

## On Solid Ground: Judge Geeti Roen and Her Family Continue Rebuilding Their Lives

By Tom Jarvis

Just over two years after fleeing Afghanistan and resettling in New Hampshire, Judge Geeti Roen and her family are still adjusting to life in the Granite State – but the urgency of their early days has gradually given way to something steadier.

When Judge Roen, her husband, Dr. Ziaurahman “Zia” Roen, and their three children arrived in New Hampshire in late 2023, they were starting over

after years of displacement, including more than two years in a refugee camp in the United Arab Emirates (UAE). Today, the family has jobs, cars, children thriving in school, and professional goals that once again feel attainable.

“It was good to move to a new country, but it is also difficult,” Judge Roen says, reflecting on their first weeks in New Hampshire. “We faced a lot of challenges, but after a few months there were fewer problems. We received a lot of help and support from the lawyers and judges in the Bar Association. For this reason, we did not feel alone.”

New Hampshire Supreme Court Justice Anna Barbara Hantz Marconi, who helped organize the resettlement effort, says the contrast between those early days and the present moment is striking.

“When the family arrived, everything was urgent,” she says. “Two years later, the urgency has shifted into stability. They are building careers, their children are thriving, and they are becoming part of the fabric of our community.”

### From Shifting Sands

The Roen family was forced to flee Afghanistan in August 2021 after the Taliban regained control of the country and banned women from serving as judges. Judge Roen was among those particularly vulnerable, having presided over cases involving national security and violence against women and children. Through



The Roen family sits together at home. From left, Kiyomars, Kyanoush (front), Dr. Ziaurahman Roen, Judge Geeti Roen, Mehrsa, and Hangama Roen, who recently relocated from France. Photo by Tom Jarvis

international evacuation efforts led by the International Association of Women Judges, Judge Roen and her family were eventually brought to the UAE, where they remained in a refugee camp for more than two years before being resettled in New Hampshire with the help of the New Hampshire Coalition for Resettlement of Afghan Women Judges (the Coalition).

Circuit Court Administrative Judge Ellen Christo, who was present when the Roen family first arrived by bus in Manchester, recalls how small details made the moment unforgettable.

“I remember helping wheel their suitcases into the hotel lobby, and how unimaginable it seemed that an entire family’s life could fit into a handful of bags,” she says. “What struck me most was how upbeat and happy they were, particularly the kids, who couldn’t wait to attend school.”

In the early months, nearly everything was unfamiliar – from navigating grocery stores to getting the children enrolled in school.

“When we arrived here, everything was new to us,” Judge Roen says. “We had to find our way to stores and learn a new environment here. And I didn’t know any English other than how to say yes or no. Now I can speak more English, which helps a lot.”

ROEN *continued on page 22*

## Courtney Brooks Named Interim Dean at UNH Law

By Tom Jarvis

Courtney Brooks has been appointed interim dean of the University of New Hampshire Franklin Pierce School of Law (UNH Law), effective January 3, following the departure of Dean Megan Carpenter, who led the school for eight years.

Brooks has been at the law school since 2010 and serves as director of the Daniel Webster Scholar Honors Program (DWS Program) and associate dean for faculty. She will remain director of the DWS Program during her interim deanship.

“I’m excited,” Brooks says. “I care so much about the school, and I wanted to ensure continuity while advancing the school’s strengths, including its practice-based focus. This position presents completely different kinds of challenges than I’ve had before, so it’s an exciting opportunity to learn and to grow.”



UNH Law Interim Dean Courtney Brooks in the law school’s courtroom. Photo by Tom Jarvis

### The Path to Academia

A Colorado native, Brooks attended the University of Massachusetts Amherst, where she met her husband. She later moved to California and graduated from the University of San Francisco School of Law in 2001.

Brooks began her legal career in the Oakland office of Reed Smith, where she worked on pharmaceutical and medical

BROOKS *continued on page 23*

## Championing Public Sector and Nonprofit Attorneys

By Sean Gill

Approximately one of every six New Hampshire attorneys is practicing in the public sector or public interest sphere. Their ranks include public defenders, prosecutors, legal aid and legal assistance attorneys, judges, court staff, state, county, and municipal government attorneys, and those working for 501(c)(3) nonprofit organizations.

Attorneys self-identify as public service or public interest lawyers when registering or renewing with the Bar. Currently, 946 of 5,825 active New Hampshire Bar members are registered as public sector or public interest attorneys.

Among those, 543 are employed by state, county, and municipal governments, 253 serve with nonprofit organizations, 75 work for federal agencies,

and another 75 have public sector positions out of state.

At the end of her term, NHBA Immediate Past President Kate Mahan convened a special committee to examine the unique challenges facing this significant constituency of Granite State attorneys and identify ways the NHBA can support and encourage public service practitioners.

The committee is tasked with identifying statewide trends in public sector and public interest employment, encouraging law students to explore career opportunities in the field.

It is also charged with recommending ways the Bar can support public service and public interest attorneys, and devising strategies to enhance representation by public service and public inter-

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# NHBA Email Survey Coming Your Way – We Want to Hear About Your Community Service

The Bar Association will be sending you an electronic survey this month asking you to tell us about your community service work. The survey is short and will take only a few minutes of your time, but it is important to the Bar and the profession. We would very much like to hear from you!

The survey will come from the NHBA via an email link. We expect it to arrive in your inbox the last week of January. We will announce the results of the survey at the NHBA's Midyear Meeting on February 20.

The goal of the survey is to better understand how we, as lawyers, serve our communities and our neighbors. The survey will ask how you volunteered your time in 2025 – whether that was working for nonprofits, serving on town or state boards or commissions, providing pro bono legal services, or otherwise engaging in your community. The survey will give you the opportunity to identify the organizations you served and share approximately how much time you spent on those volunteer efforts.

Attorneys play a vital role in strengthening their communities, particularly through volunteer service to nonprofits and government boards, and the provision of pro bono legal assistance. In New Hampshire, where many individuals and families face legal challenges related to housing, domestic violence, family law, and access to ben-

## President's Perspective



**By Derek D. Lick**

Orr & Reno,  
Concord, NH

efits, volunteer lawyers are essential to ensuring that justice is not limited by income or status.

Attorneys have a particular duty to serve their communities because of their unique training and professional privileges. Legal education equips lawyers with specialized knowledge that is not easily replaced by other forms of volunteerism. Lawyers are granted licenses by the state and are entrusted with responsibilities that directly affect people's lives, liberty, and livelihoods. With those privileges comes an ethical responsibility to use legal skills for the public good, not solely for paying clients.

In a small state like New Hampshire, the impact of attorney volunteerism is especially significant. One lawyer's contribution

can stabilize a nonprofit organization, protect a vulnerable client, or set a precedent that benefits an entire community. Attorneys who volunteer also strengthen public trust in the legal profession by demonstrating that the law is a tool for fairness and service. Many attorneys volunteer through formal programs such as New Hampshire Legal Assistance and 603 Legal Aid, but others provide pro bono assistance on their own as part of their everyday practice.

Ultimately, attorneys who volunteer their time affirm the core purpose of the legal profession: to promote justice and uphold the rule of law. By supporting nonprofits, local boards, and offering pro bono services, New Hampshire attorneys help ensure that legal protections are accessible to all and that communities across the state are stronger, fairer, and more resilient.

With our survey, the Bar Association hopes to get a snapshot of what volunteer work our members are doing and just how important attorneys' volunteer efforts are to our state. The afternoon programming at the upcoming Midyear Meeting will focus on community engagement. In addition to sharing what we learned from the survey, we will also recognize some of those who have dedicated their valuable time and legal expertise to their communities and the legal profession. ♦

## 2026 NHBA Board of Governors Elections – Open Positions

The NHBA is seeking nominations for positions on its Board of Governors for the membership year starting in June 2026.

To view a list of the open positions or to download a petition, please visit [nhbar.org/nhba-bog-2026-elections-open-positions](http://nhbar.org/nhba-bog-2026-elections-open-positions).

Active, qualified members may submit a petition for one of the following positions for which nominations are open. Positions with an asterisk (\*) indicate an incumbent governor who is eligible to seek another term.

- Vice President (one-year term, and a four-year commitment to board leadership track – President-Elect, President, and Immediate Past President in subsequent years)
- Two Governors at Large (three-year term)

- County Governors (two-year term) representing:
  - Belknap\*
  - Carroll\*
  - Hillsborough County North
  - Hillsborough County South\*
  - Strafford\*
  - Sullivan\*
- ABA Association Delegate (two-year term)\*

### Submitting a Nomination Petition

No fewer than 10 active member signatures or 20 percent of the active membership of the county, whichever is less, having their principal offices in the county or division concerned are required for county governors. No fewer than 25 active member signatures are required for Vice President, Governor

at Large, and ABA Association Delegate. Bar members may sign only one petition for a county position on the Board representing the county where the signer's principal office is located. Blank petitions can be obtained by contacting NHBA Executive Department Assistant Holly Chandler at [hchandler@nhbar.org](mailto:hchandler@nhbar.org) or (603) 715-3267.

### Petition Deadline

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

### Election Information

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



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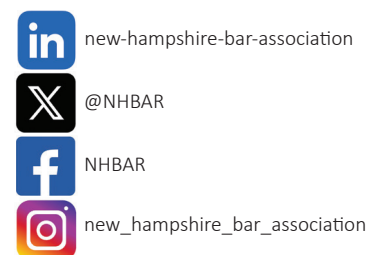
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# Resurfaced Historical Maps Illuminate Portsmouth Harbor Boundary Dispute

By Ian Huyett

Since 1997, Maine has controlled half of Portsmouth Harbor, including Badger's Island – the island shown on New Hampshire's state flag – and the naval shipyard on Seavey's Island. That year, Maine began garnishing the pay of Granite Staters who worked in the shipyard, claiming that it was collecting unpaid “back taxes” on their income. Maine's actions led to a 2001 original jurisdiction case before the US Supreme Court – *New Hampshire v. Maine* – and ignited a slow-boiling conflict that continues to this day.

The 2001 case is often mischaracterized in media reports, which sometimes say the Court “declared that the shipyard is part of Maine.” In reality, SCOTUS – relying on a 1977 consent decree on the boundary east of New Castle Island – judicially estopped New Hampshire from “asserting that the Piscataqua [harbor] boundary runs along the Maine shore.” The Court never directly addressed the status of the harbor islands or estopped New Hampshire from claiming them. So, is the naval shipyard part of New Hampshire or Maine?

Most historical maps of the harbor are not readily available online. While older, secondary sources often reference a key 1791 map by Jeremy Belknap – namesake of Belknap County – the harbor boundary is not legible in any online version of the map.

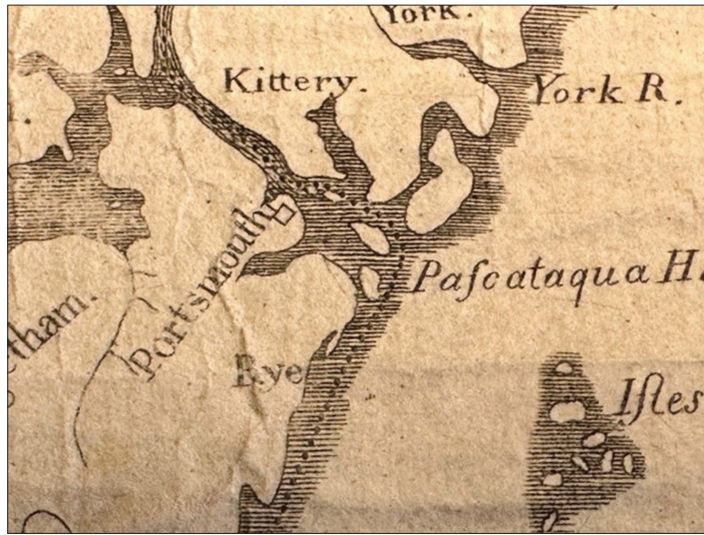
To better understand the boundary dispute, I tracked down Belknap's map in three historical archives. The Massachusetts Historical Society has an original 1791 print of Belknap's map in legible condition. I also reviewed dozens of maps of the harbor in the Portsmouth Athenaeum.

When viewed clearly, Belknap's 1791 map shows the borders of Rockingham County, represented as a dotted line, running south through the middle of the Piscataqua River, encompassing all the islands in the harbor, and then proceeding south along the shore.

This border is consistent with New Hampshire's *de facto* control of the whole harbor from 1679, when King Charles II first recognized the state as a colony, until the mid-20<sup>th</sup> century. During the American Revolution, the Granite State built Fort Sullivan on Seavey's Island – named for John Sullivan, commander of our revolutionary forces and third governor – and used the fort to control ship traffic until the federal government took over most harbor controls in 1896.

While New Hampshire no longer quarantined ships in the 1900s, it continued to exercise other harbor responsibilities – such as unilaterally paying for whole-harbor renovations – even after the territorial dispute with Maine first erupted in the 1970s.

Other maps in the Portsmouth Athenaeum underscore this history. Badger's Island, depicted on the New Hampshire flag and state seal, was the site of a shipyard owned by John Langdon, our second governor and a signatory of the US Constitution – and was used to build the



An original 1791 print of Jeremy Belknap's map of New Hampshire counties, photographed by the author in the archives of the Massachusetts Historical Society, shows that Rockingham County included all the islands in the “Pascataqua Harbor.”



Present-day Badger's Island is called “Langdon's Island” after the second governor of New Hampshire.

*USS Raleigh* and later John Paul Jones' *USS Ranger*. As early as 1774, multiple maps in the Athenaeum archives label Badger's Island as “Langdon's Island.” Though usually forgotten today, the memory that Badger's Island was once named for a New Hampshire statesman is reflected on maps as late as the 1930s.

While most early maps do not show any mid-harbor boundary, these maps are also consistent with New Hampshire's historic claim to the entire harbor. For example, an 18<sup>th</sup>-century topographical map in the Athenaeum prominently identifies a longitudinal “East Boundary line between the state of New Hampshire and Main [sic]” – the most conspicuous text on the map – but the boundary terminates at the river, with no harbor boundary visible at all. Maps like this are unsurprising if, as New Hampshire always claimed, its boundary runs south through the river and then coincides with the Maine shore.

Despite New Hampshire's long record of *de facto* harbor control, some later 19<sup>th</sup>-century maps do support Maine's claims – and the Pine Tree State cited these maps when it began to assert legal control over some harbor waters in the 1970s. Yet these maps seem mysterious. No royal decrees, congressional enactments, or interstate compacts ever assigned any part of the harbor to Maine before 1977. Why did a mid-harbor interstate boundary suddenly appear on some 19<sup>th</sup>-century maps?

The Portsmouth Athenaeum maps offer a clue. While something resembling today's state line appears on several maps as early as 1720, this line was never labeled as an interstate border

before 1850. Instead, many 18<sup>th</sup>- and 19<sup>th</sup>-century maps mark a *channel of navigation* – usually labeled a “ship channel entrance” – which proceeded north into the harbor and then turned west after passing New Castle Island.

Apparently beginning with an 1850 map by H.F. Walling, some mapmakers seem to have mistaken this line for an interstate boundary and labeled Seavey's and Badger's Island – despite their unambiguous control by New Hampshire at the time – as part of Maine. This confusion, possibly exacerbated by an east-west lighthouse range-line north of New Castle, may explain how the notion of a mid-harbor boundary first originated.

A renewed appreciation for these

historical maps could help inform our state legislature in addressing duty station assignments, the statutory borders of Rockingham County, the scope of New Hampshire's law enforcement prerogatives, and the potential to direct the state Department of Justice to relitigate the harbor boundary dispute in the future. ♦

*Ian Huyett serves as head of litigation at Cornerstone, an advocacy group that represents over 100 churches across New Hampshire, and is a volunteer board member of the New Hampshire Blockchain Council. He specializes in religious liberty, including issues affecting religious organizations and related constitutional issues.*

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## Katherine Hedges: Leading with Care and Confidence

By Megan Koerber

Katherine Hedges did not grow up dreaming of being an attorney. It was only after college – while navigating legal paperwork to support her hometown’s volunteer fire department – that she began to see law as a way to make a meaningful impact.

After graduating from Boston University with a double major in environmental analysis and policy and international relations, Hedges entered the workforce and spent about five years in business-to-business sales. During that time, she helped form a nonprofit to support her hometown’s volunteer fire department.

“A local attorney gave me some advice along the way, which is what first got me interested in law school,” she recalls. “I liked the challenge of completing the approval paperwork, and it was rewarding to be able to give back to my community in this way.”

Hedges earned her JD from the University of New Hampshire Franklin Pierce School of Law in 2014 and began her legal career in corporate law and civil litigation at Hage Hodes, PA.

“I was lucky enough to work on some challenging civil litigation matters alongside excellent attorneys while there,” she says. “Getting to know the client’s life, expertise, and the impact that the lawsuit had on them could be inspiring but also devastating.”

Some matters even offered the chance to help shape new law – an experience she describes as rewarding.

Laurie Young, who met Hedges in law school, isn’t surprised at the level of care she puts into each case.

“Kat has a quiet, kind confidence she brings to her practice,” Young says. “Clients naturally trust her, and she takes the time to explain every detail and risk in each case. This has fostered her reputation in the Bar as a detail-oriented, collegial attorney. She is also a natural leader.”

When she joined Rath, Young & Pignatelli in 2022, she found a place where her corporate law skills and her passion for energy innovation could intersect.

Today, Hedges is part of a team of attorneys handling project financing for a wide range of energy developments. Her work also spans real estate transactions, business formations, the purchase and sale of companies, and contract negotiations for both energy clients and businesses in other industries. While she once enjoyed the pace of litigation, she appreciates that her current practice allows her to build a deeper, more specialized understanding of the areas of law she works in every day.

“The most interesting part of my job is seeing the real-world impact of the legal work I am doing,” she says. “I have been able to see some of the projects I have



Katherine Hedges (right) and her sister Sarah Hedges exploring Scotland. Courtesy Photo

worked on after they are built. I also have been able to visit clients after they have opened or purchased a business. While I think the specifics of what I am working on do not always resonate with people, energy generation is something that touches everyone’s lives.”

Beyond her practice, Hedges is the current president of the New Hampshire Women’s Bar Association (NHWBA), an organization she has been a part of since law school.

“I believe in the organization’s mission of achieving gender equity in the legal

profession,” she says, noting that even in law school she became aware of “the uneven representation of women in leadership roles.”

She says the NHWBA’s strong network and welcoming culture drew her in, and over time she took on increasing leadership responsibilities.

“I have really enjoyed my time on the board because I get to work alongside and learn from a great group of leaders,” she says. “Although there is work that remains

**HEDGES** *continued on page 6*

## New England’s Perennial Powerhouse



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

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2008	25	8

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





## Sarah Mattson Dustin: A Career Rooted in Access to Justice

By Kathie Ragsdale

Sarah Mattson Dustin's family tree is peopled with lawyers. She has two degrees from Harvard, has been honored by her peers, and serves as vice president of the New Hampshire Bar Association's Board of Governors.

But it is the long-ago civil case of an indigent young woman that often inspires her work as executive director of New Hampshire Legal Assistance (NHLA), where she has worked for more than 18 years.

Her client was 19 or 20 with a low income and four young children, two with significant disabilities, and she was seeking escape from an abusive relationship. She didn't have a car, got around on foot, and Mattson Dustin remembers being struck by how well cared for the woman's children were despite her circumstances.

"I just thought: this young woman is facing these unimaginable obstacles and she is getting up every day and doing the best she can," says Mattson Dustin, who helped her client get a restraining order – and a new direction.

"When I became a parent many years later, with a job and all these resources, I would fall into bed and wonder how I'm going to do it another day," she says. "Then I would think about her doing it every day. If I could make some little difference in her life, what an honor for me ... I always carry that memory of her with me."

A lifelong Granite Stater, Mattson Dustin grew up in Center Harbor in a family whose attorney members included her grandfather, father, and, later, her brother.

She graduated from Harvard with a degree in psychology, took a gap year during which she was a substitute teacher, traveler, and worker at Hart's Turkey Farm in Meredith, then went on to Harvard Law.

Her first summer of law school, she got an internship with NHLA, and "that was the moment when I said, 'this is what I want to do,'" Mattson Dustin remembers. "Everything changed and clicked into place."

The work involved everything from participating in a Supreme Court case to helping attorneys prepare for a meeting, giving "a lot of opportunities" to a prospective lawyer, she says.

"A lot of what you think and learn in law school is aspirational – this idea that the legal system is going to produce a result that is just, based on the law and regardless of who the parties are," she adds. "We

know that having a lawyer can make that just outcome a lot more likely for a person, so it felt to me like a very concrete way to live up to the most aspirational version of the profession."

