved.

Clients who understand the non-adversarial nature of mediation are more likely to engage constructively and less emotionally. Time spent on case assessment, including gathering facts, documents, witness statements, and analysis of the law, allows lawyers to fluidly discuss the strengths and weaknesses of the case, enabling clients to adopt strategies and make informed decisions as to settlement range and any non-monetary proposals. Mediation statements and pre-mediation discussions with the mediator are underused advocacy tools, a lost opportunity for lawyers and their clients.

A well-crafted statement to the mediator should outline the key issues (good and bad), highlight key facts and documents, and signal openness to resolution. Providing the mediator with pleadings is necessary; however, it does not adequately educate the mediator about the case dynamics – a necessary component of resolution that requires lawyers to assess from a negotiator position.

During the mediation, the lawyer's role must balance advocacy, negotiation, and that of a counselor. While opening joint sessions are infrequent, the parties should take the time to assess the potential value of being in the room together – virtually or in person. In the right circumstances, being present together can help to humanize the conflict and serve as a reminder that confrontation with the opposing party will inevitably occur if resolution is not reached.

Opening remarks set the tone for the mediation and should be balanced with advocacy, but not inflammatory or combative. If your client does not already believe that you will zealously advocate for them, "proving it" to them at the mediation will only further undermine your credibility with them and with the mediator. A more effective, negotiator-driven strategy involves solution-oriented advocacy that helps maintain momentum by working with the mediator to overcome obstacles.

In the role of counselor, lawyers should help clients evaluate risks, test settlement proposals, and weigh trade-offs. This is also a space for creative problem-solving – brainstorming options that address both legal and practical interests. Enabling your clients to remain in an entrenched position by relying too heavily on advocacy will lead to hours of rehashing the same arguments instead of working on solutions to move the parties toward resolution.

Likewise, relying too heavily on advocacy can result in clients remaining stuck in emotional responses instead of having their lawyers reframe issues, redirecting frustration, and encouraging a focus on long-term goals rather than "winning" the moment.

Even experienced lawyers sometimes undermine the mediation process. Some common missteps include a lack of preparation by both lawyers and their clients, treating mediation like litigation, being too rigid or aggressive, alienating the other side, and limiting the mediator's

ROLE *continued on page 38*

Why Should an Attorney Want to Mediate a Client's Case?

By Kevin Collimore

This basic question is one that New Hampshire lawyers should answer for themselves and be able to explain to their clients, usually very early on in each case. Of course, alternative dispute resolution – usually mediation – is required in most litigated cases under Superior Court Rule 32, so your legal advice should include an explanation of the process and its benefits and limitations. But mediation is also an extremely important tool in a lawyer's toolbox that may help clients get not only what they want, but perhaps more than they might expect.

One challenge I have faced over the years as a litigator in discussing mediation with a client relates to the fact that many clients see a lawyer as their standard bearer in a dispute, where often they have been monetarily, physically, and/or emotionally harmed by the actions of the other side. They want their lawyer to "fight" for them to obtain justice and often assume that the only way to get that is by taking a case to trial.

Clients often imagine their lawyer will cross-examine the other side and dramatically reveal to the jury – and the world – just how awful that person or company really is. It may be difficult to reconcile that client expectation with what I think most litigators will acknowledge that (1) there is seldom a moment of truth in a trial where a party is exposed for "what they are"; (2) in many, if not most, cases, the outcome is less than hoped for by either side; and relatedly; and (3) it is an exceptionally rare case where a party at trial finally accepts responsibility for their actions because the trial forced them to see the error of their ways.

And when that does not happen, it means a jury will consider and perhaps accept some or all of an opponent's position, reducing the expected recovery.

So, what is a standard bearer to do? One option is to use all the tools in your toolbox. Lawyers who vigorously pursue their client's interests can simultaneously set the case up for either settlement or trial. Those are not conflicting priorities. The strongest mediation positions I have had for my clients, and have seen as a mediator, are when a case has been properly and thoroughly developed, the lawyer and clients have discussed and agreed to a reasonable outcome ahead of mediation (but also should keep an open mind if presented with new information), and the client and the lawyer are prepared to accept a reasonable outcome if offered by the other side. If that offer is not made, they are fully and credibly prepared to try the case.

I believe discussing this approach to mediation with a client early on helps set reasonable expectations about what a good resolution to their case might look like, expectations that support a vigorous prosecution of the case, while acknowledging that trial is not necessarily the best way to achieve their goal.

The benefits of resolving a case are usually apparent. Most cases involve risk, and a settlement all but eliminates risk. If you agree that a central role of a lawyer is to reduce risk to the client, this may be the best and most efficient way to do that. The efficiency comes not just from the avoidance of ongoing legal fees to perhaps achieve a "bad" trial result, but also from sparing the client the time and stress of continued litigation.

Finally, in some cases – particularly involving ongoing relationships – parties can fashion a resolution that is more comprehensive than a trial could ever provide. A client may not know that is possible unless their lawyer fully explains the options before and at the mediation.

Consider a real-life example: two partners had a broad and somewhat contentious dispute regarding their business. It became clear during the me-

CASE *continued on page 38*

Mediating a Surrogacy Dispute: A Framework for Best Practices

By Catherine Tucker

New Hampshire has modernized its surrogacy laws to provide an environment where gestational surrogacy can be pursued in a legally and ethically sound manner. Gestational surrogacy refers to an arrangement where the surrogate does not make a genetic contribution to the fetus.

The legal process requires a written contract, with two independent attorneys, before the pregnancy. Then, a court order obtained during (or after) the pregnancy establishes or confirms parental status with the intended parents. In ethical surrogacy, surrogates are constrained only by physician-imposed and contractual restrictions, along with common sense, and are not required to uproot their lives, such as by moving to a communal residence. Furthermore, ethical surrogacy requires that only the surrogate herself be permitted to consent to or decline medical care, although legal contracts can provide financial provisions related to such decision-making.

Disputes arising during the pregnancy are ideal for mediated resolution because the parties will have to find some way to work together until the inevitable birth. In addition, mediation can be performed quickly, which is critical when there is an ongoing pregnancy. Moreover, many surrogacy contracts require the parties to mediate prior to seeking court relief.

Before heading to mediation, parties have often tried – and failed – to resolve matters through negotiation guided by either a mental health provider or a surrogacy agency representative. A mediator should be prepared to help the parties understand why working with a trained neutral will provide a different experience. Surrogacy agencies should not be present at the mediation itself, as they are not parties to the surrogacy contract, but it can be helpful to have an agency representative available to answer questions.

Popular opinion is that disputes arise when the surrogate seeks to keep the baby, but in reality, that rarely occurs. Instead, common disputes involve a surrogate's failure to follow all contractual terms, the intended parents' failure to compensate the surrogate as promised, overbearing behavior by the intended parents, and whether the surrogate should undergo a medical procedure or follow another medical recommendation. Less commonly, the intended parents may split up and simply not want the baby anymore – remember the legal battle involving former co-host of *The View*, Sherri Shepherd, her ex-husband, and their surrogate in Pennsylvania?

Mediators should be aware of the parties' mindsets coming into the process. While the surrogate has a history of at least one uneventful pregnancy, the intended parents often carry significant anxiety from their prior fertility challenges. It's not unusual for the intended parents to have had a previous stillbirth, an extremely premature delivery, or life-threatening complications in a prior pregnancy.

Thus, the surrogate may think the intended parents are overreacting ("I ate deli meat during all my pregnancies, and everything was fine"), while the intended parents don't understand why the surrogate isn't taking things seriously ("Doesn't she know that listeria can harm the baby?").

Similarly, the intended parents' anxiety can result in overbearing behavior such as demands for immediate updates after medical appointments when the surrogate is trying to hurry back to work. In these situations, the mediator can seek common ground between the parties by focusing on their shared underlying motivations to have a healthy pregnancy.

Mediators should review the relevant contract language prior to mediation and understand what enforcement mechanism the parties agreed to – with their own lawyers – during the contract phase. The mediator can use this as a tool to help one party understand why the other party has certain expectations. For example, the mediator can help the surrogate understand that the intended parents suffered a previ-

SURROGACY *continued on page 39*

Third-Party Enforcement of Arbitration Agreements

By Benjamin B. Folsom

It is common for parties at the outset of a case to wrangle over issues of venue and jurisdiction, or even whether the case belongs in court at all. If the parties have a contract containing an arbitration agreement, they may be compelled to bring a dispute arising out of the contract in an arbitration forum – such as the American Arbitration Association or Judicial Arbitration and Mediation Services, Inc.

While the parties may have conflicting views on whether the dispute falls within the scope of the arbitration agreement, courts generally resolve ambiguities in favor of arbitration. But what about when the party seeking to enforce the arbitration agreement is not a signatory to the contract but instead a third party claiming some interest in or benefit from the contract?

In June, the United States Court of Appeals for the First Circuit, in *Morales-Posada v. Cultural Care, Inc.*, 141 F.4th 301 (1st Cir. 2025), clarified the standard for a nonsignatory to enforce an arbitration agreement as a third-party beneficiary. While a court may resolve ambiguities in favor of arbitration where the parties are both signatories to the arbitration agreement, a nonsignatory faces a "steep climb" in enforcing an arbitration agreement as a third-party beneficiary.

In *Morales-Posada*, the plaintiffs were individual foreign nationals who participated in the United States State Department's au pair exchange program. The defendant, Cultural Care, is a company that places individuals with host families in the United States as a "sponsor" of the au pair exchange program. The plaintiffs alleged that Cultural Care failed to pay them legal wages for their work as au pairs.