After her second year of law school, she took a summer associate position with McLane Middleton – "also a wonderful experience," she says – and upon graduation, clerked for Judge Paul Barbadoro at the US District Court in Concord. With the help and encouragement of NHLA, she also applied for, and received, a Skadden Fellowship, a two-year fellowship for recent law school graduates to pursue the practice of public interest law.

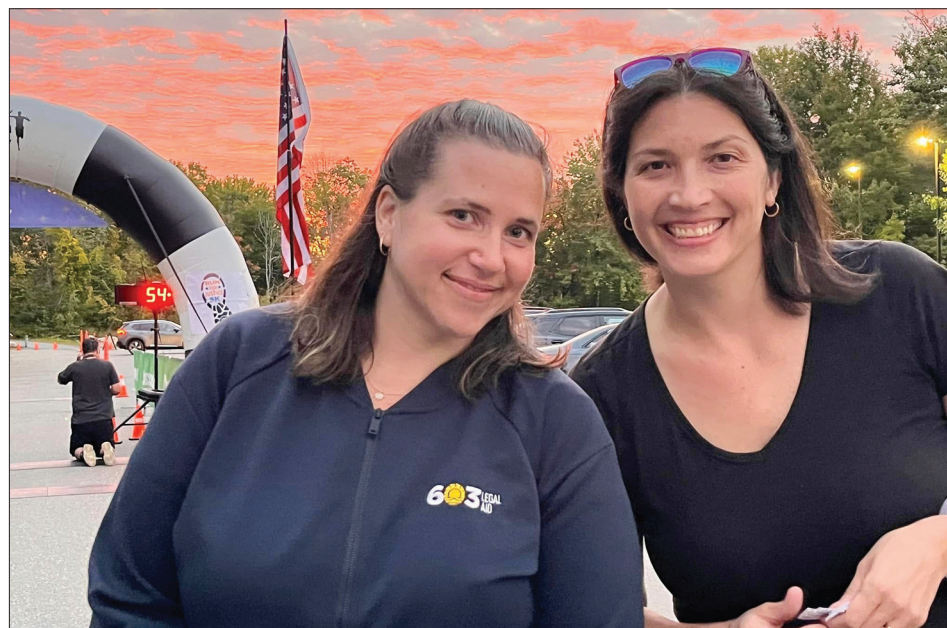
She became a staff attorney at NHLA for two years, headed the organization's Health Law Collaborative before becoming policy director, then left to be director of policy for the New Hampshire Women's Foundation for a year and a half.

In 2018, she came back to NHLA as executive director.

"Sarah's decision to return has been profoundly beneficial to NHLA," says Kay Drought, NHLA's litigation director, who has known Mattson Dustin for some 20 years. "Sarah has the courage, the emotional intelligence, and certainly the legal analysis skills to excel in any professional environment. For NHLA, and for our clients, I am so glad she has chosen to bring these leadership qualities to bear here in her home state and that she has chosen to devote her career to serving low-income Granite Staters."

The opinion is shared by former NHLA Board Chair Mark Rouvalis, a director at McLane Middleton. He has known Mattson Dustin since her days as an intern at his firm and now serves with her on the New Hampshire Supreme Court's Access to Justice Commission, which he co-chairs.

"Sarah is an exceptionally talented lawyer and organizational leader," he says. "She has a first-rate intellect, tremendous interpersonal skills, and a good dose of humility, a rare quality in a person so gifted. Sarah is perceptive, able to synthesize difficult concepts into understandable terms, and is a strategic thinker. Importantly, she does her work with a positive approach



Sarah Mattson Dustin (right) with 603 Legal Aid Executive Director Ariel Clemmer, NHLA's closest partner, at a fundraiser 5K run/walk event. Courtesy Photo

and optimistic outlook."

Rouvalis adds that Mattson Dustin is recognized by the national legal services community as "a leader in working to improve the delivery of legal services for those of limited economic means" and is invaluable on the Access to Justice Commission for work "that will improve access to justice not only for those of limited economic means but also for the public at large."

Mattson Dustin says she is especially proud of her work on a project, now in its second pilot phase, that enables NHLA paralegals to represent clients in court, with attorney supervision, in matters such as domestic violence, family law, and housing.

"It never made sense to me that we have people with the passion for the work and incredible legal expertise and we're saying, 'you can't do that inside a courtroom,'" she explains. "It's always been a missed opportunity to me. We've been really lucky here in New Hampshire to have fantastic support from the Judicial Branch and truly widespread bipartisan support for this concept."

Mattson Dustin participated in the inaugural class of the NHBA Leadership Academy in 2011 and was the 2010 recipient of the New Hampshire Bar Foundation's Robert E. Kirby Award.

She has also served on the boards of the New Hampshire Charitable Foundation, Merrimack County Savings Bank,

New Hampshire Mutual Bancorp, the Hopkinton Public Schools Foundation, and the New Hampshire Women's Foundation.

She and her yoga teacher husband, Asa Dustin, live with their two daughters in Contoocook.

Even when not working, she endeavors to help things flourish, growing vegetables, herbs, and flowers in her garden and attempting blueberry bushes and apples.

So far, she says, she's had "zero apples and about 30 blueberries" but already looks forward to next year's growing season. ♦



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## Demystifying Perfection: A Wellness Revelation

By Coda Campbell

This article serves as a reminder that self-advocacy is crucial for achieving wellness. Through my nearly three-year journey, I learned the importance of listening to my body and advocating for myself. In sharing my story, I hope to demystify the image of “perfection” and to inspire fellow attorneys to prioritize their health.



It was February 2023. I felt a pain in my chest. When the pain did not resolve on its own, I took myself to the ER. I was diagnosed with high blood pressure that day. High blood pressure is also known as the “silent killer.” I was mortified. Strokes, heart attacks, and aneurysms are common in my family. I was 32 years old and in very good shape. This diagnosis was sudden and confounded everyone. After many tests over several months, the doctors had no answers about the cause. They gave me medicine – I began taking it and moved on. I hypothesized it must be due to stress.

My father passed away suddenly in March 2023. Grieving the loss of a parent who abused and traumatized you is complicated; I knew I needed help navigating that process, so I went back to therapy. In May 2023, I opened my solo practice. My

schedule became less predictable, and my stress increased. By the time we were preparing to relocate to Florida, I was quite overwhelmed. My primary care provider prescribed a serotonin–norepinephrine reuptake inhibitor. I declined this medication and pushed for one last test.

The diagnosis was very clear: I have ADHD-C (Combined Type) at age 34.

I learned that women with ADHD present differently than men. The chaos is internal for us. I also learned there is a strong genetic link, and my family tree is well-decorated with the diagnosis.

I am a perfectionist who is chronically discontented. I am also an empath with high justice sensitivity. On the outside, I am always calm and collected. However, the dry cleaners who wash the sweat out of my suits know better. I always felt like I had to work three times harder than everyone else in school just to grasp the basics. It’s like my intelligence is inside a box with a series of locks on it. The signs were there all along – I misinterpreted them because my childhood trauma taught me how to mask. That “special skill” was rapidly catching up to me in my 30s and exacerbating my stress.

I was cautiously optimistic about the diagnosis. All doubt was resolved when the medication kicked in. For the first

time in my life, my brain fell silent. Tears quietly streamed down my face as I realized we had gotten it right. My sleep improved. A week later, I was experiencing low blood pressure. I came off my blood pressure medication and continued monitoring. I no longer have high blood pressure, and my doctors are blown away.

By advocating for my mental health, we found the cause of (and eliminated) my high blood pressure. My story is a cautionary tale about the physical manifestations of stress. Let’s not forget that advocating for ourselves is just as important as advocating for our clients. Wellness decisions are not one-size-fits-all; they can take many forms. Whether it’s seeking therapy, pursuing a healthier work-life balance, or addressing mental health challenges at any age, every step toward self-care is a step toward empowerment. ♦

*Coda Campbell is a solo practitioner at Campbell Law, PLLC. She practices military law and veterans benefits law globally (VA accredited). She also handles criminal defense and administrative law cases in New Hampshire and Florida. She is serving her third term on the NHBA Special Committee on Attorney Wellness. She can be reached at [codacampbelllaw.com](mailto:codacampbelllaw.com) or (603) 456-9709.*

## ■ HEDGES from page 4

to be done, I do think the organization has made a positive difference.”

Her leadership and mentorship have not gone unnoticed by her peers. Lyndsay Robinson describes Hedges as a powerful force for others in the profession.

“Kat has been a fearless champion for women and young lawyers,” she says. “Since I started practicing, I have watched Kat mentor countless women in the Bar. As a young lawyer, I looked up to her and her leadership style. I wanted to be like Kat as a lawyer ... one thing I have to say about Kat is that she is always smiling. Her smile is so genuine, and she always lights up a room!”

Outside the office, Hedges is an avid traveler with a passion for history. Recent trips have taken her to Scotland, Mexico, and cities across the United States. On a recent trip to the Old Courthouse at the Gateway Arch National Park in St. Louis, Hedges visited an exhibit examining the legacy of Dred Scott and the landmark case that bears his name.

Among her many accomplishments, Hedges is most proud of the role she plays as a mentor.

“I have gotten to know and learn from many different members of the New Hampshire Bar, and I am glad that I am getting to do that for others as well,” she says.

Her commitment to supporting newer attorneys reflects the same openness that has shaped her own career. If she could offer one piece of advice to young lawyers, it would be to embrace the unexpected.

“I think the most important thing is to be open to trying new things,” she says. “I would not have guessed that I would end up in the type of practice that I am doing now when I started law school.” ♦



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# Gender Equality Breakfast to Feature Annie Kuster, Honor Nancy Richards-Stower

By Meredith M. Lasna

The Gender Equality Breakfast will kick off the 2026 NHBA Midyear Meeting on February 20. The Gender Equality Committee (GEC) is pleased to welcome former US Representative Annie Kuster (D-NH) as the featured speaker and to honor Nancy Richards-Stower with the Philip S. Hollman Award for Gender Equality. Both women have made extraordinary contributions to advancing gender equality.

Kuster's commitment to gender equality is rooted in her upbringing. Raised by parents who encouraged her to believe she could do anything, she broke barriers early in life. She attended Dartmouth College as part of the third class to include women, where female students were outnumbered 13 to one. She later attended Georgetown University Law Center, where women made up barely 20 percent of the class. In law school, she took a gender equity class taught by Eleanor Holmes Norton, the first woman appointed to chair the US Equal Employment Opportunity Commission. Gender equality was a daily consideration that continues to inform her work today.

As an attorney, Kuster advocated for herself and other women in the profession. She challenged compensation systems at law firms and sought equal pay for women who were often more productive than their male counterparts but paid less. She recognized that women should not be held back by inequitable structures and understood that unequal pay has lasting consequences, including wider wage gaps, fewer opportunities to invest, and lower Social Security benefits. She saw that a firm failing to meet the needs of half its workforce was failing its business. Kuster demonstrated that it was possible to be a successful law partner while working part-time and encouraged others to challenge the status quo.

Kuster served as chair of the GEC and worked closely with Judge Philip Hollman on the Gender Equality Survey. She recognized then, and continues to emphasize today, that the absence of women litigators and judges leaves some voices and perspectives underrepresented in the justice system.



Kuster

Kuster's advocacy continued through the 12 years she represented New Hampshire's Second Congressional District. She worked alongside colleagues on workplace and pay equity. Kuster also worked to expand access to childcare, recognizing that such policies help employers retain talented women. She was also a founding member of the Bipartisan Task Force to End Sexual Violence.

Kuster frequently highlights the contributions of women in New Hampshire. Trailblazers such as her mother, Susan McLane, ran for office and won, paving the way for other women to overcome barriers, lead all-female delegations, and attain the highest offices in the state. Women serving as judges, law firm leaders, and nonprofit heads continue to shape New Hampshire's professional landscape.

Gender equality remains central to Kuster's work. She encourages women to lift one another's voices, show respect, and mentor each other. She also urges employers to avoid short-sighted decisions. Careers are long, and policies such as family leave, flexible schedules, remote-work options, fair compensation, and an overall commitment to equity benefit not only women, but the profession as a whole.

At the breakfast, the GEC will present Nancy Richards-Stower with the Philip S. Hollman Award for Gender Equality. She served as a member and chair of the New Hampshire Commission for Human Rights, is a member of the College of Labor and Employment Lawyers, founded and served as president of the New Hampshire Chapter of the National Employment Lawyers Association, and has authored and presented widely on employment law topics. Until her retirement, she was a tireless advocate for employees facing discrimination, including gender discrimination, and continues to be a trusted resource for employment lawyers across the state.

We look forward to hearing from both women on February 20 and to welcoming the NHBA community in attendance. ♦

*Meredith M. Lasna is the chair of the Gender Equality Committee and an attorney with Pastori | Krans in Concord. She can be reached at [mlasna@pastorikrans.com](mailto:mlasna@pastorikrans.com).*



Richards-Stower

## NEW HAMPSHIRE BAR ASSOCIATION 2026 Midyear Business Meeting

Friday, February 20, 2026  
12:15 pm  
DoubleTree by Hilton Downtown Manchester, NH

### AGENDA

President Derek D. Lick, Presiding

1. Call to Order
2. Approval of the Minutes of the Annual Business Meeting – Friday, June 7, 2025
3. Old Business
4. New Business
5. Adjournment

## NEW HAMPSHIRE BAR ASSOCIATION 2025 Annual Business Meeting

Saturday, June 7, 2025  
6:00 pm  
Sheraton Portsmouth Harborside Hotel

### DRAFT MINUTES

President Kathleen M. Mahan presiding

1. Call to Order  
President Kathleen M. Mahan called the meeting to order at 6:10 pm.
2. Secretary's Report – Draft Minutes of the 2025 Midyear Membership Business Meeting for approval.

### ACTION

On motion to approve the minutes as presented. Passed.

3. Old Business  
There was no old business.
4. New Business  
Vote on Proposed Bylaws change to Article IX, section 5 – To change the name of the Law Related Education Committee to the New Hampshire Bar Civics and Law Outreach Committee.

### ACTION

On motion to change the name of the Law Related Education Committee to the New Hampshire Bar Civics and Law Outreach Committee as named in Article IX, Section 5 of the NHBA Bylaws. Passed.

5. Adjournment  
The meeting was adjourned at 6:15 pm.

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## When Law School and Parenthood Collide

By Bethany Hartt

One of the most refreshing relationships to cultivate in law school is with a classmate who is also a parent. The University of New Hampshire Franklin Pierce School of Law Class of 2027 includes a not-insignificant number of parents. Among a sea of recent undergraduates, these parents bring maturity, perspective, rigor, and good humor into the classroom.

A mainstay in the Class of 2027 is Dana Morrill-Winter, a 2L Daniel Webster Scholar and mother to three children, ages 4, 6, and 8. Morrill-Winter is the ideal classmate: she seems to always know the right answers, but she's humble, collaborative, and inclusive.

Law school is just one facet of her life, and the way she manages her daily responsibilities is nothing short of a tour de force. The following account of her day-to-day routine inspires both an inclination toward self-improvement – and a well-deserved nap.

Morrill-Winter's day starts very early, with exercises at 4:45 am to "keep accountable and sane," while also offsetting the long stretches of sitting on her commute and in the classroom.

What necessitates such a staggeringly

early start? The elementary school bus arrives promptly at 6:50 am for Morrill-Winter's two eldest children. She and her husband, Caleb, "tag-team breakfast, packing backpacks, and making sure they make it on the bus."

After dropping her youngest son off at preschool, Morrill-Winter commutes from the Seacoast to Concord. During the ride, she usually immerses herself in current events as an avid listener of NHPR. Encouraged by dynamite Constitutional Law II Professor Margaret O'Grady, Morrill-Winter also listened to Supreme Court oral arguments throughout 2L Fall semester.

If you want to find Morrill-Winter on campus, she is usually perched on the third floor of the library, at a table overlooking White Park.

"I try to treat law school like a full-time job," she says.

Unless she has an evening class, she is home by 6 pm. Dinner and bedtime are over by 8 pm, and she finishes her schoolwork by 10 pm.

Law school during this phase of life is not without its sacrifices. Morrill-Winter was candid about what kinds of support are indispensable to her success in law school.

She especially credits her husband as an "equally involved, supportive partner," who also works full time. Additionally, she has family nearby who can help in a pinch.

"I'm very fortunate to have a lot of support," she says, "knowing that my kids



Dana Morrill-Winter (right) with her husband Caleb and their children, Merit, Jude, and Ella. Photo by Courtney Jane Photography

are generally happy and well cared for makes law school easier."

Morrill-Winter also highlights the uniquely maddening childcare challenges that arise for young families. If it were not already obvious, she excels in areas like diligence and organization. But there are some days when no amount of prior planning can fix childcare emergencies.

Even with after-school programs for her kids, she reports that childcare is her "biggest worry," especially when

her husband travels for work. This is a hurdle many of her peers will never encounter in law school, but she takes it all in stride.

"I'd like to say that parenthood has taught me to embrace uncertainty and to be intentional with my time," she says.

When asked to recount a day that was particularly chaotic, Morrill-Winter said, "During the second week of our exam period, I had two finals, revisions on a final assignment, a reflective paper due, several holiday happenings at my kids' school, and my son's sixth birthday. Unfortunately, my husband was also traveling for work. Luckily, my mom came to the rescue and handled most of the childcare responsibilities."

Morrill-Winter's children, though still young, have formed their own opinions about a future career in law. Her middle son "has declared that he'll 'never be a lawyer' because 'mom is always working.'"

"I hope that someday, these three years will be a blip in their memory, but they'll see that big goals are achieved by working diligently every day, even when it feels hard," she says. ♦

*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.*

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## UNH Law Professors Bring Supreme Court Cases to Life for Eighth Graders

By Tom Jarvis

Three professors from the University of New Hampshire Franklin Pierce School of Law (UNH Law) – Margaret O’Grady, Heather Ward, and Anna Elbroch – visited an eighth-grade US history class at Brian S. McCarthy Middle School on December 15 to help students explore constitutional law through real-world US Supreme Court cases.

The visit was part of the NHBA Civics and Law Outreach Committee’s Lawyer and Judge in Every School initiative, which connects legal professionals with classrooms across the state to support civics education and promote understanding of the legal system.

The class, taught by Andrew Brown, is centered on a project called Teens on Trial, in which students analyze US Supreme Court cases involving students’ rights. The unit’s kickoff case is *Tinker v. Des Moines*, the landmark 1969 decision affirming students’ First Amendment rights in public schools.

Brown says the Teens on Trial curriculum begins with Colonial America, moves through Reconstruction, and concludes with the Civil Rights Movement. The visit from the UNH Law professors served as the culminating activity for the class’s Constitution unit.

“In the Teens on Trial project, scholars analyze landmark Supreme Court cases involving students’ rights and apply constitutional principles to real-world scenarios,” Brown says. “It serves as both a content review and a way for students to strengthen their critical thinking and argumentation skills.”

The visiting professors led students through a series of interactive exercises designed to mirror how lawyers and judges analyze legal rules and cases.

O’Grady opened the lesson with a hypothetical classroom policy banning cell phone use during basketball class. She invited students to test the rule by proposing scenarios that might justify an exception and debating whether a violation had occurred. The exercise demonstrated how courts interpret rules, consider exceptions, and apply facts to legal standards.

Ward then guided students through how to read a US Supreme Court opinion, using *Tinker* as an example. She showed them how to identify key elements of a decision, including the factual background, procedural history, legal issues, and the

rule applied by the Court.

Elbroch closed out the lesson with a 12-question interactive quiz using Kahoot!, a game-based learning platform. The quiz asked students to apply what they had learned about *Tinker*, constitutional amendments, precedent, and why Supreme Court decisions apply nationwide. Students submitted their answers on their Chromebooks as the questions appeared on a large screen, with Kahoot! tracking correct responses and naming a winner.

The winning student, Brown announced, would receive five bonus points on the Supreme Court vocabulary test. When Elbroch joked that she only awards one point in her own law school classes, Brown laughed and told the students, “When you go to law school, it’s only one point. Enjoy eighth grade now.”

After the lesson, the professors met with student groups to answer remaining questions and confirm that students understood their assigned cases and expectations for the project.

“It was a fantastic experience,” O’Grady says. “I was impressed with the students’ engagement, questions, and insights. They are a credit to their incredible teachers. I hope and expect to see some of them in my law school classroom at UNH someday.”

O’Grady says working with middle school students highlights the human impact of the law.

“Being a lawyer is, at its root, a human profession,” she says. “It’s about how to use the law to make people’s lives better. To talk with middle schoolers about how the law works gets at the heart of what we do.”

Elbroch echoes the importance of bringing legal concepts into classrooms.

“It is incredibly important for lawyers to visit schools to make civics and the Constitution accessible and to show students that they can think like lawyers and



From left, UNH Law professors Margaret O’Grady, Heather Ward, and Anna Elbroch stand with McCarthy Middle School history teacher Andrew Brown after class. Photo by Tom Jarvis

envision themselves going to college and law school,” she says. “The students were engaged and did an impressive job.”

Ward says the visit created an opportunity to connect constitutional law to students’ lives.

“Sometimes the law and the Constitution can seem detached from their experiences,” she says. “It is nice to be able to show them how they fit within our legal system. Kids have a different perspective, and giving them an opportunity to share it will hopefully continue to help

them be engaged.”

She adds that collaboration between legal professionals and educators is essential to effective civics education.

“The law can be complicated,” says Ward. “Lawyers have a unique ability to explain the complexities of the law in an accessible way. Collaborating with different educators throughout the state is important to giving students a well-rounded understanding of civics. Mr. Brown and McCarthy Middle School were gracious hosts, and we look forward to returning.” ♦

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NEW HAMPSHIRE

# BAR FOUNDATION NEWS

## Bar Foundation Launches Law School for Legislators Program

By Cindy Roberts and Tom Jarvis

The New Hampshire Bar Foundation's (NHBF) Educating the Public Committee, chaired by Heather Burns, held the first session of its new Law School for Legislators series on December 3 at the Hotel Concord. The nonpartisan program was designed to give lawmakers a practical, baseline understanding of how parts of the state justice system work before the start of the legislative session.

The December session focused on family law and the New Hampshire Circuit Court's Family Division. The goal was to provide a neutral setting where legislators can ask questions and hear directly from judges, court personnel, and others about how cases move through the system.

In New Hampshire, the NHBF uses IOLTA-funded education support to expand public-facing civics initiatives. This educational funding helped support the NHBF's inaugural New Hampshire High School Civics Essay Contest last year, as well as the Law School for Legislators series.

Forty-three legislators registered for the December 3 session. Presenters in-

cluded judges, court personnel, and practitioners; among them Chief Justice Gordon MacDonald, Judge Mark Howard, Judge Ellen Christo, Judge Ellen Joseph, Judge Jennifer Lemire, Judge Kevin Rauseo, Judge Daniel Swegart, Anna Brown, Ariel Clemmer, Jessica Humphrey, Elaine Lowe, Representative Mark Pearson, and Steven Shadallah. Jack Crisp served as the moderator.

The agenda began with an overview of New Hampshire's court system, then moved into a detailed look at the Family Division, including the types of cases it handles and key process points. The program also walked through how divorce, parenting, and other family matters are handled, followed by an overview of case types involving minors, including abuse and neglect, children in need of services, delinquency, guardianships, and Family Treatment Court. The session concluded with a discussion of the judge's role as factfinder and how domestic violence cases are handled in the system.

New Hampshire House Representative Bob Lynn (R), who previously served as chief justice of the New Hampshire Supreme Court, says the program was useful

both for legislators' own understanding and for responding to constituent questions.

"The speakers were very knowledgeable and provided great insights into the workings of the family courts and the manner in which family law disputes are resolved in New Hampshire," Lynn says. "I have heard very positive feedback from my legislative colleagues who attended the program, and I am hopeful that the Bar Association and the Judicial Branch will be able to present similar programs dealing with other areas of the law that legislators would find helpful on an ongoing basis in the future."

New Hampshire Circuit Court Chief Judge Ellen Christo coordinated participating judges and court personnel and served as a presenter for the program, says the session helped create a shared foundation for cross-branch understanding, particularly in an area of law where the court regularly handles high-volume cases with significant personal stakes.

"Legislators regularly encounter concerns from their constituents about the real-world impact of these cases," Judge Christo says. "As judges, we carry the heavy responsibility of overseeing these

cases and making life-altering decisions. We greatly appreciate the opportunity to share foundational knowledge and context with the people's representatives."

Judge Christo adds that legislators engaged seriously with the subject matter and asked substantive questions that supported constructive dialogue about court operations and the delivery of impartial justice.

"Although we come from different branches of government, we share a common goal: ensuring fair and effective outcomes for the individuals and families who rely on our justice system," she says.

"The Foundation is deeply grateful to the judges and court personnel who generously shared their time and expertise to make this first Law School for Legislators session a success," NHBF Executive Director Sarah Blodgett says. "We are especially thankful to Judge Ellen Christo for coordinating the participating judges and court staff and for also serving as a presenter. Her leadership and commitment were instrumental in delivering a thoughtful, informative program for legislators."

The NHBF plans to offer additional presentations on other areas of law in the coming years. ♦

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The NHBA and the *Bar News* team would like to thank the 156 contributors who helped make this publication a success in 2025. Your willingness to share your time, knowledge, and perspective strengthened each issue throughout the year and helped ensure the publication continues to reflect the depth and diversity of the New Hampshire Bar. We are grateful for your continued support and for the meaningful role you play in informing and engaging your colleagues.

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Jest Is For All by Arnie Glick



“At the beginning of January, the senior partner here always says: ‘Out with the old. In with the new.’ He is referring to billable hours.”

The Bar News Crossword by James P. Mulhern

Here are the answers to the *Bar News* Crossword from the December 2025 issue (Vol. 36, No. 7), along with a new puzzle. Did you fully solve the December crossword? Tell us how you did or give feedback at [news@nhbar.org](mailto:news@nhbar.org).

1	T	R	I	M	
5	R	O	D	I	N
7	E	L	E	N	A
8	E	L	A	T	E
	9	S	L	Y	

- ACROSS
- 1. Cuban ballroom dance
  - 6. Speedway shapes
  - 7. How a French dip sandwich is served
  - 8. Biological copy
  - 9. Multiple male deer

1	2	3	4	5
6				
7				
8				
9				

- DOWN
- 1. Pest known to infest apartment buildings
  - 2. That dangly thing in the throat
  - 3. The Masters or the Australian Open, e.g.
  - 4. Like pointed remarks (ironically)
  - 5. Multiple donkeys



## Congratulations! Attorney Heather E. Krans

Pastori | Krans congratulates Heather Krans on her retirement from the practice of law, effective January 1, 2026. Her colleagues wish her well on her next chapter.



Attorney Kathleen Davidson will lead Pastori | Krans' Family Law Group with the same standard of excellence Heather inspired throughout her practice.

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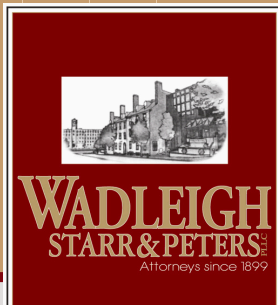
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**Catherine Bousquet**



Catherine Bousquet joined the firm in 2022 and focuses on the defense of hospitals and healthcare practitioners in medical malpractice litigation, and the defense of commercial entities in products liability and personal injury litigation. She is admitted to practice in New Hampshire, the New Hampshire Federal District Court, and the First Circuit Court of Appeals.

**Michael Eaton**



Michael Eaton joined the firm in 2019 and focuses on appeals of both civil and criminal matters, civil litigation, post-conviction litigation, and criminal defense. He is admitted to practice in New Hampshire, the New Hampshire Federal District Court, and the First Circuit Court of Appeals.

**William Reddington**



William Reddington joined the firm in 2019 and focuses in the areas of land use and zoning, municipal law, real estate, commercial lending, tax exempt financing, and corporate law. He is admitted to practice in New Hampshire, New Hampshire Federal District Court, and the U.S. Bankruptcy Court, District of New Hampshire.

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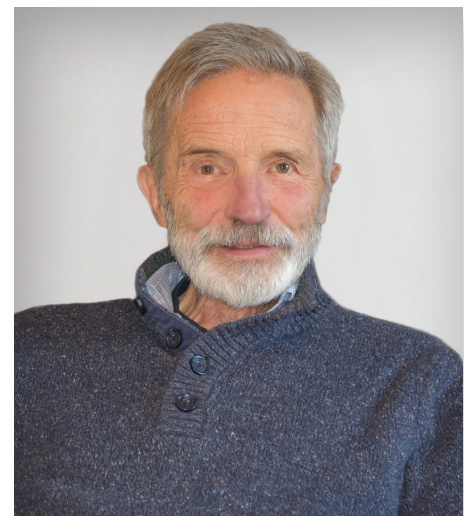
Upton & Hatfield, LLP and Martin, Lord & Osman, P.A., two of New Hampshire's premier law firms, are proud to announce that the firms have joined to bring together two of New Hampshire's oldest firms, strengthen their statewide footprint, and expand their service capabilities in key practice areas, including real estate, business law, estate planning, probate administration, tax law, and alternative dispute resolution. As part of the transition, Attorneys David S. Osman, Margaret A. Demos and Steven B. Goss have joined Upton & Hatfield. Each brings decades of experience and deep community roots that align with Upton & Hatfield's long-standing tradition of client-focused legal service across New Hampshire.



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Elana has developed substantial experience in the areas of Real Estate, Civil and Probate Litigation, Estate Planning, Trusts, Elder Law, and Corporate Law. Born and raised in Montreal, Elana is fluent in both English and French and has clients from both sides of the USA/Canada border.

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### Barry Schuster

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# False Testimony by a Non-Client Witness Ethics Committee Opinion #2025-26/01

## ABSTRACT

When a lawyer knows that a non-client witness has testified falsely, the lawyer had a duty to take reasonable remedial measures notwithstanding the duty of confidentiality. If the lawyer learns of the falsity after the conclusion of the testimony but before the proceeding is concluded, and if the testimony was material, then the lawyer still had a duty to take reasonable remedial measures to correct the false testimony. In deciding whether the lawyer knows the testimony is false, the lawyer should use a “firm basis in objective fact” test recognizing that knowledge may be inferred from the circumstances.

## ANNOTATIONS:

- A lawyer has an important duty to not offer false testimony and to take remedial action if the lawyer learns that false testimony has been presented. N.H. R. Prof. Cond. 3.3.
- The duty only applies when the lawyer “knows” the testimony is false. N.H. Rs. Prof. Cond. 3.3(a)(1), 3.3(a)(3).
- Knowledge may be inferred from the circumstances, but the duty is not implicated by a mere suspicion or even a personal belief, short of actual knowledge, that the witness’s testimony is false. N.H. R. Prof. Cond. 3.3 2004 ABA Model Comment

[8]; N.H. R. Prof. Cond. 1.0(f).

- When the lawyer learns after the fact that testimony was false, the duty to take remedial measures only applies if the testimony was “material.” N.H. Rs. Prof. Cond. 3.3(a)(1), 3.3(a)(3).
- The duty to not offer false testimony terminates “at the conclusion of the proceeding.” N.H. R. Prof. Cond. 3.3(d); 2004 ABA Model Code Comment [10].

## OPINION

### Question Presented to the Committee

I called a witness to testify at a hearing. The witness is not my client. I had interviewed the witness before the hearing. At the hearing the witness testified differently than I expected. I think the witness lied at the hearing. What are my obligations?

### Discussion

Generally, a lawyer has an important duty to not offer false testimony and to take remedial action if the lawyer learns that false testimony has been presented. N.H. R. Prof. Cond. 3.3. The New Hampshire Supreme Court has repeatedly emphasized lawyers’ duties of honesty and integrity. *See, e.g., Saloman’s Case*, 171 N.H. 694, 706 (2019). The duty of candor to the court is so important that it takes precedence over the duty of confidentiality to the client. N.H.

R. Prof. Cond. 3.3(d). Nonetheless, there are important limitations on the duty of candor. The duty only applies when the lawyer “knows” the testimony is false. N.H. Rs. Prof. Cond. 3.3(a)(1), 3.3(a)(3). Knowledge may be inferred from the circumstances, but the duty is not implicated by a mere suspicion or even a personal belief, short of actual knowledge, that the witness’s testimony is false. N.H. R. Prof. Cond. 3.3 2004 ABA Model Comment [8]; N.H. R. Prof. Cond. 1.0(f). In addition, when the lawyer learns after the fact that testimony was false, the duty to take remedial measures only applies if the testimony was “material.” N.H. Rs. Prof. Cond. 3.3(a)(1), 3.3(a)(3). Finally, the duty ends “at the conclusion of the proceeding.” N.H. R. Prof. Cond. 3.3(d); 2004 ABA Model Code Comment [10].

### A Lawyer May Not Knowingly Offer False Evidence.

All attorneys in New Hampshire take an oath, pursuant to RSA 311:6, swearing or affirming that they “will do no falsehood, nor consent that any be done in the court, and if [they] know of any, that [they] will give knowledge thereof to the justices of the court, or some of them, that it may be reformed[.]” RSA 311:6. *See also Kalil’s Case*, 146 N.H. 466, 467 (2011) (noting that every lawyer admitted to practice in the state takes an oath that has been required for more than 150 years and that the lawyer in question “failed to honor this obligation” by lying to judge); *Ricker’s Petition*, 66 N.H. 207, 236-37, 240 (1890) (observing that attorneys are a class of individuals “to whose diligence, integrity, ability, and honor much is necessarily confided” and, therefore, whose “honesty, probity, and good demeanor” is ensured by oath).

The New Hampshire Supreme Court has explained, therefore, that the “privilege of practicing law does not come without the concomitant responsibility of truth, candor and honesty.” *Basbanes’ Case*, 141 N.H. 1, 7 (1995) (quotation and citation omitted). “[B]ecause ‘no single transgression reflects more negatively on the legal profession than a lie,’ attorney misconduct involving dishonesty also justifies disbarment.” *Nardi’s Case*, 142 N.H. 602, 606 (1998) (quoting *Budnitz’ Case*, 139 N.H. 489, 492 (1995)). *See also Basbanes’ Case*, 147 N.H. at 1-2 (ordering attorney disbarred for presenting false testimony to marital master in client’s divorce proceeding). “Intentionally assisting in the promulgation of false answers is...inherently dishonest.” *Feld’s Case*, 149 N.H. 19, 29 (2002). In “cases involving dishonesty, a lawyer must admit to his professional misconduct to truly demonstrate remorse.” *Id.* at 30.

The Rules of Professional Conduct state that a “lawyer shall not knowingly... offer evidence that the lawyer knows to be false[.]” N.H. R. Prof. Cond. 3.3(a)(3). *See also Bruzga’s Case*, 145 N.H. 62, 67 (2000) (“Rule 3.3(a)(3) prohibits a lawyer from ‘knowingly . . . offering evidence that the lawyer knows to be false.’”); *Young’s Case*, 154 N.H. 359, 365 (2006). *See generally* N.H. R. Prof. Cond. 1.2(d) (“A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyers knows is...fraudulent...”). If a lawyer calls a witness who “offered material evidence” and the lawyer “comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.” N.H. R. Prof. Cond. 3.3(a)(3). “A lawyer may refuse to offer evidence... that the lawyer reasonably believes is false.”

*Id.* These duties take precedence over the duty of confidentiality in Rule 1.6. N.H. R. Prof. Cond. 3.3(d).

Similarly, Rule 3.4 requires that a “lawyer shall not falsify evidence, counsel or assist a witness to testify falsely.” N.H. R. Prof. Cond. 3.4(b). It is irrelevant whether the witness is ultimately indicted for perjury. *See Feld’s Case*, 149 N.H. at 24-25 (lawyer “violated Rule 3.4(b) by assisting his client in providing false testimony” and noting that “Rule 3.4(b) contains no materiality requirement,” unlike the perjury statute). It is professional misconduct for an attorney to violate or attempt to violate the Rules of Professional Conduct, including by engaging “in conduct involving dishonesty, fraud, deceit or misrepresentation[.]” N.H. Rs. Prof. Cond. 8.4(a), 8.4(c).

The United States Supreme Court has similarly stated that “there is no right whatever – constitutional or otherwise – for a defendant to use false evidence.” *Nix v. Whiteside*, 475 U.S. 157, 173 (1986). Furthermore, counsel’s “duty is limited to legitimate, lawful conduct compatible with the very nature of a trial as a search for truth,” and although “counsel must take all reasonable lawful means to attain the objectives of the client, counsel is precluded from taking steps or in any way assisting the client in presenting false evidence or otherwise violating the law.” *Id.* at 166.

The American Bar Association’s 2004 Commentary to its Model Rules provide further clarification as to the scope of an attorney’s obligations regarding false witness testimony. These comments matter because, while not binding, the New Hampshire Supreme Court has looked at them for guidance. *See, e.g., State v. Collins*, 2024 N.H. 7, ¶ 16; *State v. Newton*, 175 N.H. 279, 289-290 (2022); *Clauson’s Case*, 164 N.H. 183 (2012). The American Bar Association’s 2004 Commentary to Model Rule 3.3 explains that,

Paragraph (a)(3) requires that the lawyer refuse to offer evidence that the lawyer knows to be false, regardless of the client’s wishes. This duty is premised on the lawyer’s obligation as an officer of the court to prevent the trier of fact from being misled by false evidence....

N.H. R. Prof. Cond. 3.3 2004 ABA Model Code Comment [5]. Unlike the far more complicated situation where a criminal defendant wants to testify and the lawyer knows the defendant will lie, a lawyer cannot knowingly have a non-client witness testify falsely. The issues which arise with respect to a criminal defendant’s constitutional rights do not arise when the person providing false testimony is a non-party witness.

However, anticipated false testimony by a witness does not mean that the witness is entirely barred from testifying. As Comment [6] explains,

...If only a portion of a witness’s testimony will be false, the lawyer may call the witness to testify but may not elicit or otherwise permit the witness to present the testimony that the lawyer knows is false.

N.H. R. Prof. Cond. 3.3 2004 ABA Model Code Comment [6]. Thus, if a lawyer knows a witness will testify falsely on some things but not others, the lawyer can still call the witness to testify but can only elicit testimony that the lawyer does not know to

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Michael received his undergraduate degree from the University of New Hampshire and his law degree from Syracuse University College of Law. He also holds the CFP® designation, which provides him with valuable insight when collaborating with clients’ financial advisers and crafting comprehensive estate strategies.

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be false.  
*The Prohibition Only Applies When the Lawyer “Knows” the Testimony Is False.*

The most difficult and important question in this context is whether the lawyer “knows” testimony is false. The question is not whether the lawyer suspects or even reasonably believes that the testimony is false. The question is whether the lawyer knows the testimony is false. Comment [8] adds,

The prohibition against offering false evidence only applies if the lawyer knows that the evidence is false. A lawyer’s reasonable belief that evidence is false does not preclude its presentation to the trier of fact. A lawyer’s knowledge that evidence is false, however, can be inferred from the circumstances. *See* Rule 1.0(f). Thus, although a lawyer should resolve doubts about the veracity of testimony or other evidence in favor of the client, the lawyer cannot ignore an obvious falsehood.

N.H. R. Prof. Cond. 3.3 2004 ABA Model Code Comment [8]. The critical distinction is between testimony the lawyer “knows” to be false and testimony the lawyer “reasonably believes to be false.” The lawyer’s subjective belief, even the lawyer’s reasonable subjective belief, does not alone establish that the lawyer “knows” the testimony is false. Where the lawyer reasonably believes that a witness will testify falsely but does not “know” that the witness will testify falsely, Comment [8] suggests that the lawyer should resolve doubts in favor of the client. *Id.*

New Hampshire Rule of Professional Conduct 1.0(f) provides: “‘Knowingly,’ ‘known,’ or ‘knows’ denotes actual knowledge of the fact in question” and “a person’s knowledge may be inferred from the circumstances.” The New Hampshire Supreme Court has only once mentioned Rule 1.0(f) and what constitutes “knowingly” in the attorney context. *See Mesmer’s Case*, 173 N.H. 96, 106 (2020). The lawyer had repeatedly lied to his client, opposing counsel, and the court about various pleadings. *Id.* at 98-104. The lawyer claimed he was “unable to ‘knowingly’ make false statements to the court” because of his sleep apnea. *Id.* at 104-05. The Supreme Court looked at the “extensive circumstantial evidence” in the lawyer’s emails and admissions, and his failure to conduct “a simple review of the docket or a call to the court” to conclude that the lawyer’s misrepresentations were made “knowingly” and in violation of Rule 3.3. *Id.* at 107-08. However, besides looking at the circumstantial evidence in the case, the Court did not address the precise standard for when a lawyer “knows” something to be false. Importantly, the Court appeared to apply an “objective fact standard” by looking at the external facts available and not the subjective understanding (reasonable basis) of the lawyer. Other courts have struggled with the issue. *See, e.g., State v. Chambers*, 994 A.2d 1248, 1259 n. 13 (Conn. 2010) (collecting cases and surveying the literature); *People v. Calhoun*, 815 N.E.2d 492, 502 (Ill. 2004) (describing five different tests used by state and federal courts).