Cultural Care filed a motion to compel arbitration under the Federal Arbitration Act and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, relying in part on a contract that the plaintiffs had allegedly signed with International Care, Ltd. (ICL), an entity separate and distinct from Cultural Care, that provided certain "pre-departure" services to participants in the au pair program.

The ICL contract contains an agreement to arbitrate stating: "In the event of any claim, dispute, or proceeding arising out of the relationship of me and [ICL], or any claim which in contract, tort, or otherwise at law or in equity arises between the parties, whether or not related to this Agreement, the parties submit and consent to the exclusive jurisdiction and venue of the arbitrational tribunals of Switzerland."

The US District Court for the District of Massachusetts denied Cultural Care's motion on a number of grounds, including that Cultural Care could not enforce the arbitration agreement as a nonsignatory to the ICL contract.

Cultural Care appealed the decision to the First Circuit. The First Circuit emphasized that arbitration is a matter of consent, but recognized that there are certain circumstances in which a nonsignatory may invoke an arbitration agreement. One such circumstance is when the nonsignatory is a third-party beneficiary to an arbitration agreement.

The critical fact in determining whether a nonsignatory is a third-party beneficiary is whether the agreement manifests an intent to confer *specific legal rights* upon the nonsignatory. Moreover, an aspiring third-party beneficiary must demonstrate with special clarity that the signatories intended to confer a benefit on the third party.

Cultural Care pointed to several provisions in the ICL contract (none of which was the arbitration agreement), which it asserted did not benefit ICL.

ARBITRATION *continued on page 37*

Advanced Mediation Techniques

By Charles Bauer

Much has been written on the nuts and bolts of mediation, how to and how not to represent clients in mediation, and how to be a good mediator. The topics in this article outline several nuanced, advanced techniques to make mediations even more successful.

Pre-Mediation Ex-Parte Communications

In my experience mediating since the 1990s, pre-mediation ex-parte communications between a party's counsel and the mediator are underused in New Hampshire. Many mediators permit and encourage all sides of a dispute to participate in ex-parte communications with the mediator to get the lay of the land for the upcoming mediation. Ex-parte communications are ethical and beneficial for preparing the mediator to identify potential obstacles to settlement. Before mediation begins, it is wise for an attorney to initiate an ex-parte telephone call or Zoom conference with the mediator.

These communications are confidential, like private ex-parte sessions between one side and the mediator, except they happen beforehand and without clients present. A pre-mediation ex-parte call or Zoom conference with the mediator allows counsel and mediator to privately discuss pros and cons of the dispute, personalities of clients, professional relationships between counsel, sensitive topics and issues, and other matters that are better discussed before, rather than during, the mediation. These communications also may be in written form by counsel, labeled "For mediator's eyes only."

Some other suggested topics for pre-mediation ex-parte communications include how decision-makers will participate in the mediation and who has the ultimate authority to settle the dispute. They can also include reservation of rights; consent policy matters; deductibles; discovery disputes; demand and offer status; theories of law; various legal counts and defenses; and insurance coverage, limits, and issues.

These confidential communications help create a relationship between mediator and counsel, building confidence in the mediator's process, fairness, and competence. Counsel may speak freely about their client's goals, interests, and concerns. The mediator can offer ideas for useful settlement techniques. While the information exchanged is confidential, the fact of an ex-parte communication with one side should be disclosed to the other side prior to the mediation to avoid the appearance of prejudice. The opportunity for pre-mediation ex-parte communications should be made available to both counsel to provide transparency and fairness.

On-Site Mediations

Most mediations in New Hampshire occur at a neutral location, such as the mediator's office. Some matters, however, are better suited for the mediation to take place on-site. Such matters may include boundary line disputes, workplace accidents, zoning and planning disputes, construction cases, trespass claims, and similar matters that involve site-specific incidents and issues.

A pre-mediation site view with parties, counsel, and mediator can be invaluable in clarifying geographical information and locations. Counsel and parties can point out specific on-site factors to each other and the mediator in a much more effective presentation of the geographical evidence, rather than merely referring to documents, photographs, and descriptions in an office. With the site view in mind, the parties, counsel, and mediator can retreat to a quiet location and begin the sit-down mediation. If needed, parties, counsel, and mediator may return to the on-site location for clarifications.

For example, in a motor vehicle accident case, it may be helpful to meet at the accident site to discuss the environment – similar to a jury view. So, keep in mind mediations do not always have to take place in a neutral office setting.

MEDIATION *continued on page 38*

What's Next – An Empathetic Bot Mediator?

By David McGrath

Artificial intelligence touts its arrival in the field of mediation and its ability to allow mediators to "make better decisions." AI and I will agree to disagree about that, because I do not believe mediators are hired to make decisions.

Perhaps ironically, AI also emphasizes that mediators must use emotional intelligence to help parties resolve disputes. On that we agree, and it leads to the central question in this article: How can AI be helpful to a mediation process that is so reliant on emotional intelligence?

Emotional intelligence requires self-awareness, emotional regulation, and empathy. Imbued with these traits, effective mediators recognize subtle emotional cues from participants, recognize unspoken needs and concerns, build trust, and reduce tensions. This leads to high settlement rates and participant satisfaction.

Yet some cases do not settle, some participants leave dissatisfied, and too often the process plods along, which frays the nerves and tests the patience of the parties and their counsel (if represented). How might AI improve the mediation process and experience?

Using something called "sentiment analysis," AI apparently can analyze textual data, facial recognition, and tone to assist in identifying and assessing parties' emotions, interests, and willingness to accept potential settlements. One study – that did not exactly adhere to rigorous experimental methodology – compared untrained human scores on standard emotional intelligence tests with AI scores on those same tests. AI achieved higher scores – 82 percent to 56 percent.

It is one thing, though, to *identify* a participant's emotional state; it is another to help that participant *manage* those emotions toward a productive mediation outcome.

Further, although the AI-generated responses in the study apparently made many participants feel more heard than the untrained human responses, participants felt uneasy and unsatisfied when they later learned that the messages were AI-generated. Maybe, though, that is partly a function of our current lack of familiarity with and acceptance of AI in our lives.

Technology entered the alternative dispute resolution field long ago. For example, 10 years ago more than 90 percent of eBay's millions of annual disputes were handled with no human (or AI) involvement.

More recently, at the 2025 American Bar Association TechShow, members met the legal industry's first AI Bot mediator, which is a hybrid platform utilizing both human and bot mediators.

At present, and for the foreseeable future, AI mediation will very likely involve a human mediator's authorized use of an AI Bot assistant that can, uninfluenced by human bias and emotion (a) quickly analyze volumes of documents submitted to the mediator; (b) suggest questions for use by the mediator; (c) identify party interests; (d) analyze participant emotional cues in real time; (e) provide feedback to the mediator on his or her communications with the parties; (f) make predictions about the likelihood of settlement in various scenarios; and (g) help document material settlement terms.

As a mediator, I am particularly intrigued by the potential that AI could enable me to encourage parties to provide all potentially relevant documents, including communications between opposing counsel and pre-litigation communications between the parties.

As it stands, principally due to time and cost constraints, we mediators are given only limited materials to aid our understanding of the dispute in advance

BOT *continued on page 37*

Arb/Med/Arb: Innovation or Ethical Quandary?

By Stephen D. Mau

Editor's note: This article was originally submitted as a discussion paper for audience participation at an international conference on ADR in Austria.

Business has been a driving factor of human development, increasing in volume and complexity as a result of advancements in technology and science. Likewise, alternative dispute resolution methods have also advanced. Litigation has grown to be time-consuming and expensive. To facilitate dispute settlement by increasing time and cost-efficiency, alternative dispute resolution (ADR) procedures such as arbitration and mediation are promoted to encourage efficient settlement procedures, promote amicable outcomes, and reduce the caseload of the courts.

Arbitration is generally considered more efficient and flexible than litigation with the added benefit of confidentiality. The purpose of arbitration is generally for a neutral to decide the dispute by issuing an award. Mediation is generally considered less contentious than litigation or arbitration as mediation is more interest-oriented than rights-oriented. The purpose of mediation, particularly facilitative mediation, is to assist the parties in settling their dispute via joint and private caucuses. (For a more detailed discussion of ADR, see *N.H. Bar News*, Vol. 35, No. 7, at 12 [Dec. 18, 2024].)

ADR has evolved to include hybrid mediation and arbitration formats such that boundaries can be blurred. One such hybrid format is mediation/arbitration (Med/Arb), where parties first attempt to resolve their dispute in good faith through mediation; the parties proceed to arbitration if the mediation is unsuccessful. Another is arbitration/mediation (Arb/Med), where the parties initiate arbitration and then switch to mediation, usually after the conclusion of the arbitration hearing.

In arbitration/mediation/arbitration (Arb/Med/Arb), the parties are permitted to attempt mediation after they start arbitration proceedings. If the mediation is successful and the dispute is settled, the parties' agreement is recorded as a consent award.

If the mediation is unsuccessful, the parties resume the arbitration. If Arb/Med/Arb is the next step in evolution for alternative dispute resolution clauses, can or should a neutral serve in both roles (arbitrator, mediator, and again as arbitrator) before the same parties in the same dispute?

Like many legal responses, the answer is, "It depends." Civil law and common law jurisdictions sometimes have divergent views on an arbitrator's participation in settlement negotiations. International arbitration is a mix of parties and legal practitioners from various legal backgrounds. This diversity inevitably leads to a clash in a multitude of areas such as the applicable rules of procedure, acceptable practices, nationality and legal culture of counsel. "Every arbitrator's perception of his or her role will be shaped by the legal and procedural culture with which he or she is most familiar."[1]

Civil law legal systems

German courts encourage arbitrators to facilitate settlement discussions. Additionally, under Article 26 of the 2018 German Arbitration Institute (DIS) Rules, the arbitral tribunal "shall at every stage of the arbitration seek to encourage amicable settlement of the dispute or of individual disputed issues." Article 19.5 of the 2021 Swiss Rules of International Arbitration (SRIA) provides that if the parties agree, the arbitral tribunal may

QUANDARY *continued on page 39*

■ ARBITRATION *from page 33*

Cultural Care claimed it was the only possible beneficiary of those provisions. The First Circuit rejected the argument, finding that Cultural Care did not show that ICL derived no benefit from the provisions. Further, even if Cultural Care could be said to benefit from the provisions, that alone was insufficient to confer status as a third-party beneficiary because "a benefiting third party is not necessarily a third-party beneficiary."

Moreover, even if Cultural Care were a third-party beneficiary as to some contractual provisions, it failed to show that it was specifically entitled to enforce the arbitration agreement in the ICL contract. Even assuming Cultural Care had some third-party beneficiary relationship to one or more provisions in the ICL contract, the First Circuit found that it failed to present authority showing that this gave Cultural Care third-party beneficiary status as to the contract as a whole, including the ICL contract's arbitration agreement.

The Court emphasized that First Circuit precedent, particularly *Hogan v. SPAR Grp., Inc.,* 914 F.3d 34, 39 (1st Cir. 2019), makes clear that in determining whether a nonsignatory can enforce an arbitration agreement under a third-party beneficiary theory, the relevant question is whether the signatories to the agreement intended to confer arbitration rights on the third party – not any other right under the contract. Thus, even if a nonsignatory shows an intent on the part of contracting parties to confer a benefit upon the nonsignatory, if that benefit is unrelated to arbitration, the court looks to the language of the arbitration agreement itself to determine the contractual parties' intent as to arbitration.

While contractual provisions other than the arbitration clause may bear on the signatories' intent, the relevant question is whether the nonsignatory is an intended third-party beneficiary specifically of the signatories' agreement to arbitrate.

The Court clarified that two of its prior rulings cited by Cultural Care did not support a different result. First, in *InterGen N.V. v. Grina,* 344 F.3d 134, 143 (1st Cir. 2003), the First Circuit addressed whether a party could compel arbitration of a nonsignatory to the contracts containing arbitration agreements. There, the Court found that the threshold question was whether InterGen was a third-party beneficiary of the purchase orders at issue, and determined that it was not.

The First Circuit clarified that to the extent its references in *InterGen* to the purchase orders, as opposed to the arbitration agreement contained therein, were ambiguous, that case did not establish that the relevant issue for a nonsignatory seeking to enforce an arbitration agreement was anything other than whether the signatories intended the third-party benefit from the arbitration agreement.

Second, in *Ouadani v. TF Final Mile LLC*, 876 F.3d 31 (1st Cir. 2017), the First Circuit stated that a party seeking to enforce an arbitration clause in an agreement against a nonsignatory to the agreement failed "to identify any language in the Agreement that could be read to provide [the nonsignatory] with 'specific legal rights.'" However, the court pointed out that simply means that a contract that showed no intent to benefit a third party cannot be enforced by that party.

It did not address whether, when a contract evinces some intent to benefit a third party in a way that is unrelated to arbitration, that party becomes a third-party beneficiary of the agreement to arbitrate contained within the contract. The First Circuit held that its precedent, including *Hogan*, makes clear that the language of the arbitration agreement itself is dispositive.

So, if a party intends to try to compel arbitration as a third-party beneficiary of an agreement to arbitrate in a contract to which it is not a signatory, it should (at least in the First Circuit in a case governed by the Federal Arbitration Act) be prepared to show, with special clarity, based on the language of the contract – and the arbitration agreement specifically – that the signatories clearly intended that party to benefit from the arbitration agreement, as opposed to other terms of the contract. ♦

Benjamin Folsom is a director in McLane Middleton's Litigation Department, where he assists clients with a variety of commercial litigation matters, including contract claims, business disputes, land use disputes, and product liability claims, among others. He can be reached at ***benjamin.folsom@mclane.com****.*

■ BOT *from page 24*

of the mediation.

With an AI bot assistant who could quickly analyze all meaningful documents and offer insights based on that review, mediators would arrive at the mediation with an enhanced sense of the dispute, the participants, the problem areas, and the possible paths to resolution.

This would make mediations more efficient and likely improve settlement success rates and participant satisfaction (particularly if the increased efficiency reduces the number of hours parties must devote to the process).

AI may be disrupting the alternative dispute resolution industry, including mediation, but there are two very important reasons not to worry about it. First, it is inevitable, and pretending it will go away and things will remain as they are is foolish.

Second, human mediators will still be indispensable in helping parties resolve disputes, which is the central point after all, and their ability to do so will be enhanced by melding their emotional intelligence and mortal traits with an AI bot's superhuman machine capabilities. ♦

David McGrath is an attorney at Sheehan, Phinney, Bass & Green and its former president and managing director. He is also a past president of the New Hampshire Bar Association. *He would like to thank Sheehan Phinney associate, Elizabeth Manning, for her help with this article.*

■ CASE *from page 31*

diation process that some distrust had developed, contributing to the broader dispute, after one partner felt blindsided by a decision made without her input. However, the partnership agreement did not require that the partner seek her input before taking the action at issue.

After discussing this *smaller* issue, the partners agreed that any settlement should include a term that each will keep the other in the loop on significant business issues, no matter what the partnership agreement provides. That agreement in turn restored a significant measure of trust and the *bigger* dispute that formed the basis of the lawsuit was resolved, with additional terms that clarified and preserved the business relationship.

Conversely, the remedy the court could have offered was confined fairly strictly by what the partnership agreement actually provided. It is hard to imagine that a court ruling either way on the stated dispute would have salvaged the relationship and ultimately the business. Mediation was the tool the clients needed, and the lawyers achieved their clients' goals in a way that trial could not. ♦

Kevin Collimore is a mediator and arbitrator at Prism Conflict Solutions in Concord and has been a Rule 32 (previously Rule 170) mediator for more than 27 years. He is a member of the National Academy of Distinguished Mediators. He can be reached at ***Kevin@PrismConflictSolutions.com****.*

■ ROLE *from page 30*

ability to build trust, and over-reliance on the mediator to essentially make up for the lawyer's responsibility to ensure the client is supported, informed, and prepared for all stages of the mediation.

When done well, lawyering in mediation protects client interests while advancing resolution. Clients save time, money, and emotional strain. Businesses preserve relationships and reputations. And lawyers demonstrate value not only by advocating, but also by problem-solving. When lawyers embrace these roles, mediation can deliver outcomes that litigation rarely can: resolution that is efficient, durable, and often more satisfying for all involved. ♦

A founding partner of ClarkDeragon Law, Beth Deragon is an employment lawyer with more than 19 years of experience representing businesses and individuals in workplace law matters. In addition to her employment law practice, she serves as a mediator in employment, civil rights, and commercial disputes.

■ MEDIATION *from page 34*

Double-Blind at Impasse

If a mediation stalls near the end of the mediation, a "double-blind" settlement proposal may be useful in breaking the impasse. If all parties and counsel agree to use this technique, the mediator instructs the moving party to write down the lowest settlement amount that would be acceptable, and pass the confidential information only to the mediator; likewise, the mediator instructs the responding party to write down the highest settlement amount that would be acceptable to the responding party, and pass it only to the mediator.

Neither party gets to know the other's response unless both parties agree to the identical amounts, in which case there is a settlement. If the amounts overlap, the amounts are reduced proportionally and there is a settlement.

The double-blind process protects each party from conceding first. A party can accept the proposal without fear that the other side will know whether it acceptance if the amounts are not identical or do not overlap.

Mediator's Proposal at Impasse

A mediator must remain neutral and optimistic and assist the parties and counsel throughout the mediation. That often involves the mediator thinking creatively and exploring new options during the mediation. While a good percentage of matters settle during or shortly after mediation, if a matter is not resolved by the parties and counsel, one technique to consider is using a mediator's proposal.

If there is an impasse to settlement at the end of mediation, and if the parties and counsel agree to entertain a mediator's proposal of settlement, a mediator will make an identical formal written proposal of settlement with specific terms and conditions, and deliver it to both sides. The mediator's proposal is usually not precisely what either side necessarily prefers but is within the scope of what each side can "live with" to settle the dispute.

Each party and counsel is given time to confidentially consider the proposal. The parties and counsel are instructed by the mediator to confidentially accept or reject the proposal in writing and notify only the mediator, but not the other side. If everyone accepts the proposal, the mediator announces there is a settlement.

If there is one rejection of the mediator's proposal, there is no settlement, and the rejecting party does not get to know whether the other side accepted or not. If there are more than two parties to mediation, and at least one rejection of the proposal, no parties are informed if any party accepted the proposal. ♦

Charles Bauer, a shareholder and director at Gallagher, Callahan & Gartrell and a Fellow of the American College of Trial Lawyers and the American College of Civil Trial Mediators, has nearly 45 years of experience in civil litigation, mediation, and arbitration.