Considering our Court’s emphasis on the duty of candor and the analysis in *Mesmer’s Case*, the best standard for New Hampshire lawyers to use may be the “firm basis in objective fact” standard, which has been adopted in Massachusetts and other jurisdictions, including state and federal courts. *See Commonwealth v. Mitchell*, 781 N.E.2d 1237, 1248 (Mass. 2003); *People v. Riel*, 998 P.2d 969 (Cal. 2000); *Chambers*, 994 A.2d at 1259 n.13; *Brown v. Commonwealth*, 226 S.W.3d 74, 81-85 (Ky. 2007); *Calhoun*, 815 N.E.2d at 502-05; *State v. Abdullah*, 348 P.3d 1, 129 (Idaho 2015);

*United States ex rel. Wilcox v. Johnson*, 555 F.2d 115, 122 (3d Cir. 1977); *United States v. Long*, 857 F.2d 436, 445-46 (8th Cir. 1988); *Lord v. Wood*, 184 F.3d 1083, 1095 n.9 (9th Cir. 1999).

A “firm factual basis standard” is also the standard that the *Restatement of the Law Governing Lawyers* recommends. As it explains:

A lawyer’s knowledge may be inferred from the circumstances. Actual knowledge does not include unknown information, even if a reasonable lawyer would have discovered it through inquiry. However, a lawyer may not ignore what is plainly apparent, for example, by refusing to read a document. A lawyer should not conclude that testimony is or will be false unless there is a firm factual basis for doing so. Such a basis exists when facts known to the lawyer or the client’s own statements indicate to the lawyer that the testimony or other evidence is false.

*Restatement (Third) of the Law Governing Lawyers* § 120 cmt. c. (2000) (citation omitted).

*The Lawyer Has a Duty to Take Remedial Measures If the Lawyer Knows False Testimony Has Been Offered.*

Finally, under Rule 3.3(a)(3), when a lawyer “has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.”

...In such situations, the advocate’s proper course is to remonstrate with the client confidentially, advise the client of the lawyer’s duty of candor to the tribunal and seek the client’s cooperation with respect to the withdrawal or correction of the false statements or evidence. If that fails, the advocate must take further remedial action. If withdrawal from the representation is not permitted or will not undo the effect of the false evidence, the advocate must make such disclosure to the tribunal as is reasonably necessary to remedy the situation, even if doing so requires the lawyer to reveal information that otherwise would be protected by Rule 1.6. It is for the tribunal then to determine what should be done — making a statement about the matter to the trier of fact, ordering a mistrial or perhaps nothing.

N.H. R. Prof. Cond. 3.3 2004 ABA Model Code Comment [10].

Importantly, when the lawyer learns after the fact that false testimony was offered, Rules 3.3(a)(1) and (3) limit the duty to take remedial action to circumstances where the evidence was “material.” Evidence is “‘material only if there is a reasonable probability that’ disclosure of the evidence will produce a different result in the proceeding.” *State v. Girard*, 173 N.H. 619, 628-29 (2020) (quoting *United States v. Bagley*, 473 U.S. 667, 682 (1985)); *Porter v. Coco*, 154 N.H. 353, 356 (2006) (“An issue of fact is material if it affects the outcome of the litigation.”) (quotation and citation omitted). “A ‘reasonable probability’ is a probability sufficient to undermine confidence in the outcome.” *Girard*, 173 N.H. at 629 (quoting *Bagley*, 473 U.S. at 682). *See also State v. Yates*, 137 N.H. 495, 503 (1993) (Thayer, J., dissenting).

In addition, the duty to take remedial action “continue[s] to the conclusion of the proceeding.” N.H. R. Prof. Cond. 3.3(d). The New Hampshire Supreme Court has never addressed what counts as the “conclusion of

the proceeding.” The Commentary to Rule 3.3 explains that

A practical time limit on the obligation to rectify false evidence or false statements of law and fact has to be established. The conclusion of the proceeding is a reasonably definite point for the termination of the obligation. A proceeding has concluded within the meaning of this Rule when a final judgment in the proceeding has been affirmed on appeal or the time for review has passed.

N.H. R. Prof. Cond. 3.3 2004 ABA Model Code Comment [13]. *See also Holden v. Blevins*, 837 A.2d 1053, 1057 (Md. App. 2003) (holding that “a ‘proceeding’ has not concluded until the appeal rights of every party to that proceeding have been exhausted, including the right to petition...for *certiorari*”) (quotation and citation omitted); N.H. Super. Ct. R. 46(c)(2) (rules governing final judgments in civil cases). Thus, for example, if a final judgment has been rendered in the case and the deadlines for any appeal have passed, the duty to correct false testimony no longer applies.

The New Hampshire Supreme Court, in *State v. Newton*, 175 N.H. 279 (2022), explained that while N.H. R. Prof. Cond. 3.3 requires that a lawyer not knowingly offer evidence that the lawyer knows to be false and requires the lawyer to take reasonable remedial measures if false material is presented, “there is no requirement that a disclosure necessary to remedy the false testimony be a specific form of evidence.” *Id.* at 289. The Court embraced Comment [10], finding that the lawyer’s proper course would be “to remonstrate with the client confidentially, advise the client of the lawyer’s duty of candor to the tribunal and seek the client’s cooperation with respect to withdrawal or correction of the false statement of evidence.” *Id.* at 289-90 (quoting N.H. R. Prof. Cond. 3.3 2004 ABA Model Code Comment [10]). The New Hampshire Bar Association Ethics Committee has also issued an advisory opinion on the topic. *See* Advisory Opinion #2008-09/03, Remedial Measures Under Rule 3.3. This Ethics Opinion focuses on the duty of the lawyer to make a disclosure to the court when the lawyer discovers that false testimony has been offered. The attorney is to try to convince the client to explain the discrepancy, admit error, or otherwise correct the apparent falsehood. If the client is unwilling to do so, the attorney is under an ethical duty to disclose the falsity to the tribunal.

Our Court’s approach to an attorney’s duties of truth and candor are exemplified by *Feld’s Case*. 149 N.H. 19. The Supreme Court’s then-Committee on Professional Conduct filed a petition to disbar an attorney for assisting his client in providing false testimony in interrogatories and depositions. *Id.* at 20, 24-28. The Supreme Court agreed that the lawyer repeatedly violated N.H. R. Prof. Cond. 3.4. *Id.* at 25-28. In determining the appropriate sanction, the Court reiterated the holding from *Nardi’s Case* that “no single transgression reflects more negatively on the legal profession than a lie.” *Feld’s Case*, 149 N.H. at 28-29. Furthermore, “[i]ntentionally assisting in the promulgation of false answers is...inherently dishonest.” *Id.* at 29. To correct his misconduct, the lawyer, “at the very least, had to bring his misconduct to the attention of [the opposing party] or the court *before* the trial began.” *Id.* at 30 (italics in original). A lawyer must act quickly to correct the false testimony because a “good faith remedy for misconduct...must be timely to be mitigating.” *Id.* at 29 (citing *Welt’s Case*, 136 N.H. 588, 593 (1993)). Thus, in *Feld’s Case*, “commensurate with the discipline” the Court has “imposed in cases involving intentional deceit during litigation,” the lawyer was suspended from the practice of law for one year. *Id.*

In another instance, in *State v. Yates*, a

witness for the prosecution testified to never “having *anything* to do with illegal drugs” even though the witness had a pending indictment for possession of an illegal drug. 137 N.H. at 497 (italics in original). The prosecutor knew about the indictment. *Id.* Accepting the defendant’s due process claim, the New Hampshire Supreme Court noted that a “lawyer’s duty of candor to the tribunal, N.H. R. Prof. Conduct 3.3(a)(3), is neglected when the prosecutor’s office relies on a witness’s denial of certain conduct in one case after obtaining an indictment charging the witness with the same conduct in another case.” *Yates*, 137 N.H. at 499. The “final responsibility rested with the prosecutor...to bring to the attention of the court and the jury the State’s official position that [the witness] was indeed probably involved with illegal drugs, and his testimony to the contrary was probably false.” *Id.* at 500 (citation omitted). “The duty to correct false testimony is on the prosecutor, and that duty arises when the false evidence appears.” *Id.* (quoting *United States v. Foster*, 874 F.2d 491, 495 (8th Cir. 1988)).

Quite recently, the United States Supreme Court held that a death row prisoner was entitled to a new trial because prosecutors failed to correct a witness’s false testimony, despite their constitutional obligation to do so. *Glossip v. Oklahoma*, 604 U.S. 226, 231 (2025). The Court reiterated the holding of *Napue v. Illinois*, 360 U.S. 264 (1959) “a conviction knowingly obtained through use of false evidence violates the Fourteenth Amendment’s Due Process Clause.” *Glossip*, 604 U.S. at 246 (quotation and citation omitted). Where the prosecution “knowingly solicited false testimony or knowingly allowed it to go uncorrected when it appeared,” and the uncorrected evidence was material, the defendant is entitled to a new trial. *Id.* (cleaned up). It was irrelevant that defense counsel knew or should have known about the false evidence, because “the Due Process Clause imposes the responsibility and duty to correct false testimony on representatives of the State, not on defense counsel.” *Id.* at 252 (quotation and citation omitted).

## Conclusion

Applying the principles set forth above to the question asked, if the lawyer knew the testimony was false when offered, the lawyer had a duty to take reasonable remedial measures notwithstanding the duty of confidentiality. If the lawyer later learned of the falsity of the testimony, and if the testimony was material, and if the proceeding has not concluded, then the lawyer still had a duty to take reasonable remedial measures. ♦

## NH RULES OF PROFESSIONAL CONDUCT (in order of appearance):

Rule 3.3  
Rule 3.3(d)  
Rule 3.3(a)(1)  
Rule 3.3(a)(3)  
Rule 1.0(f)  
Rule 3.3(d)  
Rule 1.2(d)  
Rule 3.4(b)  
Rule 8.4(a)  
Rule 8.4(c)  
Rule 3.4

## NH ETHICS COMMITTEE OPINIONS AND ARTICLES:

N.H. Bar Association Ethics Committee, Advisory Op. #2008-09/03, Remedial Measures Under Rule 3.3 (2008).

## SUBJECTS:

Knowing  
Candor to the tribunal  
Remedial measures  
Truthfulness in statements to others

## By the NHBA Ethics Committee

*This opinion was submitted for publication to the NHBA Board of Governors at its November 20, 2025 meeting.*



# Increase Access to Justice with Free Legal Answers

By Misty Griffith

New Hampshire Free Legal Answers (NHFLA) is a virtual legal advice clinic offered in partnership with the American Bar Association's Free Legal Answers program. It provides free access to advice and information about civil legal matters for low-income individuals.

Clients post questions on the NHFLA portal, where volunteer attorneys select questions and provide limited-scope advice. Participants may ask follow-up questions, but there is no expectation of a long-term client obligation.

The ABA provides limited-scope malpractice insurance for attorneys participating in the program. The short-term, anonymous nature of the assistance makes NHFLA an ideal way for public sector attorneys or other lawyers to provide pro bono help, particularly those whose practices or schedules may not allow them to take on full pro bono cases.

Demand for NHFLA is especially strong in rural areas. Residents of Belknap, Carroll, Coos, and Sullivan counties comprise 13.6 percent of the state's population but account for 20 percent of the questions posted on the NHFLA portal. The program provides important guidance to pro se litigants who may otherwise struggle to navigate the legal system on their own.

Volunteering for NHFLA allows attorneys to assist individuals across the state without leaving their offices. Attorneys may choose to receive notifications when questions are posted in their areas of

## New Hampshire Free Legal Answers Honor Roll

Thank you to the following attorneys who answered at least one question on the New Hampshire Free Legal Answers portal in 2025. By giving of your time and legal talent, more than 500 low-income individuals received much-needed free legal advice.

Madeline E. Ables	Christine S. Gordon	David W. McGrath	Cressinda D. Schlag
Paul J. Alfano	Joshua L. Gordon	Katherine J. Morneau	Christopher J. Seufert
Joseph T. Burton	Julia W. Hawthorne	Pamela A. Peterson	*Catherine E. Shanelaris
Jason M. Button	Barbara G. Heggie	Israel Piedra	Brian C. Shaughnessy
Kathleen A. Davidson	Griffin M. Kmon	*L. Jonathan Ross	James A. Shepard
*Martha L. Davidson	Kyle M. Lyman	*George W. Roussos	Charla B. Stevens
Michael J. DiRusso	Clara E. Lyons	*L. Phillips Runyon, III	*Jennifer E. Warburton
*Rebecca K. Dowd	Jeffery P. Mannarini	Jane M. Schirch	

\* Answered 10 or more questions

practice and can respond at times that fit their schedules. If additional clarification is needed, attorneys may engage in anonymous follow-up correspondence through the NHFLA platform.

Longtime volunteer George Roussos encourages all attorneys to lend their expertise.

"This is a great program and an easy way to help people with little investment of time," he says. "It is a simple courtesy like helping a person to cross the street and is satisfying to be able to do it. I recommend that every lawyer sign up and try it, no matter how busy they are."

Rebecca Dowd also values the opportunity to make a difference through NHFLA.

"In my primary practice of commer-

cial real estate, I rarely encounter clients with modest means or limited access to legal resources," she says. "NHFLA provides a vital bridge, allowing me to offer meaningful assistance in just a few minutes a day. ... It is incredibly rewarding to break from my daily routine to help someone navigate a system that would otherwise be overwhelming."

Two members of the New Hampshire legal community, L. Phillips Runyon, III and Martha L. Davidson, were recognized as ABA Free Legal Answers Pro Bono Leaders for their outstanding service to clients on NHFLA. The ABA bestows this honor on attorneys who answer 50 or more FLA questions in the calendar year. In 2024, Runyon answered 92 questions and

Davidson answered 73, and their dedicated service continued throughout 2025.

Family law and housing matters account for more than half of all questions posted on NHFLA. Other questions involve employment law, debts and purchases, constitutional rights, and wills/inheritance. Criminal record annulment and immigration law remain areas of particular need, with no questions in those categories receiving a response this year.

In 2025, 47 percent of questions posted on NHFLA were answered. Attorneys interested in learning more or volunteering may visit [nhbar.org/volunteer-for-free-legal-answers](https://nhbar.org/volunteer-for-free-legal-answers) or contact NHBA Member Services Manager Misty Griffith at [mg-griffith@nhbar.org](mailto:mg-griffith@nhbar.org) or (603) 715-3227. ♦

## LawLine Volunteers Assisted 550 Callers in 2025

By Amanda Adams

Attorneys from nine firms participated in LawLine this year, along with 10 attorneys volunteering independently. Members of the New Hampshire Bar Association's Board of Governors also volunteered for a session. Altogether, they responded to 550 calls.

The NHBA extends its gratitude to all the dedicated legal professionals who volunteered to assist the public through this program. The time that firms and attorneys contributed to preparing for and carrying out the sessions in 2025 is greatly appreciated.

One of the largest LawLine events of the year was hosted in April by Morneau Law, in collaboration with individual attorneys Alex Farmer (Bullwinkel Law Group) and Christopher Morrow (Southern New Hampshire University). While attorneys from Morneau Law gathered at their office to answer calls, Farmer and Morrow assisted remotely using their cell

## LawLine Volunteers for 2025

Madeleine Ables	McLane Middleton
Paul Alfano	Morneau Law
Vincenzo Biella	NHBA Board of Governors
Daniel Clark	Orr & Reno
Cooper Cargill Chant	Parnell, Michels & McKay
Dennis Ducharme	Rousseau Law & Mediation
Family Legal	Stephanie Tymula
Alex Farmer	Ward Law
Christopher Morrow	Wescott Law
Katie Mosher	Peter Wright

phones. Together, they assisted 84 callers, establishing a new record for calls fielded during any LawLine event.

"I love hosting LawLine each year," Kate Morneau says. "It is a feel-good night helping so many people – most just need a little direction."

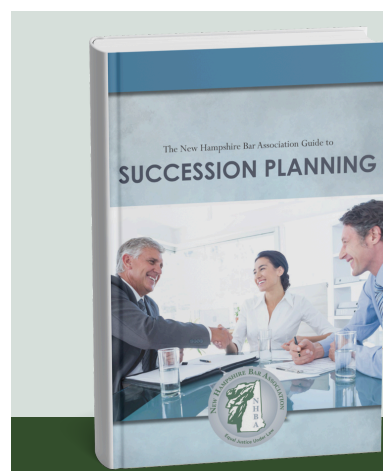
LawLine is a telephone service for the public in which volunteer attorneys

answer legal questions from 6 to 8 pm on the second Wednesday of each month. Callers and attorneys remain anonymous. Most inquiries are received in family law, landlord-tenant disputes, real estate matters, and probate proceedings. Volunteers also field questions on criminal cases, differentiating it from other legal services that only accommodate civil matters.

The program provides free legal assistance, aiding lower-income individuals in their pursuit of justice. Some callers have waited weeks to speak with an attorney, and the brief advice they receive can be life-changing. The service allows individuals to determine whether pursuing their case would be financially feasible prior to paying legal fees.

"LawLine is a great experience," Penina McMahon says. "It provides the opportunity to answer a singular question, allowing individuals the ability to talk to an attorney without the formalities of setting up a full consult. Being able to provide a first step, or a quick answer, is often met with real gratitude. It is a service that I am proud to take part in annually."

The NHBA is currently seeking volunteers for upcoming 2026 LawLine events. For more information, or to volunteer and make a difference, please contact NHBA LawLine Coordinator Amanda Adams at [aadams@nhbar.org](mailto:aadams@nhbar.org). ♦



## AWARD-WINNING SUCCESSION PLANNING GUIDE

This essential guide by former NHBA Executive Director George Moore is available **FREE** to members at [nhbar.org/succession-planning-guide](https://nhbar.org/succession-planning-guide)







# CONTINUING LEGAL EDUCATION GUIDE

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

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

### JANUARY 2026

**WED, JAN 21 – 12:00 p.m. – 2:00 p.m.**

**Traps for the Unwary: Probate**

- 120 NHCLE min.
- Live Webcast

**WED, JAN 28 – 12:00 p.m. – 1:00 p.m.**

**Traps for the Unwary: Business Corporations & Other Entities**

- 60 NHCLE min.
- Live Webcast

**THU, JAN 29 – 9:00 a.m. – 12:15 p.m.**

**Collateral Consequences All Lawyers Need to Know About Servicemembers & Veterans**

- 180 NHCLE min.
- Live Webcast

**THU, JAN 30 – 12:00 p.m. – 1:00 p.m.**

**Representing Victims of Domestic Violence**

- 60 NHCLE min.
- Live Webcast

### FEBRUARY 2026

**FRI, FEB 6 – 12:00 p.m. – 3:15 p.m.**

**Clarity & Credibility: Writing Skills for the Next Generation of Lawyers**

- 180 NHCLE
- Live Webcast

**FRI, FEB 20 – 8:45 a.m. – 4:45 p.m.**

**Midyear Meeting 2026**

- 300 NHCLE min., incl. 90 ethics min.
- Manchester – DoubleTree by Hilton

### MARCH 2026

**THU, MAR 5 – Time TBD**

**Advanced Criminal Law in New Hampshire**

- Credits TBD
- Concord – NHBA Seminar Room/Webcast

### 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)

**WED, MAR 18 – 9:00 a.m. – 12:30 p.m.**

**Best Practices for Civil Discovery in New Hampshire**

- 195 NHCLE min., incl. 60 ethics min.
- Concord – NHBA Seminar Room/Webcast

**WED, MAR 25 – Time TBD**

**Nonprofit Law in New Hampshire**

- Credits TBD
- Concord – NHBA Seminar Room/Webcast

### APRIL 2026

**THU, APR 9 – 9:00 a.m. – 4:30 p.m.**

**New Hampshire Advanced Insurance Law**

- 360 NHCLE min., incl. 30 ethics min.
- Concord – NHBA Seminar Room/Webcast

**FRI, APR 10 – 9:00 a.m. – 4:00 p.m.**

**Adoption Law**

- 335 NHCLE min.
- Concord – NHBA Seminar Room/Webcast

**THU, APR 16 – 9:00 a.m. – 4:15 p.m.**

**Trusts & Estates 2.0**

- 360 NHCLE min., incl. 60 ethics min.
- Concord – NHBA Seminar Room/Webcast

**FRI, APR 17 – Time TBD**

**Circuit Court Practice: Jurisdiction, Ethics & Guidance**

- Credits TBD
- Concord – NHBA Seminar Room/Webcast

**WED, APR 22 – Time TBD**

**Statutory Interpretation**

- Credits TBD
- Concord – NHBA Seminar Room/Webcast

### MAY 2026

**FRI, MAY 8 – Time TBD**

**Federal Practice in New Hampshire**

- Credits TBD
- Concord – NHBA Seminar Room/Webcast

**WED, MAY 13 – 9:00 a.m. – 4:30 p.m.**

**Hot Topics in New Hampshire Bankruptcy Practice**

- 375 NHCLE min., incl. 45 ethics min.
- Live Webcast

**FRI, MAY 15 – Time TBD**

**Mechanics Liens**

- Credits TBD
- Concord – NHBA Seminar Room/Webcast

**THU, MAY 28 – 8:30 a.m. – 10:30 a.m.**

**20th Annual Ethics CLE**

- 120 NHCLE ethics min.
- Concord – NHBA Seminar Room/Webcast



### Learn@Lunch Series

**Traps for the Unwary: Probate**

Wednesday, January 21

12-2 pm

120 NHCLE min.

This program will provide an overview of Assets, Disclaimers, Federal Estate Tax Return (Form 706), Filing Requirements and Other Important Dates, Tax Identification Numbers, First and Final Accounts, and Income Tax Considerations, Sale of Real Estate, Wills, and more.