■ QUANDARY *from page 36*

take steps to facilitate settlement. Article 33 of the 2021 International Chamber of Commerce Rules of Arbitration (ICC) provides for a consent award upon request of the parties.

Common law jurisdictions

Article 26.9 of the 2020 London Court of International Arbitration Rules (LCIA) provides for the arbitral tribunal to make a consent award upon the joint request of the parties, otherwise the tribunal will be discharged if the parties have confirmed in writing that they have reached a final settlement. Similar provisions are found in Rule R-50 of the 2022 American Arbitration Association Commercial Arbitration Rules and Mediation (AAA), and in Rules 43.2 and 52.3 of the 2025 Singapore International Arbitration Centre Rules (SIAC).

From these examples, it appears that arbitral rules from some common law jurisdictions only provide for consent awards compared to those from civil law jurisdictions where tribunals are expressly permitted to facilitate settlement upon consent from the parties.

Conversely, Article 33 of the 2018 New Zealand International Arbitration Centre Rules (NZIAC) permits an arbitrator to act as mediator. Some Canadian provinces permit an arbitrator to act as a mediator and then resume the role as arbitrator without disqualification, if the parties consent.[2] Although not a common law jurisdiction, Articles 5 and 6 of the Istanbul Arbitration Center Mediation – Arbitration Rules (ISTAC) contain similar provisions.

Discussion

If an arbitral institution's rules are silent, should arbitral tribunals obtain the parties' informed consent and waiver of any challenges connected to the tribunal's settlement efforts before it conducts a settlement conference? Once both are obtained, the parties would be barred from launching a challenge on the grounds of breach of due process and confidentiality.

On the one hand, the International Bar Association Guidelines on Conflict of Interest in International Arbitration (General Guideline 4.d) states that the arbitrator must resign, in the course of settlement efforts, if they cannot remain impartial or independent in arbitration proceedings even though the parties have expressly agreed that this arbitrator would assist them in the settlement of the dispute. On the other hand, the Rules on Conduct of the Taking of Evidence in International Arbitration (The Prague Rules) (2018) would permit the same neutral to be involved in the Arb/Med/Arb procedure.

Additionally, how does one determine whether proper consent was given in an international dispute? Domestically, the Ohio Court of Appeals in *Bowden v. Weickert*[3] propounded a three-limb test to determine whether "proper, informed consent" was given. All three of the following limbs must be satisfied for the court to uphold an arbitral award:

1. Evidence that the parties are aware that the mediator will function as an arbitrator if the mediation attempt fails.
2. Evidence of a written stipulation as to the agreed method of submitting their disputed factual issues to an arbitrator if the mediation fails.
3. Evidence of whether the parties agree to waive the confidentiality requirements imposed by Ohio law.

In the context of Arb/Med/Arb, conflict of interest remains the biggest hurdle to widespread acceptance where the same neutral serves as the mediator and arbitrator; the question is then what can be done to effectively and practically overcome this hurdle?

Despite the issues with Arb/Med/Arb, four separate surveys by three independent researchers all concluded that the majority of respondents (active arbitrators, mediators, in-house counsel, and advocates) agree with the arbitrator facilitating settlement. ♦

Endnotes

1. Christopher Koch, Eric Schafer, "Can it be sinful for an arbitrator actively to promote settlement?" (1999) *The Arbitration and Dispute Resolution Law Journal* 153.
2. *Two Hats, or Not Two Hats?* osler.com/en/insights/updates/two-hats-or-not-two-hats.
3. *Bowden v. Weickert*, 2003-Ohio-3223; (2003) WL 21419175.

Stephen Mau is an independent arbitrator, certified facilitative mediator, certified evaluative mediator, and administrative law judge.

■ SURROGACY *from page 32*

ous stillbirth due to a preventable cause and now seek extra testing for reassurance. Of course, the mediator must be careful not to give legal advice about the contract.

Underlying motivations are also important if the surrogate is reconsidering whether to allow the intended parents into the delivery room. While most contracts provide that the intended parents can be present for the birth, there is no enforcement mechanism for such provisions. The mediator can help the surrogate think through her own motivations for becoming a surrogate – to help someone else become a parent and to watch them meet their baby for the very first time. Understanding this allows the mediator to facilitate a discussion between the parties about their birth plans.

Medical decision-making disputes, particularly regarding abortion, remain the most challenging. Given the changing landscape of abortion laws, the mediator should first ensure that their own involvement is not prohibited in the relevant jurisdictions, which may criminalize "aiding or abetting" an abortion. The parties' attorneys should participate in mediation of abortion disagreements, as contemporaneous legal advice about the enforceability of contract provisions can help intended parents be realistic about their options.

With regard to other medical interventions, the mediator needs to understand the surrogate's motivation. The surrogate may simply not think that a certain intervention is necessary, in which case the mediator can facilitate conversation between the parties. More concerning, the surrogate may be resisting certain medical interventions because she does not want her medical record to contain information that would disqualify her from pursuing another surrogacy journey. This latter scenario will test the skills of any mediator because the surrogate is not mediating in good faith.

What if the surrogate is not receiving her agreed-upon compensation? Many arrangements require an independent escrow account to avoid this problem. If the parties chose to forego independent escrow, the mediator can help the parties talk through moving the funds to an independent escrow company to prevent future problems.

What if the intended parents want to disclaim responsibility for the baby? While being cautious to not provide legal advice, the mediator can discuss what could happen if the intended parents simply don't pick up their newborn from the hospital. The mediator can then help the intended parents brainstorm alternatives together, such as preparing to coparent.

Mediating surrogacy disputes is not currently in the curriculum for the family mediation training program, but trained mediators can bring their skills honed from divorce and parenting cases to surrogacy matters. ♦

Catherine Tucker is a solo practitioner based in Meredith and a trained family mediator. Her practice focuses on assisted reproduction law, and she is a member of the Academy of Adoption and Assisted Reproduction Attorneys. Most importantly, Catherine is the mother of teenage twins who were conceived through IVF.

September 2025

Administration

***Appeal of State of New Hampshire* (Adjutant General)**
No: 2024-0471
September 12, 2025
Affirmed

- Issue: Did the New Hampshire Compensation Board (CAB) err in finding the widow's claim was not time-barred by RSA 281-A:42-d?
- Issue: Did the CAB err in finding a work-related injury?
- Issue: Did the CAB err in not applying the version of RSA 281-A:17 in effect on the date of the injury?

Widow's husband worked as a firefighter, starting as a volunteer firefighter in 2002 and full-time in 2008. Additionally, he worked full-time at Pease Tradeport. He was medically tested and cleared of cancer in 2008, diagnosed with bile duct cancer in 2019 and died from the disease in 2020. The widow filed claims and was awarded benefits for "line of duty death" benefits and workers' compensation on appeal.

Related to workers' compensation, the CAB found that the widow was entitled to a *prima facie* presumption that cancer in firefighters is work-related. Expert testimony demonstrated "with a reasonable degree of medical certainty [that this cancer] is causally related to exposure" and by a preponderance of the evidence that it was causally related to decedent's duties as a firefighter.

The employer filed a motion for reconsideration and then appealed on the finding that the claim was not time-barred by RSA 281-A:42-d. The appealing party bears the burden of proof to show the findings were "clearly unreasonable or unlawful."

The Court agrees with the widow that her claim for benefits was not time-barred because the claim for benefits under RSA 281-A-26 is distinct from the decedent's prior claims. The Court relies on *Brown v. Hubert* as instructive even though it did not address whether death benefits are governed by RSA 281-A:42-d. The widow's claim was new and distinct from the decedent's claim and therefore did not have to be filed within 18 months after the decedent's claim was denied. The relevant date of injury for the widow's claim was the date of the decedent's death.

Next, the Court turned to medical causation finding the CAB did not err in finding a workplace injury because there was competent medical evidence. The expert's testimony was competent because it relied on medical literature to support her conclusion. Additionally, the expert did not "merely speculate," but summarized peer-reviewed studies and conducted a review of the decedent's occupational history.

Finally, the Court found that RSA 281-A:17 establishes that a firefighter has a statutory presumption of legal causation because certain conditions had been met. The parties disagreed regarding the decedent's use of tobacco and variances in the prior and current statute. The Court found, without deciding which statute would have applied, that an error would have been harmless because it was demonstrated that the injury was work related through competent evidence in the record.

Bernard & Merrill, PLLC, of Manchester (Kevin Stuart on the brief and orally) for the petitioner. Shaheen & Gordon, PA, of Nashua (Jared P. O'Connor on the brief and orally) for the respondent.

At a Glance Contributor

Stacie Ayn Murphy Corcoran

2011 graduate of Suffolk University Law School, practicing in MA and NH

***Appeal of Tower Hill Tavern, LLC* (New Hampshire Liquor Commission)**
No: 2024-0531
September 12, 2025
Reversed and Remanded

- Issue: Whether there was sufficient evidence that Tower Hill "served[d] an individual… who a reasonable and prudent person would know was intoxicated." RSA 179:5, I (2022)

T.A. and her friends had been to multiple bars, drinking, and ended up at Tower Hill. T.A. ended up sick, was transported to the hospital and an investigation followed. The investigator did not interview the bartenders, just witnesses. The presiding officer issued a finding that Tower Hill violated RSA 179:5 because "a reasonable and prudent person would know T.A. was intoxicated." Tower Hill appealed.

The appeal is governed by RSA 541:13 and would be reversed only for an error of law or by a clear preponderance of the evidence that the order was "unjust or unreasonable." Under RSA 179:5, there was no dispute that T.A. was not visibly intoxicated; absent that evidence, the Court looked at "whether a reasonable and prudent licensee would have known [at the time of service] when they served a patron that the patron was intoxicated." The investigators did not interview the servers and no evidence was presented on what the servers knew.

The Court found that the number of drinks served alone was insufficient to prove that a "reasonable and prudent person would know T.A. was intoxicated." Therefore, the Court reversed and remanded for further proceedings.

Shaheen & Gordon, PA, of Concord (William E. Christie and James J. Armillay, Jr. on the brief and William E. Christie orally) for the petitioner. John M. Formella, attorney general and Anthony J. Galdieri, solicitor general (Mary A. Triick, assistant attorney general, on the memorandum of law and orally) for the New Hampshire Liquor Commission.

***Petition of Penny S. Dean* (New Hampshire Fish and Game Department)**
No: 2024-0283
September 19, 2025
Vacated and Remanded

- Issue: Did the presiding officer in the adjudicatory proceeding err in declining to recuse himself?

The New Hampshire Fish and Game Department revoked Penny Dean's hunter education volunteer instructor certification. Penny Dean challenges that decision because the executive director overseeing the hearing process was also involved in the decision to revoke her license and was prejudiced. Because RSA 214:23-c has no mechanism for judicial review, there is no RSA 541 jurisdiction but a petition for a writ of certiorari provides a vehicle for review at the Court's discretion.

The petitioner argues that the department erred by allowing the executive director to act as the presiding officer when he authored the letter and was the decision-maker in her punishment. As she objected multiple times, the Court found her arguments were preserved. N.H. Admin. R, Fis 203.02(b)(2) allows for the withdrawal of a presiding officer, if "the officer has made statements or engaged in behavior that objectively demonstrates that he or she has prejudiced the facts of the case." In this case, the executive director erred in not recusing himself because his behavior in signing the charging document "objectively demonstrates that he has prejudiced the facts" and there is good cause for recusal.

Penny Dean, self-represented party on the brief. John M. Formella, attorney general and Anthony J. Galdieri, solicitor general (Mark L. Lucas, assistant attorney general on the brief), for the respondent.

Criminal

State of New Hampshire v. Christopher Andrew Rodriguez

NH Circuit Court Judicial Evaluation Notice

In accordance with Supreme Court Rule 56 and RSA 490:32, the New Hampshire Judicial Branch Circuit Court Administrative Judge routinely conducts judicial evaluations and invites you to participate in this process. The following Judges are presently being evaluated:

Judge Michael Alfano – 10th Circuit Courts
Judge Jared Bedrick – 9th Circuit Courts
Judge Sawako Gardner – 7th Circuit Courts
Judge Charles Greenhalgh – 1st and 3rd Circuit Courts
Judge Ellen Joseph – 9th Circuit Courts
Judge Beth Kissinger – 6th and 9th Circuit Courts
Judge Benjamin LeDuc – 2nd, 4th, 6th and 10th Circuit Courts
Judge Jennifer Lemire – 10th Circuit Courts
Judge Amy Manchester – 9th Circuit Courts
Judge Elizabeth Paine – 2nd, 3rd, 4th and 6th Circuit Courts
Judge John Pendleton – 10th Circuit Courts
Judge Patrick Ryan – 8th Circuit Courts
Judge Tanya Spony – 8th and 9th Circuit Courts
Judge Robert Stephen – 10th Circuit Courts
Judge Dorothy Walch – 6th, 9th and 10th Circuit Courts

An evaluation may be completed online at **www.courts.nh.gov**. On the Judicial Branch website, look to the right side of the page under NHJB Quick Links and click on Judicial Performance Evaluations, then click on Current Circuit Court Evaluations and choose the Judge(s) you would like to evaluate. While responses will be shared with the Judges being evaluated, they are treated as confidential, and the identity of the respondent will remain anonymous.

If you do not have access to the internet or would prefer a hard copy of the evaluation mailed to you, please e-mail the Circuit Court Administrative Office at **cakerstrom@courts.state.nh.us** or call (603) 271-6418 and one will be mailed to you. Please include the name of the Judge(s) you would like to evaluate as well as your name and address. As stated above, while responses will be shared with the Judges being evaluated, they are treated as confidential, and the identity of the respondent will remain anonymous. In fact, if you request a hard copy of the evaluation form, we ask that you do not sign the completed evaluation.

All evaluations must be completed online or be returned no later than **November 17, 2025**.

Circuit Court Seeks Attorneys for Court Appointments in Matters Involving Abused/Neglected Children

The New Hampshire Circuit Court is statutorily mandated under RSA 169-C:10 to appoint attorneys for indigent parents seeking assistance of counsel in abuse and neglect proceedings. Beginning January 1, 2026, the Circuit Court will also be statutorily mandated to appoint attorneys to represent certain children who have been abused or neglected. Lawyers who wish to represent an indigent parent or a neglected or abused child may submit their request to the Circuit Court.

How to Request Appointment

Please complete the *RSA 169-C:10 Court Appointments of Counsel in Abuse/Neglect Matters* survey, by way of SurveyMonkey, at **surveymonkey.com/r/AN-Counsel** so you may be considered for appointment in these proceedings. Please reach out to **NHJBCIP@courts.state.nh.us** if you would like more information regarding court appointments.

No: 2024-0344
September 19, 2025
Affirmed

- Issue: Did the trial court err in denying the defendant's motion to suppress cell phone evidence pursuant to a search warrant based on an independent source?

Police departments were dispatched to a hotel where the defendant answered the door and a missing juvenile was found in the room, apparently unclothed and with beer bottles strewn across the room. The defendant was arrested and charged with providing alcohol to a minor and his cell phone was kept as part of the missing juvenile investigation. During the investigation, the juvenile disclosed meeting the defendant on Instagram, arranging to meet up, and having sex. The police applied for and received a search warrant for the hotel room and the defendant's phone, where messages and explicit photos were found leading to charges of manufacturing and possessing child sexual abuse images. The defendant moved to suppress the evidence and after conviction appealed.

On appeal, the defendant argued that he was arrested without probable cause and that the seizure of his cell phone was unlawful. The State argues for the first time on appeal that the arrest was lawful. However, the Court for purposes of this appeal assumes the arrest was unlawful and therefore that the seizure of the cell phone was unlawful. The trial court considered the independent source and inevitable discovery exception to the exclusionary rule.

The Court agrees because the cell phone was obtained pursuant to a search warrant based on a source independent of the arrest – the juvenile's testimony. The search warrant contained no information gained as a result of the defendant's arrest and the Court concluded that the evidence discovered was "obtained by means sufficiently distinguishable to be purged of the primary taint of the unlawful arrest and seizure." See *Holler*.

John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general (Sam M. Gonyea, assistant attorney general, on the brief and orally), for the State. Wilson, Bush and Keefe PC, of Nashua, (Charles J. Keefe on the brief and orally) for the defendant.

Contract

Atlantic Anesthesia, PA & a. v. Ira Lehrer*; *Atlantic Anesthesia, PA & a v. Nathan Jorgensen & a*; *Wentworth Douglass Hospital v. Atlantic Anesthesia, PA & a
No: 2024-0005
September 16, 2025
Affirmed, Reversed, and Vacated

- Issue: Did the trial court err in ruling that the common interest doctrine did not apply until June 27, 2019?
- Issue: Did the trial court err in ruling that the crime fraud exception to the attorney client privilege applies to claims of breach of fiduciary duty and tortious interference with contract relations?
- Did the trial court err in ruling that counsel can be deposed and requiring the disclosure of certain facts contained in email?

Lehrer and Jorgensen sold their anesthesia practice to Atlantic/NAPA and were retained as employees with non-compete and solicitation agreements. Atlantic/NAPA, their firm, was contracted to Wentworth Douglass Hospital and discussed not renewing their contract. Lehrer emailed Jorgensen and other physicians to discuss staying with Atlantic/NAPA or becoming hospital employees, suggesting they hire legal representation to understand their options. WDH decided to terminate their contract with Atlantic/NAPA and negotiate with the individual physicians' employment terms. Atlantic/NAPA and WDH sued and countersued.

Atlantic/NAPA requested the trial court to compel Lehrer to produce materials that were withheld in discovery as protected from disclosure by "common interest privilege" but Atlantic/NAPA argued fell within the "crime-fraud exception." The trial court concluded that a breach of fiduciary duty was sufficient to trigger the exception, but in this case the crime fraud exception did not extend to all communications but limited to communications connected to their breach of fiduciary duties and tortious interference with contractual relations.

Both parties filed a motion to clarify and/or reconsider. The trial court granted Atlantic/NAPA's motion in part allowing the statements in several emails because Atlantic/NAPA had demonstrated a compelling need for certain facts. The Physician defendants and WDH brought an interlocutory appeal.

The Court evaluates when attorney-client privilege exists under New Hampshire Rule of Evidence 502, and the party asserting it bears the burden of establishing privilege and the party seeking information bears the burden of showing an exception exists. The common interest doctrine does not apply because while the communications pertained to a manner of common interest, the communications were before litigation was pending.

The Court was unwilling to expand the doctrine to apply more broadly and affirmed the trial court's interpretation. The Court takes a narrow view of the crime fraud exception and does not extend it to tortious conduct generally. The Court holds that the "critical question…[is] whether the client's aim was to use the attorney to perpetrate a fraud, irrespective of whether the complaint includes an allegation of fraud."