**Traps for the Unwary: Business Corporations & Other Entities**

Wednesday, January 28

12-1 pm

60 NHCLE min.

This program will provide an overview including Who is Your Client, The Decision to Incorporate, Articles of Incorporation, Corporate Name, Incorporators Registered Agent, Bylaws, Organizational Meeting, Shareholders' Agreement, The Role of Legal Counsel for a Corporation, Be Clear on the Attorneys' Responsibility, Stock Issuances, Corporate Governance, S Corporations Status, Limited Liability Companies, Corporate Transparency Act (CTA), and more.

**Representing Clients of Domestic Violence**

Thursday, January 30

12-1 pm

60 NHCLE min.

This seminar will provide attendees with essential knowledge and practical strategies for effectively representing victims of domestic violence across three critical areas: protective orders, divorce proceedings, and parenting cases.

*The opinions expressed by the speakers and panelists are their own and do not necessarily reflect the views of the New Hampshire Bar Association.  
The New Hampshire Bar Association does not endorse or assume responsibility for any statements made during this program.*

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## Navigating New Hampshire's Treatment Courts

**Tuesday, January 13, 2026**

12:00 p.m. – 1:30 p.m.  
90 NHCLE min.  
Live Webcast

The United States has the highest incarceration rate on the planet. It is 5x the worldwide average, yet our approach to resolving criminal cases does little to reduce crime or to address the underlying causes of crime. The traditional approach of continued escalating jail and prison sanctions ensures that individuals remain in the criminal justice system without the tools necessary to remain active in recovery from substance use and mental health issues. Those leaving prison after having served 1 or 2 years reoffend at a rate of 70%. In contrast, individuals graduating from treatment court reoffend at a rate of 25%. Learn about how treatment courts can change lives, reduce crime, and save money. Treatment courts use evidence-based programs and combine intensive supervision and accountability with treatment. This approach has been empirically proven to change behavior for lasting recovery. Not only does this approach return individuals to the community as contributing members, but it significantly reduces crime and keeps our communities safer. Please join us for an engaging program that will open your mind to improved ways of thinking about crime and punishment.

### Faculty

**Hon. Tina L. Nadeau**, NH Superior Court (ret.)

## Clarity & Credibility: Writing Skills for the Next Generation of Lawyers

**Friday, February 6, 2026**

12:00 p.m. – 3:15 p.m.  
180 NHCLE min.  
Live Webcast

Good writing is good lawyering. Yet for many lawyers, writing remains one of the most time-consuming and anxiety-producing parts of practice. Even the strongest legal analyses fall flat if they are buried in cluttered prose or confusing structure. Led by Professor Michael Blasie, this course brings modern legal writing to life by focusing on clarity, organization, and persuasive technique to help attorneys elevate their writing. Drawing on principles from cognitive science, years of experience, and plain language, participants will learn how to craft analyses that engage senior lawyers, clients, and judges; communicate complex ideas with precision; and highlight the most compelling aspects of their cases.

### Faculty

**Michael Blasie** is the nation's foremost expert on plain language laws. He focuses on laws that regulate legal document design. His research is at the forefront of the plain language and legal design movements. Professor Blasie complements this research with extensive international experience including serving as the former dean of KIMEP University School of Law and a Fulbright Specialist Scholar in Turkey. He has presented dozens of times internationally in eight countries, including serving as a keynote speaker at the 2023 Plain Language Association International Conference in Argentina.

## Collateral Consequences All Lawyers Need to Know About Servicemembers & Veterans

**Thursday, January 29, 2026**

9:00 a.m. – 12:15 p.m.  
180 NHCLE min.  
Live Webcast

Collateral consequences for veterans and servicemembers often include unintended impacts on their military careers, extending beyond the immediate legal penalties. In this CLE, we will tackle questions like "should my client testify about alleged misconduct in a civil case?" "what are their rights" "how does this outcome impact benefits" and "why is an honorable discharge so important?"

### Faculty

**Coda D. Campbell**, Campbell Law, PLLC

## Best Practices for Civil Discovery in New Hampshire

**Wednesday, March 18, 2026**

9:00 a.m. - 12:30 p.m.  
195 NHCLE min., incl. 60 ethics min.  
NHBA Seminar Room/Webcast

Best Practices for Civil Discovery in New Hampshire is a practical, half-day program designed to help litigators navigate the evolving challenges of civil discovery in New Hampshire courts. Chaired by Ned Sackman of BernsteinShur, this program brings together experienced practitioners and Superior Court Judge Dan Will for an integrated, bench-and-bar perspective on proportionality, ESI, and discovery dispute resolution. Faculty will explore how courts apply Superior Court Rule 21 and Federal Rule 26, common discovery flashpoints, and best practices for effective motion practice and attorney cooperation. The program also includes an ethics-focused deep dive into privilege, protective orders, document preservation, and recent developments in New Hampshire law, including the common interest doctrine after *Atlantic Anesthesia*. Throughout the day, Judge Will will offer candid judicial insights and participate in a concluding Q&A, making this program an essential update for attorneys engaged in civil litigation practice in New Hampshire.

### Faculty

**Edward J. Sackman**, Program Chair/CLE Committee Member, Bernstein Shur, PA, Manchester

**Olivia F. Bensinger**, Shaheen & Gordon, PA, Concord

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

**Kathleen M. Mahan**, Hinckley, Allen & Snyder, LLP, Manchester

**Hon. Daniel E. Will**, NH Superior Court

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



# New Hampshire Advanced Insurance Law

*Co-sponsored with the NHBA's Insurance Law Section*

**Thursday, April 9, 2026**

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

360 NHCLE min., incl. 30 ethics min.

NHBA Seminar Room/Webcast

Join leading New Hampshire practitioners and judges for a comprehensive, practice-focused exploration of today's most significant and challenging issues in Insurance law. Peter Hutchins' New Hampshire Advanced Insurance Law brings together top counsel and members of the Superior Court to walk you through cutting-edge developments in automobile coverage, homeowners and umbrella policies, municipal and governmental liability, professional liability, commercial coverage, bad faith, and litigating coverage disputes. Whether you represent insurers, policyholders, municipalities, or businesses, this program delivers the insights, updates, and practical tools you need to navigate complex coverage questions with confidence and skill.

## Faculty

**Peter E. Hutchins**, Program Co-Chair/CLE Committee Member, Law Offices of Peter E. Hutchins, Manchester

**Matthew V. Burrows**, Gallagher, Callahan & Gartrell, PC, Concord

**Doreen F. Connor**, Primmer, Piper, Eggleston & Cramer, PC, Manchester

**Hon. John A. Curran**, NH Circuit Court

**Nicholas J. Deleault**, Primmer, Piper, Eggleston & Cramer, PC, Manchester

**Elizabeth E. Ewing**, Wadleigh, Starr & Peters, PLLC, Manchester

**Todd J. Hathaway**, Wadleigh, Starr & Peters, PLLC, Manchester

**Adam R. Mordecai**, Morrison Mahoney, LLP, Manchester

# Trusts & Estates 2.0

*Co-sponsored with the NHBA's Trusts & Estates Section*

**Thursday, April 16, 2026**

9:00 a.m. - 4:15 p.m.

360 NHCLE min., incl. 60 ethics min.

NHBA Seminar Room/Webcast

This advanced program brings together experienced New Hampshire trusts and estates practitioners to examine cutting-edge planning techniques, recent statutory and tax developments, and the increasingly complex ethical issues facing estate planners today. Designed for attorneys who regularly advise individuals and families, the program moves beyond foundational concepts to explore sophisticated trust structures, post-mortem planning, administration and litigation challenges, and planning for blended families, disabilities, and charitable giving. Faculty will analyze the impact of recent federal tax law changes, and offer practical guidance on identifying the client, protecting beneficiaries, and avoiding common malpractice pitfalls.

## Faculty

**Michael D. Hatem**, Program Chair/CLE Committee Member, Cleveland, Waters & Bass, PA, Concord

**Alyssa Graham Garrigan**, Ansell & Anderson, PA, Bedford

**Kaitlin M. O'Neil**, Normandin, Cheney & O'Neil, PLLC, Laconia

**Nelson A. Raust**, Bernstein Shur, Manchester

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

**Michael L. Wood**, Cleveland, Waters & Bass, PA, Concord

# Hot Topics in New Hampshire Bankruptcy Practice

*Co-sponsored with the NHBA's Federal Practice & Corporations and Banking & Business Law Sections*

**Wednesday, May 13, 2026**

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

375 NHCLE min., incl. 45 ethics min.

Live Webcast

This program is a full-day program for New Hampshire bankruptcy practitioners, offering timely updates and practical guidance on key developments in consumer and business practice. Experienced judges and practitioners will examine recent local rule changes, homestead exemption issues, and current challenges in Chapters 11 and 13. The program also addresses the intersection of bankruptcy and family law, along with ethics issues specific to bankruptcy practice.

## Faculty

**Edmund J. Ford**, Program Chair/CLE Committee Member, Ford, McDonald & Borden, PA, Manchester

**Hon. Kimberly A. Bacher**, US Bankruptcy Court, Concord

**Malcolm P. Blackwood**, Blackwood Law, PLLC, Manchester

**Ryan M. Borden**, Ford, McDonald & Borden, PA, Manchester

**Eleanor Wm. Dahar**, Dahar Law Firm, Manchester

**Michael B. Fisher**, Fisher Law Offices, PLLC, Hanover

**William M. Gillen**, Law Offices of William M. Gillen, Manchester

**Sandra A. Kuhn**, Family Legal Services, PC, Concord

**James S. LaMontagne**, Sheehan, Phinney, Bass & Green, PA, Portsmouth

**Kathleen E. McKenzie**, Raymond J. DiLucci, PA, Concord

**Gregory A. Moffett**, Preti, Flaherty, Beliveau & Pachios, LLP, Concord

**Steven M. Notinger**, Ford, McDonald & Borden, PA, Manchester

**Kristie Trimarco**, US Bankruptcy Court, Concord

# Adoption Law

*Co-sponsored with the NHBA's Family Law Section*

**Friday, April 10, 2026**

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

335 NHCLE min.

NHBA Seminar Room/Webcast

This program will give participants an understanding of the complexities of adoption law and equip attorneys with the knowledge and resources needed to guide clients through each stage of the adoption process. Participants will gain an understanding of the legal, ethical and procedural issues involved in private, agency, interstate, and relative adoption. Topics include: understanding the different types of adoption; analyzing the roles of different parties; ethical considerations and avoiding conflicts of interest; ensuring compliance with applicable federal laws.

## Faculty

**Christine M. Hanisco**, Program Co-Chair, Life Stages Law, PLLC, Concord

**Lisa Ura Bollinger**, Program Co-Chair/CLE Committee, Black, LaFrance & Bollinger, LLC, Nashua

**Lisa M. Bianco**, Bianco Professional Association, Concord

**Caitlyn Bickford**, NH DHHS-DCYF, Concord

**Randi L. Bouchard**, NH DHHS-DCYF, Concord

**Kristine Pries**, Adoptive Families for Children, Concord

**Kimberly A. Shaughnessy**, Shaughnessy Allard, Attorneys at Law, Bedford

**Karen M. Shea**, Manchester

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



Transportation was also a major hurdle. Both Judge Roen and Zia later obtained New Hampshire driver's licenses, requiring Judge Roen to learn to drive for the first time – an experience she describes as initially scary but empowering. The family now has two vehicles – one obtained at a discount and another donated.

"Before we got our vehicles, it was a challenge, especially when there is snow, to walk 25 minutes to the supermarket and come back with all the bags while the cold wind was blowing," Zia Roen says. "But now we can drive there in five minutes."

### Professional Paths Restarted

Judge Roen's professional trajectory has begun to take shape. In 2024, she served as a visiting scholar at the University of New Hampshire Franklin Pierce School of Law and received an honorarium from Dartmouth College, speaking with students about her experience as a judge in Afghanistan and the country's judicial system prior to the Taliban takeover. Budget reductions prevented an extension of the visiting scholar role, and for several months she was unemployed again.

More recently, she began working part-time as a teaching assistant at Alpha-Bits Learning Center in Manchester, with the possibility of transitioning to full-time work in the coming months.

She is also participating in an American Bar Association program for Afghan legal professionals, with the long-term goal of earning an LLM degree and eventually sitting for the New

Hampshire bar exam.

"I applied to an LLM program for judges and lawyers from Afghanistan," she says. "My documents have been accepted, but I have to pass the TOEFL [Test of English as a Foreign Language] first. The test is very hard."

Judge Roen is currently enrolled in three English classes, meets weekly with a law faculty member, receives tutoring through community volunteers, and is mentored by Circuit Court Judge Sandra Cabrera as part of the ABA program.

Zia, who practiced internal medicine and taught at Alberoni University in Afghanistan, is pursuing medical licensure in the United States. After arriving in New Hampshire, he began studying for the United States Medical Licensing Examination and passed the first step in September.

"That is the toughest of the series of exams," he says. "Now I am preparing for step two. If I pass, I can apply for residency. After three years in residency, I can be a doctor in the United States."

In the meantime, he has become licensed as a medical interpreter and provides interpretation services for hospitals and medical practices, while continuing to study.

### Returning to the Courtroom

Through the support of her mentors, Judge Roen has also had opportunities to observe court proceedings. The experience has been both encouraging and emotional.

"When I arrived the first time in the court here, suddenly it became a very difficult feeling," she says. "I lost everything, so it is very difficult for me to think about sometimes. When I saw the judge sitting



Judge Roen after obtaining her driver's license and registering her new car. Courtesy Photo

in front of the court, it made me remember my court and the cases I decided."

Despite the initial emotional reaction, Judge Roen says the experience was meaningful.

"They were very kind with me," she says, noting differences between the Afghan judicial system and New Hampshire courts, including single-judge proceedings, juries, and remote appearances. "It was a very new experience. I learned a lot. I loved it."

Judge Cabrera, who mentors Judge Roen through the ABA program, says Judge Roen's judicial temperament remains evident.

"Her temperament is always so patient and understanding," Cabrera says. "Every time she observes court, she looks elated. She says getting back into the court environment makes her excited to continue working toward her goals."

### Thriving Children, Promising Future

Perhaps the most visible measure of progress is the Roen children, all of whom are now fully immersed in school.

"When we arrived here, Kyomars was in seventh grade," Zia says. "He has now graduated from middle school with a GPA of 3.92, and has received a bunch of awards, including the Principal Award. Mehrsa has also done very well and has good scores. She speaks excellent English and was given the Best Writer Award at school."

Outside the classroom, Kyomars plays soccer, while Mehrsa has taken up music and now plays guitar. Their youngest child, Kyanoush, now in kindergarten, struggled initially due to language barriers but has since adapted. He now enjoys school and looks forward to going each day.

### Community Support

Throughout the past two years, support from the legal community and local organizations has remained central. Zia recalls that Justice Hantz Marconi and Judge Christo were there when the family first arrived by bus in Manchester and have remained involved since.

"We had nothing when we came here," Zia says. "They arranged for lawyers to help us with many things. They helped us with housing and rent, kids' clothes, school things, and so much more. We have appreciated all their help so much. We haven't felt alone here. They and the people who have been helping and supporting us are like our family."

Christo says that for families arriving after years of displacement, even basic tasks can be overwhelming.

"When a family first arrives after fleeing everything they've known, they face an overwhelming list of practical tasks – finding their way in a new place, setting up utilities, figuring out where to buy food, or understanding how to use public transportation," she says. "These are things people who grew up here take for granted. But for refugees, they're part of learning how to live here, step by step."

In addition to support from the Coalition, Brookside Church in Manchester has assisted with English instruction, employment resources, and practical needs.

During the past two years, the support effort has also become more formalized. The Coalition has affiliated with the New Hampshire Bar Foundation and established itself as a nonprofit organization, creating long-term structure and fiscal oversight for continued resettlement work.

Justice Hantz Marconi says what has unfolded over the past two years is difficult to fully capture, but inspirational.

"What they had to go through is hard to fathom," she says, "but they have just taken to their new life with such incredible optimism – assimilating, embracing the culture, the opportunities, and thriving."

### A Future Taking Shape

The Roens now describe New Hampshire as home.

"When we go to Boston, it feels like a long time driving there," Zia says. "But on the way back, we feel very relaxed because this feels like home."

He laughs that he likes to call it "New Hamp-SHIRE," a nod to one of his favorite movies, *The Lord of the Rings*, and the sense of peace the family has found here.

Looking ahead, their goals are straightforward: professional stability, continued education, and the values they hope to pass on to their children. Judge Roen says Kyomars has talked about becoming a doctor or an engineer, while Mehrsa has expressed interest in becoming a judge like her mother. Even their youngest, Kyanoush, has begun declaring himself "Dr. Kyanoush."

"We are receiving help from others right now, but we are still independent," Zia says. "One day we want to be able to give back and help others. We teach our children that we are getting help now, but someday it will be their turn to help people in need."

Judge Roen echoes that hope and adds:

"Compared to the past few years, we see a good future in a stable and peaceful environment. The future is bright." ♦



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## ■ BROOKS *from page 1*

device litigation, including many class actions. She moved to New Hampshire in 2004 with her husband and practiced at Pierce Atwood before joining Nixon Peabody in Manchester, where she worked on commercial litigation and financial services defense.

In 2010, after the birth of her daughter, Brooks sought a job with greater flexibility. A position opened at UNH Law as assistant director of externships, supporting placements intended to prepare students for practice.

“Around the time of the post-2008 recession, corporate clients began disallowing law firms to bill for new attorneys because they didn’t want to pay to train attorneys,” Brooks says. “And I thought, what a great way to start a different career in trying to get students practice experience while they were still in law school.”

She worked in the externship program for a decade before taking over as director of the DWS Program in 2020. She says working closely with students through the program’s practice-based curriculum has been “my biggest professional privilege.”

In July 2024, Brooks assumed the additional role of associate dean for faculty.

### Immediate Priorities and Continuity

Brooks says the timing of the leadership change makes continuity a central concern.

“Priority number one is communication and assurance of stability,” Brooks says, referencing students, alumni, faculty, staff, and the broader legal community. She adds that the law school is also facing financial uncertainty as the main university changes its budget model.

“I will be looking at how we continue to be a viable and innovative institution in times of budget constraints,” she says.

Looking beyond the immediate transition, Brooks says one of the longer-term challenges facing legal education is what

is often referred to as the “demographic cliff” – a projected decline in the number of high school graduates that will eventually reduce the pool of traditional college and law school applicants.

“There are far fewer students graduating from high school this year and next year,” Brooks says, noting that while the impact will take a few years to reach law schools, it will be felt most directly in traditional residential programs. “When we’re looking at our residential student population ... that pipeline is just going to be a lot smaller.”

### Colleagues on Brooks’ Leadership

UNH Law Associate Dean Michael McCann says Brooks brings a combination of institutional knowledge and communication skills to the interim role.

“Courtney is very thoughtful,” McCann says. “She understands academics in a very sophisticated way. She’s also an excellent communicator, very collegial, and works very well with all groups at the law school.”

UNH Law professor Sophie Sparrow, who has been at the law school for 33 years, emphasizes Brooks’ approach to leadership and collaboration.

“Courtney is incredibly smart,” Sparrow says. “She’s very thoughtful, and she listens to people, which is huge.”

Sparrow describes Brooks as “a patient, constructive leader,” a problem solver, and “very grounded and practical.”

“She’s also willing to admit when she’s wrong. She listens to other people. She recognizes that she doesn’t know everything,” Sparrow says. “I don’t know anybody in the school who doesn’t deeply respect and like her, and that’s somebody who can get a lot of things done.”