Here, it is suggested that the physicians had engaged counsel to navigate a complicated legal landscape. While Lehrer's failure to disclose that WDH might not renew and the physicians were thinking of leaving may have impacted negotiations and could be considered a breach of fiduciary duty, the Court concludes Atlantic/NAPA did not carry its burden. Therefore, the attorney depositions ordered by the trial court should have been privileged and the Court vacated the trial court's ruling.

Relying on *McGranahan* and applying the analytical framework from *Desclos*, the trial court ruled that some of the facts the physicians could not recollect required disclosure as an "essential need" because it was relevant and unavailable from another source. Because the legal issue had not been fully briefed, the Court vacated the trial court's ruling and remanded to be fully litigated.

Holland & Knight, of Boston, Massachusetts (W. Scott O'Connell, on the brief and orally) and Nixon Peabody LLP, of Manchester (Nathan Warecki and Erin S. Buckbaum on the brief) for Atlantic Anesthesia PA, and North American Partners in Anesthesia (New Hampshire) LLP. Shaheen & Gordon PA, of Concord (William E. Christie on the brief and orally) and Horty, Springer & Mattern PC, of Pittsburgh, Pennsylvania (Daniel Mulholland II and Mary Paterni on the brief) for Wentworth-Douglass Hospital. Orr & Reno PA, of Concord (Derek D. Lick and Elizabeth C. Velez on the brief and Derek D. Lick orally) for Dr. Ira Lehrer, Dr. Nathan Jorgensen and Dr. George Kenton Allen.

Family

In RE K.O.
No: 2024-0686
September 4, 2025
Affirmed

- Issue: Did the trial court err in terminating parental rights?

The mother and father both had cognitive or intellectual disabilities. The mother was living in a shelter and unable to care properly for the child. The child was hospitalized and neither parent was able to take her. The Court allowed the parents to have supervised visitation and for DCYF to provide services for parenting skills to both parents. Additionally, the court set forth requirements that the parents must meet before the child is returned to their care, including housing and engagement with a mental health provider.

The father asked the Court for a modification of his plan under the ADA that would help him comply with the requirements of the plan and the court orders. At both the nine-month and 12-month hearings, both parties were found in partial compliance and that they would require significant support from DCYF. It was held that reunification was not in K.O.'s best interest and the Court established a plan for adoption through the termination of parental rights.

In terminating parental rights, DCYF must prove statutory grounds beyond a reasonable doubt. The parents' compliance with dispositional orders that provide parents with assistance in correcting problems is a non-dispositive factor the Court can consider. Once established, the Court must consider if termination or alternative order is in the child's best interest.

The father moved to dismiss the termination petition arguing that DCYF had not assessed his disability and failed to make reasonable efforts to assist him in correcting the conditions of neglect. The trial court agreed that he had a disability for the purposes of the ADA and found that DCYF did adjust and adapt their case plan. The Court concluded that DCYF proved the parents failed to correct the conditions and termination of parental rights was in K.O.'s best interest.

The Court has not had an occasion to determine whether the ADA applies in termination of parental rights cases and looks to the Vermont Supreme Court for guidance. The Court concludes that termination of parental rights does not constitute a service, program, or activity for the purpose of the ADA. The ADA is not a defense in terminating parental rights. Therefore, the Court finds that DCYF made reasonable efforts to assist the father in correcting the conditions that led to the neglect finding.

While compliance with DCYF's orders was one factor in termination, the mother failed to provide basic care for K.O., including feeding and changing. The Court looks at the mother's lack of a strong bond with the child and the foster family's bond and interest in providing a permanent placement for K.O. in finding that termination is in K.O.'s best interest.

Shaughnessy Allard PLLC, of Bedford (Kimberly A. Shaughnessy on the brief and orally) for the mother. Jorel V. Booker, of Dover, on the brief and orally, for the father. John M. Formella, assistant attorney general, on the memorandum of law and orally, for the New Hampshire Division of Children Youth and Families.

In accordance with Supreme Court Rule 42(II)(a), the Supreme Court reappoints Circuit Court Judge Ryan Guptill and Circuit Court Judge Benjamin LeDuc to the Committee on Character and Fitness (Committee). Each is reappointed to serve an additional three-year term commencing as of October 1, 2025, and expiring on September 30, 2028. The Supreme Court designates Judge Guptill to continue to serve as chair of the Committee.

In accordance with Rule 42(II)(a), the Supreme Court appoints Attorney Megan C. Carrier to serve on the Committee as the Board of Bar Examiners member. Attorney Carrier succeeds Attorney Mary E. Tenn, who is no longer a member of the Board of Bar Examiners. Attorney Carrier shall serve the unexpired portion of Attorney Tenn's term on the Committee, commencing immediately and expiring on November 1, 2025. The Supreme Court further reappoints Attorney Carrier to serve an additional term on the Committee, commencing as of November 1, 2025, and expiring on October 31, 2026 (the date that her current three-year term on the Board of Bar Examiners expires).

Issued: September 11, 2025

Attest: Timothy A. Gudas
Clerk of Court
Supreme Court of New Hampshire

◆

ADM-2025-0019, *In the Matter of Keri E. Sicard, Esquire*

The Attorney Discipline Office (ADO) filed with this court a copy of a written certification that the ADO had received from the Bureau of Child Support Services that Attorney Keri E. Sicard "is NOT in compliance with [] her legal order of support OR is non-cooperative in paternity establishment proceedings." The ADO therefore requested that the court "take such action as it deems appropriate under NH RSA 161-B:11, including but not limited to the administrative suspension of Ms. Sicard's license to practice law in New Hampshire."

In accordance with RSA 161-B:11 and the ADO's request, Attorney Keri E. Sicard is hereby suspended from the practice of law in New Hampshire, effective immediately.

This order is entered by a single justice (Donovan, J.). See Rule 21(7).

Issued: September 12, 2025
Attest: Timothy A. Gudas
Clerk of Court
Supreme Court of New Hampshire

◆

By order dated August 27, 2025, the Supreme Court adopted amendments to various court rules, effective September 3, 2025, but stated in that order that the service charge in Supreme Court Rule 49(II) 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. The Supreme Court now orders that the service charge in Supreme Court Rule 49(II) shall apply as of 4:30 p.m. on September 30, 2025, to credit card or debit card payments made through the Supreme Court's electronic filing system.

Issued: September 26, 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 Supreme Court appoints Attorney Sean R. Locke and Attorney Lyndsay N. Robinson to the commission. Their three-year terms shall commence immediately and expire on September 28, 2028.

Issued: September 29, 2025
Attest: Timothy A. Gudas
Clerk of Court
Supreme Court of New Hampshire

Statement of Ownership, Management, and Circulation

1. Publication Title: *New Hampshire Bar News*
2. Publication Number: 952-840
3. Filing Date: 9-16-2025
4. Issue Frequency: Monthly
5. Number of Issues Printed Annually: 12
6. Annual Subscription Price: $160.00
7. Complete Mailing Address: 2 Pillsbury Street, Suite 300, Concord, NH 03301
   Contact Person: Donna Parker- 603-224-6942
8. Complete Mailing Address of General Business Office: 2 Pillsbury Street, Suite 300, Concord, NH 03301
9. Full Names and Complete Mailing Address of:
   Publisher: New Hampshire Bar Association, 2 Pillsbury Street, Suite 300, Concord, NH 03301
   Editor: Tom Jarvis, NH Bar Association, 2 Pillsbury Street, Suite 300, Concord, NH 03301
10. Owner: New Hampshire Bar Association, 2 Pillsbury Street, Suite 300, Concord, NH 03301
11. Known Bondholders, Mortgagees, and other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities: None
12. Tax Status: Has not changed during preceding 12 months.
13. Publication Title: *New Hampshire Bar News*
14. Issue Date for Circulation Data Below: September 17, 2025
15. Extent and Nature of Circulation

		Avg No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published nearest to filing date
a.	Total Number of Copies (net press run)	8825	8825
b.	Paid Circulation	0	0
b1.	Mailed Outside - County Paid Subscriptions	0	0
	stated on PS Form 3541	7472	7472
b2.	Mailed In-County Subscriptions	1231	1231
b3.	Paid Distribution Outside the Mails	0	0
b4.	Paid Distribution by Other Classes of Mail	0	0
c.	Total Paid Subscriptions	8703	8703
d.	Free or Nominal Rate Distribution		
d1.	Free or Nominal Rate Outside County	0	0
d2.	Free or Nominal Rate In-County	0	0
d3.	Free or Nominal Rate Mailed at Other Classes	0	0
d4.	Free or Nominal Rate Outside the Mails	0	0
e.	Total Free or Nominal Rate Distribution		
f.	Total Distribution	8703	8703
g.	Copies not Distributed	122	122
h.	Total	8825	8825
i.	Percent Paid	100%	100%
16.	Electronic Copy Circulation		
a.	Paid Electronic Copies	0	0
b.	Total Paid Print Copies + Paid Electronic Copies	8703	8703
c.	Total Print Distribution + Paid Electronic Copies	8703	8703
d.	Percent Paid (Both Print & Electronic Copies)	100%	100%

17. Publication of Statement of Ownership: If the publication is a general publication, publication of this statement is required. Will be printed in the October 15, 2025 issue of this publication.
18. Signature and Title of Editor, Publisher, Business Manager or Owner. Donna Parker, Sales and Technical Editor, 9-16-2025

September 2025

* Published

ELECTRONIC FUNDS TRANSFER/UCC

Lee T. Corrigan, LLC v. JP Morgan Chase Bank NA, 24-cv-418-LM, 2025 DNH 109P, September 15, 2025.

Plaintiff, a General Contractor, sued for the return of funds wired to a Chase account controlled by an alleged criminal.

The Court found that even though Corrigan lacked privity with Chase, a requirement to recover under the relevant portions of the UCC, Corrigan's complaint could survive a motion to dismiss to the extent it sought only declaratory relief against Chase.

The Court reasoned that there is no textual basis for a privity requirement when a party is not seeking a refund under the UCC, the declaratory relief sought is permitted by the Declaratory Judgment Act, and allowing the suit to go forward with Chase as a defendant avoids procedural abnormalities that would result from outright dismissal.

Moreover, Corrigan's complaint sufficiently alleged facts regarding Chase's actual knowledge that the person that controlled the Chase account was not the intended recipient of the funds. Finally, the court granted Corrigan leave to amend his complaint to seek damages against his own bank which initiated the funds transfer to Chase. 25 pages. Chief Judge Landya B. McCafferty.

28 U.S.C. § 2241

Alves Da Silva v. US Immigration and Customs Enforcement, Boston Field Office Acting Director et al., 25-cv-284-LM-TSM, 2025 DNH 117P, September 29, 2025.

Petitioner, a noncitizen who entered the United States without lawful entry in or around 2012, was arrested and detained by Customs and Border Protection in 2025 but was subsequently ordered released by an immigration judge on bond. After the immigration judge ordered petitioner released, the government invoked C.F.R. § 1003.19(i)(2), a regulation which allows the government to automatically stay the immigration judge's release order for 90 days, pending appeal to the Board of Immigration Appeals.

Petitioner sought a writ of habeas corpus on the grounds that the automatic stay regulation violated his right to procedural due process. Weighing the three factors set forth in Mathews v. Eldridge, 424 U.S. 319, 335 (1976), the court agreed that the automatic stay regulation violated petitioner's constitutional rights.

Moreover, as petitioner had lived in this country for over a decade and was not arrested at or near the border, the court found that he was not subject to mandatory detention pursuant 8 U.S.C. § 1225(b)(2). 13 pages. Chief Judge Landya B. McCafferty.

AMERICANS WITH DISABILITIES ACT

Spencer Neal v. Omni Mount Washington, 23-cv-314-PB, 2025 DNH 101, September 3, 2025; Spencer Neal v. Omni Mount Washington, 23-cv-314-PB, 2025 DNH 102, September 3, 2025

Plaintiff Spencer Neal filed suit against Defendant Omni Mount Washington, LLC under Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181—88. He alleged 119 separate ADA violations at Omni's hotel property. In November 2023, the Court granted Omni's unusual motion for judgment on the pleadings against itself.

In January 2025, the Court directed both parties to submit proposals for injunctive relief. Omni's motion for injunctive relief sought to address the 119 violations set forth in Neal's complaint and identified by his ADA expert. Neal agreed with Omni's proposed injunctive relief, but he additionally requested that his expert be permitted to inspect the hotel to identify any further violations. Because Neal did not dispute Omni's proposed relief, the Court issued an immediate injunction ordering Omni to remedy the 119 violations.

Additionally, Omni argued in its reply to Neal's proposal for injunctive relief that Neal forfeited any further relief and should not be allowed to send his expert to identify further violations at the hotel. In response to these two arguments, the Court dismissed Omni's motion without prejudice for two reasons.

First, the Court held that Neal has standing to seek relief for violations at the hotel beyond those he personally encountered. Second, the Court does not believe Neal forfeited his right to inspect the property by failing to meet a deadline self imposed in a status report. The Court provided Neal with thirty days to arrange for an expert to visit the hotel, prepare a supplemental report, and submit it to Omni. The Court provided Omni with thirty days thereafter to respond to the report. The Court simultaneously issued a separate order granting injunctive relief with respect to the 119 alleged violations. 11 pages and 17 pages, respectively. Judge Paul J. Barbadoro.

INSURANCE POLICY INTERPRETATION

Rodriguez Morel v. The Travelers Casualty and Surety Company of America, No. 22-cv-200-PB, 2025 DNH 119, September 30, 2025

In an underlying action, Plaintiff Juliana Rodriguez Morel sued her former employer, Mammoth Tech, Inc., for pregnancy discrimination and wrongful termination. In March 2023, she received a default judgment of $303,592.20 against Mammoth in that underlying action. In the current action, Rodriguez Morel sought a declaratory judgment against Travelers, Mammoth's insurer, holding that Travelers is obliged to satisfy the March 2023 default judgment pursuant to a claims-made policy it issued to Mammoth.

Travelers filed a motion for judgment on the pleadings, arguing that Rodriguez Morel's claims are not covered under the policy. This Court granted Travelers' motion for judgment on the pleadings because the claims-made policy at issue only covers claims first made during the policy's effective period, and Rodriguez Morel first made her employment claim in the underlying action before the policy went into effect. 15 pages. Judge Paul J. Barbadoro.

Classifieds

POSITIONS AVAILABLE

ASSISTANT DIRECTOR, ACADEMIC SUCCESS PROGRAM– The University of New Hampshire Franklin Pierce School of Law invites applications for an Assistant Director position in the law school's Academic Success Program (ASP). ASP supports all law students at UNH Franklin Pierce from orientation through the bar exam. Qualified candidates will hold a juris doctor (JD) degree from an ABA-accredited school, admission to the bar in at least one state/jurisdiction in the US and have 2+ years of legal work experience. For a complete position description, please visit: **https://usnh.wd5.myworkdayjobs.com/Careers/job/University-of-New-Hampshire---Franklin-Pierce-School-of-Law/Assistant-Director--Academic-Success-Program_JR4815-1**. UNH is committed to creating an environment that values and supports diversity and inclusiveness across our campus communities and encourages applications from qualified individuals who will help us achieve this mission.

LEGAL RESIDENCY COUNSELOR – The University of New Hampshire Franklin Pierce School of Law is seeking a part-time (remote/hybrid) Legal Residency Counselor to engage in individual counseling sessions with JD law students seeking legal residencies/externships. This is a part-time position, 20 hour per week (flexibility of hours and days determined by candidate availability), with mostly remote responsibilities and some on-campus needs in Concord, NH. Minimum qualifications include a J.D. from an accredited law school. A complete position description can be found here, **https://usnh.wd5.myworkdayjobs.com/en-US/Careers/details/Legal-Residency-Counselor_JR4643**. UNH is committed to creating an environment that values and supports diversity and inclusiveness across our campus communities and encourages applications from qualified individuals who will help us achieve this mission.

FAMILY LAW ASSOCIATE ATTORNEY – Cohen & Winters is a growing law firm servicing central and southern New Hampshire, and the seacoast. We currently have offices in Concord, Manchester and Exeter. We are seeking an experienced family law attorney. The ideal candidate will have 2+ years of experience. We offer a competitive salary package and benefits that include health insurance, disability, life insurance and 401k. We offer a very congenial work environment with lots of great colleagues and support. All inquiries will be confidential. Salary commensurate with experience. Please send replies to: **dorothy.darby@cohenwinters.com**.

ASSOCIATE ATTORNEY – Boxer Blake & Abbott PLLC, a regional law firm located in Springfield, Vermont, seeks an Associate Attorney to join its civil litigation practice. The position requires prior relevant experience and/or exemplary academic credentials, demonstrated research and writing ability, and strong recommendations. Hybrid remote potential. Current license to practice law in Vermont or genuine intention and ability to become licensed in Vermont at earliest opportunity are required. Interested candidates should send their resume and cover letter to Denise M. Smith, **dmsmith@boxerblake.com** – please use Attorney Search in the subject line.

EXPERIENCED ATTORNEY: Wolfeboro's oldest and most experienced law firm seeks an energetic attorney as an associate or equity partner. An excellent opportunity for a motivated attorney who desires to work in a busy general practice law firm and reside in the community. Salary based upon experience with future adjustments based upon performance. This is a long term position with growth and partnership potential or start as a partner. Please send resume to Randy Walker at Walker & Varney P.C., P.O. Box 509, Wolfeboro, NH 03894 (603-569-2000).

REFERRALS

LAWYER REFERRAL SERVICE – FULL FEE PROGRAM – Even when your practice is thriving, you need a steady stream of leads to keep it that way. Join NHBA Lawyer Referral Service to receive prescreened referrals for the types of cases you select. Set the type and quantity of cases you want to receive with no obligation to accept any referral. Pay LRS only 10% of collected fees earned on referrals. To learn more or sign up visit **https://www.nhbar.org/join-lawyer-referral-service** or contact LRS at (603) 715-3235 or email **lrsreferral@nhbar.org**.

LAWYER REFERRAL SERVICE – MODEST MEANS PROGRAM – Narrow the justice gap and still earn fees. The NHBA Lawyer Referral Service Modest Means Program needs more attorneys. This vital reduced-fee program provides access to justice for people with limited income who don't qualify for pro bono programs but can't afford standard attorney fees. It is free to sign up, and there is no obligation to accept any referral. To learn more or sign up visit **https://www.nhbar.org/join-lawyer-referral-service** or contact LRS at (603) 715-3235 or email **lrsreferral@nhbar.org**.

ALFANO LAW, PLLC

Mid-Career Civil Litigator – No Business Development Required

Alfano Law, PLLC is seeking a mid-career civil litigator admitted in New Hampshire who wants to focus on practicing law—not chasing business. This role is ideal for lawyers who thrive in litigation and want to maximize their income without the pressure of business development.