Anna Elbroch, director of UNH Law’s legal writing program, says Brooks’ work ethic and institutional knowledge stand out.

“Honestly, working with Courtney is a dream because she is such a hard worker,” Elbroch says. “She’s collaborative and

knowledgeable about every aspect of the law school. To me, she embodies UNH Franklin Pierce’s practice-ready mission.”

### Recognition from the Judiciary

New Hampshire Supreme Court Chief Justice Gordon MacDonald says Brooks is positioned to elevate the law school’s role in legal education reform.

“Courtney Brooks is perfectly suited to advance the law school’s national leadership in legal education,” he says. “I first came to know her as a highly skilled attorney when we practiced civil litigation together.”

He credits Brooks with strengthening the DWS Program and advancing practice-readiness initiatives nationally, including her work on the Conference of Chief Justices’ Committee on Legal Education and Admissions Reform (CLEAR) report earlier this year.

Chief Justice MacDonald also emphasizes the law school’s role in the state’s legal ecosystem.

“The law school has also long played an invaluable role in New Hampshire’s legal community, including through its clinics and public interest programs,” he says. “I have no doubt that under Dean Brooks’ leadership, that commitment will remain as strong as ever.”

### Looking Ahead

Brooks says continuing to lead the DWS Program during her interim deanship is central to maintaining stability.

“When I met with the provost about the position, I said I really felt it was important to me and to the program that I continue,” Brooks says, adding that the university system recognizes the program’s value to the school and to the state.

Brooks says she also wants to build on

the school’s practice-readiness approach by expanding it across programs, while recognizing that students pursue a wide range of career paths.

“Can we expand that type of practice-ready education students gain in the DWS Program to more students within our population?” Brooks says, adding that ensuring students in the school’s hybrid JD program are equally prepared for practice is a priority.

At the same time, she says preparing students for practice requires broad exposure to different areas of the profession.

“Maintaining a diversity in courses, programming, and faculty and staff, as well as a variety of counselors to help them pave those pathways, is critical,”

Brooks says. “But exposure to different types of practice is also important, whether that’s through lawyers coming to the campus to speak about what they do or through internships and externships. Making sure that we’re always providing a variety of opportunities for the students is the best path for that.”

### Connection to the Bar

Brooks says her experience practicing law in New Hampshire continues to shape her approach to legal education.

“I feel very connected to the New Hampshire Bar,” she says. “I loved practicing in New Hampshire, and being an educator in New Hampshire has been such a privilege. I am looking forward to continuing the connection between the law school and the Bar. That’s an exciting piece to me.”

UNH Law officials indicate that details about the timing and process for a permanent dean search are expected in the coming months. ♦

## ■ PUBLIC *from page 1*

est attorneys within the profession and the Bar.

Chaired by former United States Attorney Jane Young, the 13-member committee first met in September, conducted an initial survey of public service attorneys in October, and will report its findings and recommendations to the Board of Governors by June 1.

“There’s a perception that public service requires financial sacrifices private practice does not,” Young says. “I hope the committee will be able to look at that belief and, if founded, recommend steps the Bar can undertake to mitigate financial barriers to this meaningful practice of law.”

Young continues: “We also want to make sure public service attorneys – and those considering public service – are aware of programs already available for their benefit, like the Public Service Loan Forgiveness (PSLF) program.”

The PSLF program provides student loan cancellation to public service attorneys who make 120 qualifying monthly payments on eligible federal student loans. Many attorneys participating in the PSLF program view it as a component of their overall compensation package.

Sean Locke, a 2013 graduate of Bos-

ton University Law School, has spent his entire legal career in public service. After a year-long fellowship with the Disability Law Center in Boston and a judicial clerkship at the New Hampshire Supreme Court, Locke joined the New Hampshire Attorney General’s office, where he is now a senior assistant attorney general leading the Civil Rights Unit.

“After making 120 monthly payments on my student loans, I was able to take advantage of the PSLF and applied to have the balance forgiven,” Locke says. “In February 2024, the remaining balance of over \$200,000 was forgiven, tax-free.”

Young says compensation for public service attorneys extends beyond salary alone.

“Salaries are not the only element of attorney compensation,” Young says. “Public defenders and state attorneys, for example, are eligible for incredibly affordable health insurance, which is something I didn’t fully appreciate until I left state service.”

Now in private practice with McDowell & Morrisette, Young notes that state attorneys and public defenders pay \$20 every two weeks for single-person coverage, \$40 for a married couple, and \$60 for a family.

While considering ways the Bar can encourage law students to pursue

public service opportunities, the committee is heartened to see similar efforts already underway. As a University of New Hampshire Franklin Pierce School of Law (UNH Law) alum, Young says she was proud of the work the school has done to promote public service, like its 17<sup>th</sup> Annual Public Interest and Government Job Fair at the school on January 22.

UNH Law Assistant Dean for Career Services Neil Sirota describes the job fair as one of the largest on-campus events of the year.

“Student interest in public service seems to be increasing,” Sirota says. “We expect about 50 nonprofit and government organizations on campus for the job fair and over 100 law students, mostly 1Ls, to submit resumes and interview for public service internship opportunities.”

The law school’s efforts to promote public service are not limited to hosting the popular job fair. The UNH Law Warren B. Rudman Center for Justice, Leadership, and Public Service offers a Summer Fellows Program for students performing volunteer legal work with a government agency or nonprofit. Rudman Center Executive Director Anna Brown says 69 fellows benefited from the program last summer, while providing 22,563 hours of legal work to 44 host agencies and nonprofits.

“It’s a truly win-win scenario,” says Locke, who also oversees the New Hampshire Department of Justice Internship Program. “Law students have the opportunity to gain valuable experience working firsthand in the public sector while the government agency or nonprofit benefits from the students’ talent, enthusiasm, and fresh perspectives. Student interns can develop legal skills while serving their communities. The Department of Justice has had many law student interns return as attorneys or go on to serve in other public service or public interest roles.”

Young says that while compensation and career pathways matter, many of the benefits of public service are less easily measured.

“Some of the greatest rewards gained from public service are intangible,” she says. “Many distinguished members of our bench and Bar look back upon the years spent in public service as the most fulfilling of their careers. I’m happy to hear that the *Bar News* will be profiling some of those figures in future editions and hope their stories will inspire others to consider public sector and public interest opportunities.” ♦

*Sean Gill is the chief of staff and associate attorney general at the New Hampshire Department of Justice.*



# Criminal Law

## Infrequently Asked Questions in Criminal Litigation

By Theodore Lothstein

FAQ pages are ubiquitous, and most of us already know the answers to the frequently asked questions. More importantly, one of the biggest challenges for any lawyer is “we don’t know what we don’t know.” That means that sometimes, it’s the *infrequently* asked questions that are the most important ones – the ones that we might never think to ask.

In that spirit, I tried to come up with a few infrequently asked questions where the answer is not necessarily what our intuition would tell us. The questions are hypothetical, the proponents are fictional, but the scenarios are very real.

A new lawyer asks: The police charged my client with burglary, but he was camping and just broke in seeking shelter. He’s not a thief, but they had his favorite beer and he just couldn’t resist. Regardless, he had no intent to commit a crime when he broke in, which makes him not guilty of burglary. To build cred-



ibility with the jury, should I just tell the client’s story in my opening and hope for a conviction only on misdemeanor criminal trespass?

In civil cases, lawyers have wide latitude to make strategic concessions, but the rules are different for criminal de-

fense. The difference is critical, because the accused cannot be convicted unless proven guilty beyond a reasonable doubt on every element of the offense. In this scenario, the lawyer has conceded every single element except for the mental state – intent to commit a crime inside the building.

Criminal defense lawyers render ineffective assistance and put the jury’s verdict at risk if they make such concessions without putting the client’s informed consent on the record. *State v. Anaya*, 134 N.H. 436 (1991).

Put simply, even though conceding criminal trespass is the only prudent strategy, the lawyer provides ineffective assistance if he pursues that strategy without first demonstrating the client’s knowing and voluntary consent. The case law, however, protects the lawyer who presents an *imprudent* concession from a finding of ineffectiveness, if the client pushed the lawyer to pursue that strategy. *State v. Newton*, 175 N.H. 279 (2022).

A client asks: The cop said my car smelled like weed, told me to get out, and then obtained my consent for a vehicle search and found some bad stuff.

Did the cop violate my rights?

Once upon a time, most of us would have said “probably not,” but that was before the 2013 legalization of therapeutic use of cannabis, RSA 126-X:2, and the 2016 decriminalization of possession of three-quarters of an ounce or less of cannabis, RSA 318-B:2-c. While decriminalization does not mean legal, it does mean that the police officer’s nose has not provided reasonable suspicion of criminal activity.

Accordingly, the Court held that the odor of marijuana, standing alone, cannot provide reasonable suspicion to expand the scope of a traffic stop beyond issuing the warning or ticket. *State v. Perez*, 173 N.H. 251 (2020).

Subsequently, the Court reversed drug convictions where the officer made a valid stop, smelled the odor of “burnt” marijuana coming from the driver, asked her to step out, and obtained her consent to search the car, finding a felony-level drug. *State v. O’Brien*, 175 N.H. 697 (2023).

Thus, the answer to the client’s question is maybe – just maybe – yes, with the important caveat that none of this changes the law on driving under the influence.

Co-counsel asks: The prosecutor didn’t bring the most serious charge that they could have brought, or the charge that was the easiest for them to prove. If we take this to trial and get a favorable outcome, could the prosecutor file a new charge and get a “do-over” trial?

Historically, one of the thorniest problems in double jeopardy jurisprudence has been defining what constitutes the “same offense” for the purpose of barring successive prosecutions. Many criminal offenses are similar to each other, but not quite the same under the case law. Until 2014, that meant that an aggressive prosecutor could react to a not guilty verdict by indicting some other criminal offense that fits the overall fact pattern and taking that charge to a new jury.

That changed in *State v. Locke*, 166 N.H. 344 (2014), when the court put an

LITIGATION *continued on page 27*

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# Mitigation From Bail to Sentencing: A Strategic Approach in New Hampshire

By Tony Naro

The development of mitigation evidence represents one of the most critical aspects of criminal defense practice, yet it is often overlooked or delayed until sentencing approaches. Mitigation is no longer a sentencing-only exercise. Beginning mitigation work immediately upon retention or appointment is essential, particularly given recent changes to New Hampshire's bail statute. This article explores the strategic imperative of early mitigation development and provides practical guidance for defense attorneys seeking to maximize their client outcomes from the initial stages of representation through sentencing.



## Pre-Arrest and Early Case Development

As of January 11, if there is probable cause to believe that a person released on bail has failed to appear, committed a crime, or violated a condition of bail, there will be a rebuttable presumption of detention. If a person is charged with one of twelve enumerated crimes (and in some cases, non-enumerated felonies depending on the elements or the person's



prior record) and the court determines there is probable cause that the person's release poses a danger to themselves or the public, the person will be detained. These changes fundamentally alter the bail landscape and elevate the importance of mitigation at the earliest stage of representation.

In many cases, a client's liberty during the pendency of the case may hinge on the quality of mitigation evidence presented at the outset.

While it is true that in some cases – such as an aggravated felonious sexual assault charge – mitigation work is unlikely to sway the prosecutor or the court for purposes of bail, failing to begin

mitigation early can still harm the client. Sentencing is often scheduled just 30 to 60 days after conviction, leaving little time to conduct a meaningful social history, obtain records, collect character letters, or retain qualified experts (such as psychosexual evaluators in AFSA or CSAI cases, or psychological evaluators in other serious felony matters). In addition, certain convictions mandate bail revocation, creating further logistical and practical barriers to mitigation development if the work has not already begun.

## The Initial Interview Process

The foundation of effective mitigation begins with a thorough client inter-

view designed to uncover both positive and negative aspects of the client's background. This interview should be comprehensive, covering educational history, employment record, family relationships, community ties, military service, volunteer work, and any challenges the client has faced, including mental health issues, substance abuse, or trauma. These conversations often require a level of trust that may not yet exist early in the attorney-client relationship.

It is important to spend time with the client before conducting this interview, explaining the purpose of the inquiry and how the information may be used. In practice, clients are often reluctant to disclose trauma or other sensitive information due to embarrassment, fear, loyalty to others, or the simple fact that they have never disclosed it before. I have found it helpful to explain to the client that no information will be used without their express permission, which can help foster trust and encourage candor.

At these early stages, it is helpful to request the client's résumé or work history and, for younger clients, school transcripts that may reveal academic achievements, extracurricular involvement, or educational challenges that provide important context. These documents often serve as the building blocks for a compelling mitigation narrative.

Strong community ties can be particu-

MITIGATION *continued on page 27*

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## Perspective Piece

## Body-Worn Cameras: Should There Be a Statewide Mandate?

By James Rosenberg

A year ago, I wrote an article for this publication describing the New Hampshire laws that presently exist for the use and safekeeping of evidence derived from law enforcement body-worn cameras (BWC). It focused on how inconsistent and agency-specific technology posed challenges in presenting such evidence in courtrooms and administrative hearings. While I pointed out some of the pros and cons in the use of body-worn cameras, I didn't fully express the dramatic difference in the quality of evidence they provide to police, prosecutors, and defense attorneys in New Hampshire courtrooms and administrative hearings. I wish to do so now.

Simply put, New Hampshire should join several of our sister states in requiring that our law enforcement officers wear and use body-worn cameras when interacting with citizens during the investigation and apprehension of suspects in criminal cases, including DUI cases.

Presently, New Hampshire law does not require the use of such cameras but does establish rules that apply when a law enforcement agency chooses to use this technology. RSA 105-D:2 outlines the provisions that govern the recording and safekeeping of body-worn camera footage but leaves their use up to each individual agency.

In stark terms, this means that some New Hampshire law enforcement agencies record officer interactions with suspects, while others don't, creating a striking divide in the quality of evidence available in routine criminal cases. For example, the New Hampshire State Police patrolling in Concord use high-quality body-worn and cruiser cameras, while the Concord Police Department, also operating in our state's capital, does not. Both agencies investigate and prosecute many of the same criminal offenses in Concord District Court, but the type and quality of evidence available in these cases is fundamentally different



from agency to agency.

The New Hampshire State Police often have crisp cruiser dash-camera footage depicting the motor vehicle violation that grounded the trooper's decision to initiate a stop, body-worn camera video to show their initial interactions with a suspect and the Standard Field Sobriety Tests administered in cases of suspected impaired driving, and even internal cruiser camera footage showing the suspect during transport. Meanwhile, the Concord Police Department has none of this and is left to meet modern discovery obligations with a written police report derived from the officer's notes and memory. The consequences to the litigants involved are the same – a potential conviction for a criminal offense – but the nature, quality, and type of evidence used to obtain the conviction couldn't be more different.

This comment isn't meant to suggest that we don't trust Concord police officers. We do – the Concord Police Department has distinguished itself through the years, time and again. It is meant to suggest that human beings are fallible, especially when laced with a boost of adrenaline incident to the apprehension of a criminal suspect. Studies show that body-worn cameras improve the likelihood of convictions while reducing the cost and burdens of trial on our already beleaguered district court system.

"Despite being limited in scope, existing research [...] has indicated that BWC footage can have significant impacts on case dispositions. For example, several studies find evidence to suggest that cases associated with BWC footage are significantly more likely to result in criminal charges, while others find that BWC footage increases guilty pleas, trial convictions, and perhaps even exonations." See Peterson, Kevin, "The Usage and Utility of Body-worn Camera Footage in Courts: A Survey Analysis of State Prosecutors," *The Journal of Empirical Legal Studies*, June 26, 2023, [onlinelibrary.wiley.com/doi/10.1111/jels.12358](https://onlinelibrary.wiley.com/doi/10.1111/jels.12358).

This makes sense. Confronting a client with video evidence of his/her criminal conduct supplied in routine discovery often makes clear that the risks of trial are not worth taking. As they say, a picture is worth a thousand words. This isn't to suggest that the footage from such cameras is perfect. In my experience, close call cases of impairment are even closer on video, and profound examples of impairment appear even more exaggerated. Either way, the advent of modern technology blended with the State's burden to prove its criminal cases beyond a reasonable doubt ought to mean that less is left to blind faith in a police officer's report, which is often drafted days after a roadside encounter.

This concern for dramatic swings in

the quality and type of available evidence in New Hampshire criminal cases occurs against a backdrop of citizen expectation. Drawn from the news of the day, New Hampshire citizens have come to expect that their interactions with police will be memorialized by body-worn cameras.

As commentators have observed, "Spurred on by high-profile officer-involved shooting incidents and protests, many citizens and community groups have supported the adoption of BWCs, hoping that this technology will deter police misconduct, better capture use-of-force events, and increase police accountability and transparency." See Lum, Cynthia, "Body-worn Cameras' Effects on Police Officer and Citizen Behavior: A Systematic Review," *National Library of Medicine*, [pmc.ncbi.nlm.nih.gov/articles/PMC8356344](https://pubmed.ncbi.nlm.nih.gov/articles/PMC8356344/), September 9, 2020.

Similarly, BWCs protect officers from false claims of inappropriate use of force, misconduct, and constitutional violations. For example, in a 2018 DUI case, a suspect alleged that a Texas Highway Patrol Trooper sexually assaulted her – a claim that was directly undermined by a review of the officer's body-worn camera. See Sanches, Ray, "Body Cam Video Refutes Texas Woman's Sex Assault Claim Against State Trooper," May 24, 2018. [cnn.com/2018/05/24/us/texas-trooper-cleared-sex-assault-claim](https://www.cnn.com/2018/05/24/us/texas-trooper-cleared-sex-assault-claim/).

As they did for the trooper in Texas, body-worn cameras would go a long way toward protecting our officers from false accusations of the most stigmatizing type.

Evidence derived from body-worn cameras increases the rate of convictions, protects police from false claims, and meets citizen expectations for transparency in police encounters. New Hampshire should not be behind on this subject, and we should be at the forefront of using modern technology to investigate, prosecute, and defend criminal conduct. ♦

*James D. Rosenberg is a partner at Shaheen & Gordon, PA and co-chair of the Criminal Defense Practice Group. With over 25 years of experience, Jim defends clients in a range of criminal cases throughout state courts, often taking on difficult and well-publicized criminal cases on behalf of prominent community members.*

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## ■ LITIGATION *from page 24*

end to such practices. It exercised its supervisory powers to enact a compulsory joinder rule that covers all possible charges “arising out of the same conduct or that arose from the same criminal episode.” This means the State must bring all charges it intends to bring to trial in a single proceeding.

A colleague asks: What is the remedy if the State does not reveal that a law enforcement officer is or should be on the Exculpatory Evidence Schedule (EES), and I find out in the middle of trial?

About a decade ago, I handled a jury trial involving alleged misconduct by a teacher at a school. This was before the 2021 enactment of RSA 105:13-d, creating a public EES of officers whose prior conduct called into question their truthfulness.

All prosecutors have the constitutional obligation to disclose prior misconduct by a police officer witness that reflects adversely on the officer’s credibility. *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *United States v. Agurs*, 427 U.S. 97 (1976).

In my trial, however, the prosecutor made no disclosure with respect to the lead investigator in my case, but someone tipped me off: The officer was on the naughty list. He had crashed his cruiser into a tree, and then made up a story to his superiors about seeing “glow eyes” in the dark road ahead and swerving to avoid an animal.

But the officer’s cruiser camera re-

vealed a much simpler explanation for the crash: He fell asleep at the wheel. He lost his job, but eventually got a job with the department that charged my client.

So, the question arose: What should be the remedy for the prosecutor’s failure to disclose this information prior to trial?

The trial court declined to dismiss the case, but it provided a powerful set of remedies: It precluded the officer from testifying at all. It told the jury that the prosecutor had breached ethical obligations in not disclosing the officer’s prior misconduct.

It went on to give an instruction that remains the closest thing we have ever seen to a directed verdict of not guilty:

“You may consider [the official misconduct] in determining whether the investigation of this case had integrity, whether it affected the witness testimony you heard in this matter, and whether or not the State has satisfied its burden of establishing the defendant’s guilt beyond a reasonable doubt. Keep in mind that you are the judges of the facts in this case, but you also represent the conscience of this community and the prosecutor is ultimately accountable to you for his ethical breach.” ♦

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## ■ MITIGATION *from page 25*

larly valuable in bail proceedings, plea negotiations, and sentencing. Ask the client early for a list of potential character letter writers, including names, contact information, and a brief description of their relationship to the client. From there, a follow-up discussion can help identify additional individuals who may be willing to provide meaningful support.

After completing this preliminary groundwork, consider hiring a private investigator with specific experience in conducting social histories. Firms such as Lacer Investigations, Kalosky Investigations, and AW Investigations specialize in this type of work and can provide thorough, professional documentation that strengthens mitigation presentations. A comprehensive social history conducted early in the case may uncover critical mitigation evidence that could otherwise be overlooked or lost.