What We Offer

- **Top-of-market compensation**, structured to give you control over your earnings
- **No business development expectations**, just excellent legal work
- A collaborative, professional environment focused on results and client service

We handle a wide range of civil matters, with a strong focus on real estate and property law:

- Roads and easements
- Boundary disputes
- Real estate transactions
- Zoning and planning
- Property tax appeals
- Estate planning and probate

Main Office located in Concord, NH with satellite offices in Bedford, Keene, and Portsmouth.

Flexible employment that combines in-office and remote work, allowing you to choose where and how you work for better productivity and work-life balance.

Full benefits for full-time candidates.

Interested candidates may contact Anne-Marie Guertin at **amguertin@alfanolaw.com**.

NIXON PEABODY

Nixon Peabody's Affordable Housing and Real Estate Practice Group is seeking to hire an associate to join the Manchester, NH office.

Ideal candidates for the Real Estate team should have at least two years' experience working on sophisticated commercial real estate transactions, with knowledge in real estate acquisitions and dispositions, leasing, development and debt and equity financings. Qualified candidates will also have strong academic credentials, and a commitment to excellent client service.

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

For more information, please visit **www.nixonpeabody.com/careers**. To learn more, please email Emily Cook at **ecook@nixonpeabody.com**.

DrummondWoodsum

ATTORNEYS AT LAW

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**. 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

DrummondWoodsum

ATTORNEYS AT LAW

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**. 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

BOYLE | SHAUGHNESSY LAW

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**.

G&H
GOTTESMAN & HOLLIS, P.A.
ATTORNEYS AT LAW
www.nh-lawyers.com
603-889-5959

Gottesman & Hollis is seeking a full-time in-person legal assistant for our Commercial Real Estate & Business Transactions practice in Nashua, NH. The assistant must be proactive and thrive in a fast-paced, client-focused environment and be comfortable managing multiple tasks across a dynamic transactional legal practice.

- Minimum 2–5 years of experience as a legal assistant in a commercial real estate or real estate transactional law practice is preferred.
- Competitive salary based on experience, including benefits

Please submit your resume and a brief cover letter to **ehartigan@nh-lawyers.com**.

✨ 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** and **crystal@sabbethlaw.com.**

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

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**. 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

DrummondWoodsum
ATTORNEYS AT LAW

Municipal Attorney
Manchester, NH

Drummond Woodsum seeks an attorney with 1-3 years' litigation experience to join its expanding municipal law practice at its Manchester, New Hampshire office. Our municipal practice group uses a team-based approach to advise town, city, county and other local governing bodies on land use, zoning, environmental, subdivision and land use permitting matters, as well as matters involving New Hampshire's right-to-know law, elections, real estate, property taxation, municipal finance, labor and employment, and litigation. Our attorneys frequently appear before the circuit, superior, and supreme courts, as well as state administrative tribunals, and the federal court.

Candidates must have outstanding academic credentials, excellent research, writing and courtroom skills, a strong work ethic, and the ability to work well on a team. Prior experience in municipal, land use, and/or real estate law is a plus, but not required. To apply, please submit a letter of interest and a resume to 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, 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

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.**

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**

McLane Middleton

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@mclane.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 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**.

ASSISTANT COUNTY ATTORNEY

GRAFTON COUNTY ATTORNEY'S OFFICE

The Office of the Grafton County Attorney currently has a full-time position available for a highly motivated attorney. An Assistant County Attorney is primarily responsible for appearing in and prosecuting felony cases in Superior Court, as well as conducting legal research, drafting and filing motions as well as being a collaborative member of our overall prosecutorial team. Other responsibilities include discussing legal aspects of criminal cases with police and community relations in general. Applicant must have a Juris Doctor Degree and be a member in good standing of the NH Bar. We are flexible with telework options.

COME JOIN OUR TEAM!
Salary: $76,876.80-$105,851.20
We offer an excellent wage and benefit package.
Benefits Include: NH Retirement System, Low deductible Health Insurance, 13 Paid Holidays, Generous Earned time package, Education Assistance, Dental Insurance, Life Insurance & more.

For complete position details, visit our website and apply online:
www.co.grafton.nh.us/employment-opportunities • Email: **hr@graftoncountynh.gov**
Or in person at: Grafton County Human Resources, 3855 Dartmouth College Hwy., North Haverhill, NH 03774 • (603) 787-2034
E.O.E.

ALFANO LAW, PLLC

DISCONTINUED ROAD?
CLASS VI HIGHWAY?
PAPER STREET?

- HISTORICAL RESEARCH
- EXPERT TESTIMONY
- BRIEF WRITING
- TRIALS

PAUL J. ALFANO

PALFANO@ALFANOLAW.COM
(603) 226 - 1188

JOSHUA GORDON Appeals Lawyer

Effective and strategic advocacy in New Hampshire and Federal appellate courts.

603.226.4225
jlgordon@appealslawyer.net
AppealsLawyer.net

WE'RE HIRING

www.trg.com

Use your law degree and legal experience in a new way, without worrying about billable hours.

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!

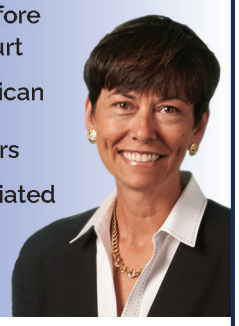
Claims Analyst & Litigation Attorney Positions Available
Asbestos, Pollution and Other Latent Liability Claims

Join our growing and diverse team working together to change the future of national mass tort and pollution litigation.

RIVERSTONE®
A FAIRFAX COMPANY

Doreen F. Connor

- 200+ Appeals Before NH Supreme Court
- Member of American Academy of Appellate Lawyers
- Referrals Appreciated



Call Doreen at 603-626-3304

ATTORNEYS AT LAW
PRIMMER PIPER EGGLESTON & CRAMER PC

primmer.com

Massachusetts Workers Comp
Atty. John Wolkowski
Backus, Meyer & Branch, LLP

Do you have a client injured in Massachusetts?

I honor referral fees

jwolkowski@backusmeyer.com
www.backusmeyer.com
(603) 668-7272
116 Lowell Street
Manchester, NH 03104

2025 CLASSIFIED RATES

Member – $1.25 per word plus $55 insertion fee; Non-member – $1.65 per word plus $70 insertion fee

If you would like to place an ad in the classified section, please contact our Sales and Technical Editor at (603) 715-3263. You may e-mail your ad to: **advertise@nhbar.org** and mail with a check for prepayment to: *NH Bar News* Classifieds, 2 Pillsbury Street, Suite 300, Concord, NH 03301.

A.A.DORITY

SURETY BONDS

Serving New England's Lawyers Since 1899

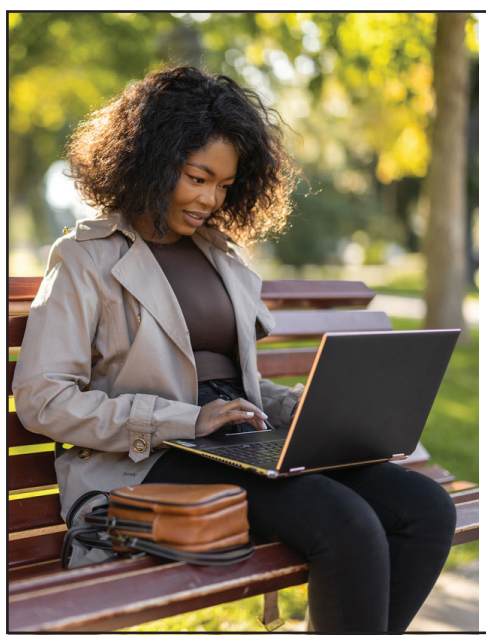
- Probate Bonds
- Appeal Bonds
- T.R.O. Bonds
- Dissolve Lien Bonds
- Bid, Performance & Payment Bonds
- Fidelity Bonds

PHONE: 617-523-2935
FAX: 617-523-1707
www.aadority.com
A.A. DORITY COMPANY, INC.
226 Lowell St., Suite B-4, Wilmington, MA 01887

2025-2026 *BAR NEWS* AD DEADLINES

Issue Date	Ad Reservation Deadline	Final Ad Copy Due
Dec. 17, 2025	Dec. 1, 2025	Dec. 8, 2025
Jan. 21, 2026	Jan. 5, 2026	Jan. 12, 2026
Feb. 18, 2026	Feb. 2, 2026	Feb. 9, 2026
March 18, 2026	March 2, 2026	March 9, 2026
April 15, 2026	March 30, 2026	April 6, 2026
May 20, 2026	May 4, 2026	May 11, 2026
June 17, 2026	June 1, 2026	June 8, 2026
July 15, 2026	June 29, 2026	July 6, 2026
Aug. 19, 2026	Aug. 3, 2026	Aug. 10, 2026
Sept. 16, 2026	Aug. 31, 2026	Sept. 7, 2026
Oct. 21, 2026	Oct. 5, 2026	Oct. 12, 2026
Nov. 18, 2026	Nov. 2, 2026	Nov. 9, 2026

For rates and information, contact
603-715-3263 or
advertise@nhbar.org



CLE delivered to you in a format of your choice!

NHBA•CLE online 24/7

On-demand video
CLEtoGo!™
(downloadable audo programs)
Live webcast

www.nhbar.org/nhbacle

SAVE THE DATE

New Hampshire Bar Association Midyear Meeting

February 20, 2026

Doubletree by Hilton, Manchester, NH