### Medical and Mental Health Considerations

If a client has medical issues, obtain the appropriate releases and gather relevant medical records. Mental health and substance-use issues require particular attention. If the client is not already engaged in treatment, work promptly to connect them with appropriate programming. Access to a social worker can be invaluable, but some private investigator agencies also assist with treatment referrals. Otherwise, defense counsel may need to research and coordinate available options.

If clients have insurance, they can often work with their carrier to identify covered treatment programs. Early engagement in treatment not only addresses underlying issues but also demonstrates accountability and reduces perceived risk – factors that may be influential in bail determinations, plea negotiations, and sentencing.

### Conclusion

The development of mitigation evidence from the moment of retention or appointment is not merely good practice – it is essential for effective representation in New Hampshire’s criminal justice system. Recent changes to New Hampshire’s ever-changing bail statute, combined with tight sentencing timelines and broad judicial discretion, make early and comprehensive mitigation development indispensable.

By conducting thorough client interviews, gathering supporting documentation, addressing treatment needs, and utilizing professional investigative resources, defense attorneys can significantly impact outcomes from bail through sentencing. Early mitigation often makes the difference between detention and release, and between lengthy incarceration and more proportionate sentences. ♦

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## Expected Developments in Civil Healthcare Fraud Enforcement

By Amy Crafts

At this time last year, it was unclear whether healthcare fraud would continue to be a Department of Justice (DOJ) priority or whether DOJ resources would be allocated to other areas of enforcement, including immigration and diversity, equity, and inclusion (DEI). A year into the new administration, the DOJ has reaffirmed its commitment to addressing healthcare fraud in several announcements involving the False Claims Act (FCA), a powerful civil enforcement tool. A close look, however, suggests that FCA enforcement is evolving and may operate differently for the next several years.



### Expanded FCA Enforcement Priorities

Last summer, the Trump administration reaffirmed the federal government's longstanding focus on healthcare fraud by establishing a working group comprised of leaders from the DOJ and the US Department of Health and Human Services (HHS). A press release noted the administration is "fully committed" to combating healthcare fraud, stating it "depletes taxpayer funds, corrodes public health and safety, and undermines the



integrity of the federal healthcare system."<sup>1</sup>

Strengthening collaboration between the two agencies, the DOJ-HHS FCA Working Group (the Working Group) focuses on Medicare Advantage; pricing of drugs, devices, and biologics; barriers to patient care; kickbacks; defective medical devices; and manipulation of electronic records. The Working Group is instructed to expedite ongoing investigations, identify new leads through enhanced data mining, and implement payment suspensions for "credible allegations of fraud."<sup>2</sup>

At around the same time, the DOJ announced the FCA will be utilized to address a number of additional areas to advance the administration's priorities, including pursuing "entities that receive federal funds but knowingly violate civil rights laws."<sup>3</sup> These

alleged civil rights violations include having programs related to DEI; participating in or allowing antisemitism; and billing federal healthcare programs for non-covered services related to gender-affirming care.<sup>4</sup>

While the scope of FCA enforcement appears to be expanding, it is well documented that DOJ resources have been significantly depleted.<sup>5</sup> Accordingly, expect FCA enforcement to continue largely in the form of whistleblower – otherwise known as *qui tam* – lawsuits that may be pursued without federal involvement.

### Anticipated Changes in Qui Tam Litigation

The *qui tam* provisions in the FCA encourage private citizens to file complaints under seal, enabling the government to inves-

tigate the alleged fraud and decide whether to negotiate a settlement or pursue litigation before the defendant is served with the complaint. In fact, private citizens, or whistleblowers, are financially incentivized to file *qui tam* complaints; if a case is successful, either by judgment or settlement, the whistleblower is entitled to 15–30 percent of the recovery, depending on the circumstances. While *qui tam* complaints will continue to be filed, the nature of *qui tam* litigation is likely to shift for the remainder of this administration.

First, the Working Group is instructed to consider whether the DOJ should move to dismiss *qui tam* complaints pursuant to 31 U.S.C. § 3730(c)(2)(A). While the federal government has infrequently invoked its dismissal authority in the past, it could be an effective way to ferret out complaints that are not meritorious or that do not advance the administration's priorities. This is particularly true following the US Supreme Court's decision, *U.S. ex rel. Polansky v. Exec. Health Res.*, 599 U.S. 419 (June 16, 2023), which articulated the government's broad dismissal authority under the FCA. Entities facing *qui tam* litigation should take advantage of this changed landscape to advocate for dismissal.

Second, as demonstrated by a few recent cases in Massachusetts, the federal government may elect not to participate in certain *qui tam* actions, allowing state enforcement to proceed instead. Many *qui tam* complaints

FRAUD *continued on page 30*

## Healthcare Providers Continue to Be Affected by the 2024 Change Healthcare Cybersecurity Breach

By Morgan Nighan, Kierstan Schultz, and Briana Matuszko



Nighan



Schultz



Matuszko

On February 12, 2024, Change Healthcare (Change) – one of the largest healthcare administrative and payment clearinghouses in the United States, owned by UnitedHealth Group (UHG) – was targeted by a cyberattack that was undetected by Change until February 21. Change's systems went offline and did not resume functionality for many months thereafter. Change's cybersecurity failures and the resulting cyberattack affected vital electronic data interchange functions among thousands of providers, payors, and pharmacies; jeopardized patients' personal health information; and spawned a wave of litigation.

In May 2024, UHG CEO Andrew Witty testified before the US Senate Finance Committee that hackers gained access to Change's system using compromised credentials on a Citrix remote access portal that lacked multi-factor authentication. The hack exposed critical

deficiencies in data security and timely threat detection, which Witty acknowledged were caused in part by a failure to update internal security procedures after UHG's acquisition of Change in 2022.

Change confirmed on March 7, 2024, that data had been exfiltrated from its systems, including patient health information, Social Security numbers, driver's license and passport numbers, and financial/payment card information. Change subsequently paid a \$22 million ransom to regain network access and decrypt stolen data.

On July 31, 2025, Change reported to the Department of Health and Human Services Office for Civil Rights that the data breach affected 192.7 million individuals, representing nearly two-thirds of the US population. These metrics establish the Change cyberattack as the largest healthcare data breach ever recorded. The cyberattack triggered a crisis with far-reaching effects for healthcare providers and patients across the country. As the operator of critical infrastructure for claims submission, eligibility verification, payment processing, and pharmacy benefit transactions, Change is at the center of the data and financial underpinning of daily operations for the US health system.

The scope and duration of the outage, and Change's delayed system recovery, devastated provider revenue cycles nationwide, exposed sensitive data, and forced manual workarounds in care settings. The breach impaired core transaction workflows, disrupting the transmission of clinical and billing data needed to sustain care delivery and payment. Due to the scale of Change's operations in the US healthcare industry, the outage had a systemic effect: Hospitals, physician practices, laboratories, behavioral health providers, surgery centers, medical equipment suppliers, and pharmacies experienced delays, backlogs, and – in some cases – an abrupt halt to revenue inflow.

Because of the material disruption in operational cash flow to providers, UHG, through an affiliate (Optum), offered an advance on funds through its Temporary Funding Assistance Program (TFAP) that providers would have otherwise received but for the cyberattack. Witty testified that providers would not be expected to repay the temporary advances until they concluded their operations were "back to normal." Nearly two years after the cyberattack, however, many providers report a continued impact on operations and substantial revenue shortfalls due to Change's failure to submit claims to payors on time and, in some cases, failure to submit claims at all – yet Change is demanding repayment on the TFAP advances.

In January 2025, a putative class action was filed seeking certification of nationwide classes for both affected pro-

viders whose operations were disrupted and patients whose health information was compromised. In addition, providers and patients filed individual suits across the country. Most of the actions against Change related to the cyberattack are now consolidated into a multidistrict litigation (MDL) in the US District Court for the District of Minnesota – a venue frequently selected for complex data breach MDLs in the healthcare and consumer sectors.

The key issues expected to shape the MDL proceedings include: (1) the sufficiency of Change's cybersecurity infrastructure relative to known or predictable threats; (2) terms and conditions for providers' repayment of funds advanced under Optum's TFAP program; (3) causation and injury frameworks for data exposure claims; (4) the measure of economic loss for downstream business interruption; (5) applicability of contractual limitations of liability; and (6) the interplay between federal privacy standards and state consumer protection laws.

The court issued a Memorandum Opinion and Order on December 19, 2025, in the class action, largely denying the Change defendants' motion to dismiss claims brought by provider plaintiffs. See *In re Change Healthcare, Inc. Customer Data Sec. Breach Litig.*, No. 24-MD-03108 (D. Minn.) (Doc. No. 483). Applying Minnesota law, the court found that the provider plaintiffs sufficiently alleged causes of action sounding in tort, con-

BREACH *continued on page 31*



# Controlled Substances Diversion and the Cascade of Legal Consequences

By Jay McCormack and  
Annabel Rodriguez



Understanding what typically unfolds after an episode of diversion is imperative for medical practices and institutions. Drug diversion occurs when controlled substances are illegally distributed for non-medically authorized or necessary use. The detection of diversion can lead to any combination of administrative, civil, or federal and state criminal proceedings.

## Requirements for Maintaining Controlled Substances

The Controlled Substances Act (CSA) outlines the requirements for administering, prescribing, dispensing, and keeping track of controlled substances. Every person who is registered to manufacture, distribute, dispense, import, or export controlled substances must maintain complete and accurate records. Drug Enforcement Administration (DEA) reg-

ulation 21 CFR 1301.76(b) outlines the steps medical providers must take when they detect diversion of controlled substances, including notifying the DEA Diversion Field Office in writing of the event within one business day of the discovery.

## What to Expect during a DEA Investigation of Diversion

Notification and disclosure will typically trigger a DEA investigation, which can take many forms, including an onsite inspection of the medical provider's practice. During the inspection, DEA agents will meet with the provider and the individual in charge of handling controlled substances, tour the area of the facility where the controlled substances are kept, and physically count the controlled substances on hand at the facility to confirm accurate accounting.

During a physical inspection, the DEA will request to review records relevant to the storage, dispensing, and disposal of controlled substances, including but not limited to: (1) a list of employees with access to controlled substances; (2) all relevant licenses and certificates; (3) a facility floor plan; and (4) dispensing and distribution records. The type of records and requirements for storing controlled substances will differ depending on the type of controlled substance the provider is handling. The DEA will also review whether "effective controls and procedures" exist to guard against theft or diversion (e.g., secure storage, access

controls, alarm systems).

Common inspection findings include missing dispensing logs, missing required inventories, improper execution of forms, inaccurate spill logs, failure to reconcile inventories, untested alarms, failure to notify DEA of theft/loss, and incomplete records.

## Administrative Remedies After DEA Review

When the DEA investigation confirms diversion of controlled substances, commonly the DEA will proceed with several administrative remedies for non-compliance, including letters of admonition, memoranda of agreement, orders to show cause (potential revocation/denial of license to prescribe), immediate suspension orders, and consent decrees. Facilities may also face non-prosecutorial or corrective action agreements that mandate robust remedial measures.

## Civil Enforcement Landscape

Noncompliance with the CSA can also lead to civil liability. Recent cases in New Hampshire demonstrate that some of the common types of issues uncovered during diversion investigations include recordkeeping violations and physical security violations.

For example, on January 22, 2025, the US Attorney's Office for the District of New Hampshire (USAO DNH) announced a settlement with a veterinary hospital and owner in Tilton who agreed

to pay \$53,500 after a DEA inspection and audit found inaccurate and altered records, forged signatures, failures to inventory and secure drugs, significant shortages, and ineffective controls. The registrant left controlled substances unmonitored for long periods, compounding risk.

On July 3, 2024, a New Hampshire hospital agreed to pay \$300,000 to resolve allegations that it violated the CSA by failing to keep accurate records of controlled substances, including opioids. The DEA began investigating after a registered nurse anesthetist stole controlled substances almost every day she worked for a year. A DEA audit revealed inadequate controls and procedures to guard against theft and diversion.

Likewise, on June 21, 2023, a different New Hampshire hospital paid \$2 million to resolve allegations it violated the CSA by failing to keep accurate records of controlled substances, including fentanyl. That investigation began after a nurse was found to have stolen 23 bags of liquid fentanyl. A DEA audit revealed more than 17,000 missing controlled substance units, and various record keeping deficiencies.

## Criminal Enforcement Landscape

Frequently, a DEA investigation into drug diversion leads to criminal charges against the diverting medical professional. One of the most egregious national

**DIVERSION** *continued on page 31*

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# Understanding the Unique Legal Needs of Health Care Providers

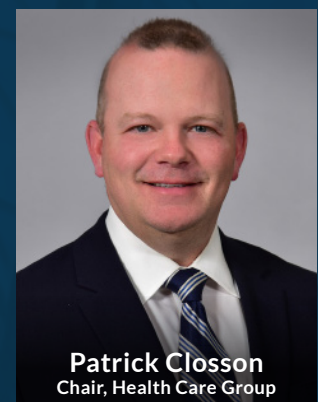
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# Qualifying Conditions for Therapeutic Cannabis: A Patient-Focused Evolution

By Jesse O'Neill

New Hampshire's approach to medical cannabis has undergone a significant transformation since its inception. Established under RSA chapter 126-X, the Therapeutic Cannabis Program (TCP) was designed to provide a legal, regulated pathway for patients suffering from certain afflictions to find relief. What began as a highly restrictive framework has evolved into a more compassionate, patient-centered model that recognizes the complexity of human health.



In the Granite State, cannabis is not viewed merely as an alternative treatment but as a legitimate clinical tool. As the program reached the end of its first decade, 2024 marked a pivotal turning point; legislative updates expanded the definition of "qualifying medical condition" in RSA 126-X:1, IX, reflecting a growing consensus on the efficacy of cannabis for mental health and providing healthcare providers with unprecedented autonomy in patient care.

There are two separate pathways by which a patient can qualify for the TCP: the Combination Path (diagnosis and symptom) and the Stand-Alone Path. These pathways arise out of the twin definitions for "qualifying medical condition" found in RSA 126-X:1, IX(a) and (b). Under the Combination Path, RSA 126-X:1, IX(a), a patient must have a qualifying diagnosis and also demonstrate that the diagnosis is causing at least one qualifying symptom.

Qualifying diagnoses under the Combination Path include cancer, glaucoma, multiple sclerosis, Parkinson's disease, positive status for HIV or AIDS, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, muscular dystrophy, Crohn's disease, ulcerative colitis, hepatitis C, and chronic pancreatitis.

To meet the definition of a "qualifying medical condition" under the Combination Path, the qualifying diagnosis must also cause at least one of the following symptoms: seizures or severe, persistent muscle spasms; moderate to severe insomnia; constant or severe nausea; moderate to severe vomiting; cachexia (wasting syndrome); agitation related to Alzheimer's disease; or



chemotherapy-induced anorexia.

The Combination Path ensures that for these specific illnesses, therapeutic cannabis is reserved for patients experiencing the most profound and difficult-to-treat effects of their condition.

The second pathway to eligibility, the Stand-Alone Path, RSA 126-X:1, IX(b), involves conditions that do not require an additional secondary symptom because the condition itself is considered inherently debilitating:

- Moderate to severe post-traumatic stress disorder and conditions resulting in severe or chronic physical discomfort (such as chronic pain) are established stand-alone conditions. These categories represent a substantial portion of the patient population in New Hampshire, acknowledging that persistent pain and psychological trauma are often resistant to standard therapies.
- Autism is recognized as a stand-alone condition, but the program includes safeguards for younger patients. For patients under age 21, the law requires a consultation with a specialist who can confirm that other treatments have either been ineffective or have pro-

duced serious adverse side effects.

- To combat the regional opioid crisis, opioid use disorder is a qualifying condition. It, however, carries the strictest requirements: the patient must exhibit symptoms of cravings and/or withdrawal, and the certification must come from a provider who is board-certified in addiction medicine or addiction psychiatry and is actively treating the patient for the disorder.

The year 2024 brought the most significant changes to the program's eligibility criteria since its founding. Two major additions to the Stand-Alone Path that year fundamentally changed the landscape for New Hampshire residents.

First, in late 2024, generalized anxiety disorder was added as a stand-alone qualifying condition. This was a landmark shift, acknowledging that severe anxiety can be as debilitating as physical pain. Patients do not need to prove a secondary physical symptom; the diagnosis of generalized anxiety disorder itself when certified by a provider is a sufficient qualifying medical condition.

Second, and perhaps the most impactful update in 2024, was the legislative grant of provider discretion. The definition

of "qualifying medical conditions" was amended to allow medical providers to certify any adult patient (age 21 or older) for "any debilitating or terminal medical condition or symptom for which the potential benefits of using therapeutic cannabis would, in the provider's clinical opinion, likely outweigh the potential health risks for the patient." RSA 126-X:1, IX(b)(8).

This means that if a provider believes, in their professional clinical opinion, that the potential benefits of therapeutic cannabis outweigh the risks, they may certify the patient even if their specific condition is not explicitly listed in the statute. This patient-centered approach removes the delay of waiting for the legislature to approve new conditions and places the power back into the hands of the doctor-patient relationship.

The evolution of New Hampshire's Therapeutic Cannabis Program reflects a broader societal shift toward recognizing the nuances of chronic illness. By expanding the list of qualifying conditions to include generalized anxiety disorder and granting providers the discretion to certify any "debilitating or terminal" condition, New Hampshire has moved toward a more inclusive and compassionate healthcare model.

The 2024 updates signify that the state is listening to both patients and clinical experts. The program is no longer just a list of diagnoses; it is a flexible framework designed to provide relief for unique and complex medical needs that may not fit into a pre-defined box. As the program continues to grow, the focus remains steadfast on safety, regulation, and, most importantly, the improvement of the quality of life for New Hampshire citizens. ♦

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## ■ FRAUD from page 28

involving healthcare fraud include both federal and state government as plaintiffs – the federal government is named for any false claims related to the Medicare program and states are named for any false claims related to the Medicaid program.

In a scenario where both federal and state governments are named, it has been typical for the DOJ to take the lead. In the past few months, however, the Medicaid Fraud Division in Massachusetts has resolved three *qui tam* complaints without federal participation. The most recent matter was resolved via settlement with CVS for failure to comply with prescription drug pricing regulations, and other cases involved upcoding and billing for transportation not provided. These cases demonstrate that FCA enforcement may continue without DOJ participation.

Finally, and as an alternative to the above scenario, the *qui tam* provisions of the FCA also allow a whistleblower's attorney to pursue the matter on behalf of the government if the government declines to intervene.

This is another mechanism available to allow for continued FCA enforcement despite potentially fewer available resources at the federal level.

## Impact on New Hampshire Healthcare Businesses

In light of these developments, healthcare entities should be cautious whenever receiving requests for information from the federal government, even if those requests appear to be routine audit-related questions from the HHS or other federal agencies. With increased collaboration between the HHS and the DOJ, including instructions that "HHS make referrals to the DOJ of potential violations of the [FCA] that reflect Working Group priorities,"<sup>76</sup> information produced to federal agencies could be transmitted to the DOJ, potentially resulting in enforcement actions.

In addition, healthcare entities should take steps to learn of any internal issues that could be raised by a whistleblower in a *qui tam* complaint – including clearly communicating with employees about compliance

efforts and enabling employees to anonymously report concerns to management. This increased transparency will mitigate risk that an employee or former employee will pursue filing a *qui tam* complaint. ♦

## Endnotes

1. [justice.gov/opa/pr/doj-hhs-false-claims-act-working-group](https://www.justice.gov/opa/pr/doj-hhs-false-claims-act-working-group), July 2, 2025.
2. *Id.*
3. [justice.gov/opa/pr/justice-department-establishes-civil-rights-fraud-initiative](https://www.justice.gov/opa/pr/justice-department-establishes-civil-rights-fraud-initiative), May 19, 2025.
4. *Id.*
5. See, e.g., *New York Times*, "Untangling a Year of Upheaval Inside the Justice Department," December 23, 2025.
6. [justice.gov/opa/pr/doj-hhs-false-claims-act-working-group](https://www.justice.gov/opa/pr/doj-hhs-false-claims-act-working-group)

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## ■ BREACH *from page 28*

tract, and state statutory law, permitting claims to proceed for negligence, tortious interference with prospective economic advantage, negligent misrepresentation regarding Change's data security, breach of contract, unjust enrichment, fraudulent inducement, public nuisance (a novel cause of action in the context of a data breach), and violations of state consumer protection laws.

The court dismissed certain other claims, including negligence *per se* and breach of contract theories premised on the Change defendants' alleged federal

statutory violations. The order acknowledged that the Change defendants' alleged failures to implement sufficient cybersecurity measures, execute contingency plans in case of a shutdown, and warn providers of potential harms were plausibly and foreseeably linked to the provider plaintiffs' economic losses and other specialized injuries. The class action and MDL will proceed to discovery and class certification, and will continue to provide a focal point that could reshape risk allocation among data intermediaries, payors, providers, and vendors.

Beyond the MDL and other pending litigation, ripple effects of the Change breach are likely to continue to emanate

throughout the healthcare industry landscape. Federal and state regulators may focus on contingency planning for third-party outages, minimum security baselines for entities handling health data, and improved transparency in sharing information about cyber threats. Contracting norms may shift toward more stringent incident reporting and response timelines, more robust audit and certification processes, clearer data segmentation and protection requirements, and expanded indemnification protections and other remedies for service disruption.

Providers and patients who continue to mitigate operational and economic damages caused by the Change breach are

encouraged to consult with legal counsel regarding preservation of their rights to claims adjudication and other relief. ♦

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## ■ DIVERSION *from page 29*

cases of diversion occurred here in New Hampshire more than a decade ago when a traveling nurse caused a Hepatitis C outbreak in numerous states, including New Hampshire, after he stole syringes of fentanyl intended for patients, injected himself, and filled the syringes with saline. The nurse was sentenced in federal court to 39 years' imprisonment.

Some recent federal criminal cases resulting from diversion include a nurse from a New Hampshire hospital who pleaded guilty on October 7, 2024, in federal court to tampering with consumer products after removing fentanyl from an ICU patient's IV bag and replacing it

with saline. In December 2023, the USAO DNH charged a nurse from another New Hampshire hospital in connection with diverting liquid fentanyl from a patient in the operating room and replacing it with saline.

Diversion can also lead to state charges. For example, on December 15, 2025, an emergency department nurse received a suspended sentence in state court after multiple convictions in connection with the diversion of controlled substances, including fentanyl, from the emergency department of a New Hampshire hospital. Similarly, on September 9, 2025, the New Hampshire Attorney General's Office announced the conviction of a New Hampshire nurse after she diverted prescription medication and re-

placed it with melatonin.

While it is extremely rare, it is also possible that an institution itself could be the subject of a criminal charge if certain aggravating factors are present. For example, if diversion is pervasive across the institution, or if the institution was the subject of a prior CSA settlement or DEA enforcement, or if the diversion results in serious patient harm, prosecutors may consider criminal corporate charges where there is evidence that management was aware and took insufficient steps to mitigate the diversion.

### Conclusion

Given that the detection of diversion is both a compliance event and a potential enforcement inflection point with many

possible legal avenues, measures to ensure a robust compliance environment to eliminate diversion are more important than ever. ♦

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December 2025

## Administrative Law

**Appeal of Claudia Cass, 2025 N.H. 51  
No. 2024-0511**

December 3, 2025

**Vacated and Remanded**

- Whether the New Hampshire Personnel Appeals Board failed to consider whether the petitioner's termination violated certain statutes;
- Whether the Personnel Appeals Board made logically inconsistent or unsupported findings, being "clearly unreasonable or unlawful," in its order.

Since 2006, Claudia Cass (the petitioner) worked for the New Hampshire Department of Corrections (DOC) as a corrections officer. In 2022, after experiencing low staffing levels at a prison, she emailed the warden stating that staffing was below policy minimums and that the prison should be considered on lockdown. She also explained that prisoners should be informed of future schedule changes affecting meals and medication to maintain safety, and stated that she would impose a lockdown if staffing remained inadequate.

Following an investigation, two DOC officers informed her that she lacked authority to unilaterally order a lockdown and that such decisions required higher approval. When asked whether she would obey a no-lockdown order, she stated she would not if she believed it was unsafe or violated policy. She was suspended with pay and later terminated.

The petitioner appealed to the New Hampshire Personnel Appeals Board (PAB), arguing that her termination violated the Whistleblower's Protection Act, RSA 275-E, and her rights to employment speech and expression under RSA 98-E. PAB upheld the termination, concluding it lacked jurisdiction to consider claims under either statute and that the petitioner failed to prove the termination was unjust, unfair, or contrary to law.

Although PAB found she had not disobeyed an oral order or aided a conspiracy, it concluded she violated DOC policies by failing to follow reporting procedures and demonstrated an unwillingness to comply with protocol. Her motion for reconsideration was denied.

The Court reviewed PAB's statutory interpretations de novo. The petitioner argued PAB failed to consider whether the termination violated RSA 275-E or RSA 98-E, while DOC argued PAB properly declined to rule due to lack of jurisdiction.

The Court observed that under RSA 21-I:58 (2020), in effect at the time, PAB had authority to determine whether a termination violated a statute and to order reinstatement if so. Because PAB was expressly asked to decide whether the termination violated the statutes, it erred by failing to address the argument despite clear statutory authorization.

The Court also found that PAB failed to adequately explain how the petitioner's conduct violated the policies cited in its decision. Because the Court was left to speculate as to the basis for PAB's findings, it vacated the order and remanded the matter to PAB for further proceedings.

*Milner & Krupski, PLLC, of Concord (John S. Krupski on the brief and orally), for the petitioner. John M. Formella, at-*

*torney general, and Anthony J. Galdieri, solicitor general (Mary A. Triick, senior assistant attorney general, on the brief and orally), for the New Hampshire Department of Corrections.*

## Business Law

**Peregrine Interests LLC v. Todd  
No. 2025-0056**

December 23, 2025

**Affirmed**

- Whether the trial court erred in granting the defendant's motion to dismiss ruling the defendant properly withdrew from the LLC.

Peregrine Interests LLC (Peregrine) and Jessica Todd (Todd) established a hair salon (the LLC) and later amended and restated the operating agreement. Peregrine's owner, H. Daniel Hughes, II, provided capital, marketing, and administrative support, while Todd provided hair-styling services, management, and served as the public face of the business. Todd and Peregrine were the members, and Todd and Hughes were the managers.

Hughes also provided a line of credit through another entity he managed. The agreement required repayment of all investments before Todd could exercise independent voting rights, mandated that she devote her business time to the company, and restricted competition during membership. The agreement did not address withdrawals.

Todd offered to purchase Peregrine's and Hughes' interests, but when negotiations failed, she provided notice of withdrawal. Peregrine and the LLC sued for breach of fiduciary duty, breach of the operating agreement, and sought a declaration requiring Todd to dedicate 100 percent of her working time to the company.

Todd moved to dismiss for failure to state a claim. The trial court granted the motion in part, concluding the primary claims turned on the validity of the withdrawal, but denied it as to any alleged pre-withdrawal breach of contract. After denial of reconsideration, the plaintiffs appealed.

The Court reviewed the operating agreement, focusing on the definitions of transfer and interest. Plaintiffs argued Todd's withdrawal constituted a transfer requiring approval. Todd argued that withdrawal was not a transfer under the agreement's definition. Because the agreement was silent on withdrawal, the Limited Liability Company Act applied.

RSA 304-C:103, I (2025) permits withdrawal by written notice, resulting in dissociation under RSA 304-C:100 (2025). Dissociation terminates non-economic rights while preserving economic interests. Todd argued that neither termination nor retention of rights constituted a transfer, while plaintiffs contended the agreement's catch-all language encompassed withdrawal.

The Court disagreed with the plaintiffs, holding that under ejusdem generis, the catch-all language applied only to conveyances or encumbrances, not termination. The Court further held that exercising a statutory right to withdraw was not wrongful, even if Todd intended to compete after withdrawal.

*McLane Middleton, P.A., of Manchester (Scott H. Harris and Jesse J. O'Neill on the brief and Scott H. Harris, orally), for the plaintiffs. Pierce Atwood LLP, of*

## At a Glance Contributor



**Kyle Lyman**

Kyle was dmitted to the NHBA in 2020 and is currently employed working in insurance.

*Portsmouth (Michele E. Kenney on the brief and orally), for the defendant.*

## Criminal Law

**State v. Cormiea, 2025 N.H. 50  
No. 2024-0496**

Dec. 2, 2025

**Reversed and Remanded**

- Whether the trial court erroneously concluded that the parties failed to comply with a mandatory deadline to complete a competency evaluation of a criminal defendant released on bail?
- Whether the statute, RSA 135:17, I(a), sets a mandatory deadline?

After being released on bail, a criminal defendant's counsel raised a concern that the defendant lacked competency to stand trial. The trial court granted the motion for a competency evaluation and appointed the Office of the Forensic Examiner (OFE) to conduct an evaluation. The OFE informed the trial court that it could not complete the evaluation within the ninety-day period set forth in RSA 153:17, I(a).

The trial court extended the deadline by an additional ninety-days, however, when it became clear that OFE would not be able to complete the evaluation within the extended period of time, the state moved for an additional extension. After briefing and argument on the issue of a second extension, and the passing of the time period allowed, the trial court denied the state's request for an extension and dismissed the criminal charges. It reasoned that under RSA 135:17, I(a) the timeframes were mandatory and that only one request for an extension of time was permissible under the statute. Therefore, the trial court interpreted it as being required to dismiss the case.

On appeal, the State argued that the statute does not set a mandatory deadline for competency evaluations. Rather, the statute's language is discretionary. The defendant's counsel argued that the use of the word "shall" in the statute signified a mandatory deadline.

The Court agreed with the state in that the trial court's conclusion was an error. Further, the statute does not set mandatory deadlines.

RSA 135:17, I(a) states that "such a pre-trial examination shall be completed within ... 90 days after the date of the order for such examination, unless either party requests an extension of *this* period." (*emphasis added*). The trial court interpreted the statutory language to mean extensions were limited to being allowed only once. However, the use of "shall" was modified by the latter phrase, "unless," which turned the language from a

mandatory command into a grant of authority. This modifying language granted flexibility.

Further, the Court reasoned that the statute, reading "*an* extension," (*emphasis added*) should not be read as meaning only *one* extension. The Court's analysis focused on reading the statute with the overall statutory scheme. Under statutory construction with respect to numbers, RSA 21:3 reads that "[w]ords importing the singular number may extend and be applied to several persons or things ...." When considering the overall scheme, the Court concluded that such examinations, or "an examination," may not always be able to adhere to default timeframes. Further, RSA 135:17, I(d) states that trial courts are to review defendants' bail conditions and set status conferences as needed "every 30 days thereafter."

In sum, the trial court erred in ruling that the statute contained a mandatory deadline requiring. RSA 135:17, I(a) does not set a mandatory deadline nor prohibit a trial court from granting additional extensions for competency evaluations. Therefore, the trial court was not required to deny the state's request for additional time and dismiss the charges. Reversed and remanded.

*John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general (Anthony J. Galdieri and Audriana Mekula, assistant attorney general, on the brief, and Anthony J. Galdieri orally), for the State. Matthew McNicoll, assistant appellate defender, of Concord, on the brief and orally, for the defendant.*

**State v. Sleeper, 2025 N.H. 52  
No. 2024-0035**

December 5, 2025

**Affirmed**

- Whether the trial court erred in denying a defendant's motion to suppress his post-Miranda statements after certain involuntary statements were made;
- Whether there was error in the admission of his recorded jail calls.

In 2022, police received a call to be on the lookout for a vehicle with heavy front-end damage, and a man fleeing the scene on foot. Shortly after midnight, an officer encountered a male fitting the description walking along a road. The officer stopped his cruiser behind the male, and the male put his hands in the air. The man was handcuffed and sat down on the vehicle's bumper, receiving no Miranda warning.

The officer asked if the man knew why he was stopped. He responded, "yes." The officer asked where the vehicle was. The man responded that he did not have a vehicle, and that he was waiting for a ride prior to getting into a fight. He asked if the "other guy" was okay. He was transported to the police station and major crimes unit was briefed.

Four hours later, a detective and trooper spoke with the man in an interview room. He was asked to review and sign a Miranda waiver, which he did. Questioning followed, and the man stated that he was walking with someone, got into an argument, then he ran off. Then, "something happened," and the victim ended up on the ground. He was advised they were trying to determine the cause of the injuries. After making additional



inculpatory statements, the man stated he wished to remain silent. The interview ended.

Later, in the booking room, the man was advised that the victim had died. He was accused of stabbing the victim, and was arrested. Pre-trial motions were filed in which the defendant moved to suppress all statements made to law enforcement. The trial court granted the motion to suppress the roadside statements, being considered custodial interrogation without a Miranda warning. In addition, anything he said after invoking his right to remain silent was suppressed. However, the trial court denied the request to suppress the interview room statements after he signed the Miranda waiver. This was because the roadside stop was limited in nature, four hours had passed, he was in a new location with different interviewers, the questioning was non-accusatory and non-coercive, and there was no reference to the roadside encounter.

The defendant was ultimately convicted of reckless second-degree murder, and this appeal followed. The defendant argued that since his roadside statements were involuntary that his interview statements were also involuntary.

The Court reviewed various factors when comparing the roadside statements compared to the interview room statements, being the time between the initial and subsequent statements, his contacts with varying friends or family during this time, influence from the police, and if he was made aware that his prior statements may be used against him.

The Court determined the interview room statements after signing a Miranda waiver were voluntary. The roadside questioning was non accusatory and open ended. Further, the officer was under the impression he was only investigating an auto collision. The defendant volunteered being in a fight, and the officer did not inquire further. Enough time passed between the roadside stop and the interview room, which alleviated any pressure of continuous interrogation and provided time to reflect. In essence, his situation had taken a “new turn,” being a separate experience. Finally, he was advised that he would be recorded.

In sum, the Court found that the trial court’s voluntariness finding was not against the weight of the evidence. The result was the same under both the Federal and State Constitutions.

Next, the Court reviewed the defendant’s statements made on recorded jail calls during the time period he awaited trial. While he conceded that portions of the calls regarding the events in question were properly admitted, he challenged what he considered “musings” as being irrelevant. The state argued this helped determine his state of mind and consciousness of guilt.

Here, the state had to prove that the defendant acted recklessly and with an extreme indifference for life. The evidence was overwhelming in that the defendant wrote a letter to his mother stating he stabbed the victim in the neck and the victim bled out. Then on jail calls, he stated, “I stabbed a dude to death,” and “I just murdered somebody.”

DNA evidence provided a high probability the blood on the defendant’s clothing was the victim’s. The jury was further allowed to infer consciousness of guilt from three witnesses testifying that a male matching the defendant’s appearance fled the scene, which was corroborated by his own admissions. From jail, he said his situation may have been better had he not run off.

At trial, the defendant argued he

should only be found guilty of the lesser offense of reckless manslaughter. This meant the legal issue was focused on his intent. Overall, the evidence was compelling given testimony of the knife wound, its depth being seven inches deep, stopping just short of the spine. The jail calls, each being short in duration, were inconsequential compared to the other evidence. Thus, any error in the admission of the jail calls was harmless.

*John M. Formella, attorney general, and Anthony J. Galieri, solicitor general (Audriana Mekula, assistant attorney general, on the brief and orally), for the State. Christopher M. Johnson, chief appellate defender, of Concord, on the brief and orally, for the defendant.*

## Family Law

**In Re G.W., 2025 N.H. 53**

**No. 2025-0068**

**December 10, 2025**

***Affirmed in Part and Reversed in Part***

- Whether there was sufficient evidence of abuse and neglect.
- Whether DCYF social workers violated RSA 169-C:34, VI and if such violation resulted in an error in not excluding the mother’s statements.

An infant lived with his mother at her parent’s residence. The father would frequently stay there. In May of 2024, at five weeks old, the parents informed his pediatrician that there had been bleeding in his mouth. That night, both parents had a fight and father threw the child onto the bed. The mother left, leaving the child behind.

In the morning, the child’s arm was not moving. An on-call nurse recommended going to the emergency room. Approximately three hours later, when the child had not arrived, the hospital social worker called. The mother stated she wanted to use their pediatrician, and not the hospital due to concerns of New Hampshire Division for Children, Youth and Families’ (DCYF) involvement. She was informed that DCYF would be called if they did not go to the emergency room. When the child did not arrive, both DCYF and the police were notified. Approximately two hours later, the parents took their infant to the emergency room. X-rays revealed that he had a broken left humerus. A safety plan was created in which the infant would be admitted to the hospital and the parents were to return home.

When police followed up, the parents denied knowing what had happened. They were asked to provide statements at the police station. Both parents subsequently stated that the father could be aggressive with the infant.

A pediatric expert’s examination noted healed oral injuries and a small area of bleeding in his right eye. This was indicative of trauma, and “highly concerning for physical abuse.” DCYF filed petitions against the parents alleging abuse and neglect. The parents moved to suppress the statements made to the social workers stating they were not informed of the charges pursuant to RSA 169-C:3, VI. This was denied, and after hearing testimony, the judge determined by a preponderance of the evidence that there was abuse and neglect. The mother appealed, arguing insufficient evidence, and that the DCYF’s use of certain statements should have been excluded.

On the finding of abuse, the Supreme Court determined that while there was sufficient evidence that the child’s injuries

were not accidental, there was insufficient evidence that the mother committed the abuse. In fact, DCYF’s arguments concerning the mother watching the father drop the child, not responding, not treating the injury, medicating the child and continuing to manipulate his arm, were more supportive of neglect.

On the finding of neglect, the Court agreed that the child was without proper care and control, and the evidence was sufficient. The child’s health suffered serious impairment just at five weeks old, he had suffered a displaced humerus fracture, oral injuries, and subconjunctival hemorrhage. The fracture was acute and considered “excruciatingly painful.” The other injuries would not have occurred with a “reasonable caregiver.”

Further, the mother delayed treatment for her child’s broken arm. It took the threat of DCYF before she had him examined, and such conduct fell below the standard of a reasonable parent with a child in such a condition.

Regarding RSA 169-C:34, VI, a parent being investigated for potential abuse or neglect “shall” be verbally informed “of the specific nature of the charges.” The Court agreed with the mother in that the use of “shall” in the statute was a command, and mandatory. Here, social

workers stated DCYF received a “report of concern,” but nothing further pertaining to abuse and neglect. DCYF argued that this meant there were no “charges,” and that a “charge” was when the petition was filed, formally accusing the parents. However, the Court clarified that Child Protection Act proceedings were civil in nature. The statute explicitly states a verbal notification was required “[a]t first contact ..” and, therefore, the use of the word “charge” should not be considered as a formal accusation within a filed petition. Rather, the “charge” comes during an investigation. Therefore, it was error to conclude that DCYF did not follow the mandate. Finally, while the plain language provided no remedy for the statutory violation, any remedy would not have impacted the result of the case and the finding of neglect. Any such error was harmless.

*Law Office of Fricano and Weber PLLC, of Nashua (Joseph Fricano on the brief and orally), for the mother.*

*John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general (Mary A. Triick, senior assistant attorney general, on the brief and orally), for the New Hampshire Division for Children, Youth and Families.*

## NH Supreme Court Orders

The Access to Justice Commission (commission) was established by Supreme Court order dated January 12, 2007. The Supreme Court appoints Circuit Court Judge Xiorlivette C. Bernazzani to the commission. Judge Bernazzani’s three-year term shall commence immediately and expire on December 19, 2028.

The Supreme Court has been notified that Circuit Court Judge Beth Kissinger has ceased to be a member of the commission.

Issued: December 19, 2025

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

Following consultation with the supreme court and the council of chief judges, the chief justice hereby establishes a judicial-use generative artificial intelligence task force. The task force shall examine and make recommendations for establishing a policy governing the use of generative artificial intelligence (generative AI) in the judicial decision-making process. The task force’s examination shall include:

1. A comprehensive comparative assessment of the use of generative AI in other states’ courts.

2. Identification and evaluation of available generative AI tools.

3. Development of a procedure for vetting and approving generative AI tools for judicial decision-making.

4. Development of policies for use of approved and unapproved generative AI tools for judicial decision-making.

The task force shall be led by Supreme Court Senior Associate Justice Anna Barbara Hantz Marconi and comprised of the following additional members: Superior Court Judge Andrew Schulman; Circuit Court Judge Jared Bedrick; the New Hampshire Law Librarian, Malia Ebel; the New Hampshire Judicial Branch Chief Information Officer, Matthew Seaton; the Supreme Court Deputy Clerk – Legal, Francis Fredericks; the New Hampshire Judicial Branch General Counsel, Jessica King; and the State Court Administrator, Circuit Court Judge Christopher Keating.

The task force shall present a report to the supreme court no later than January 30, 2026.

Issued: December 19, 2025

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

In accordance with Supreme Court Rule 42(I)(a), the Supreme Court appoints Attorney Ryan M. Borden to the Board of Bar Examiners for a three-year term commencing immediately and expiring on December 18, 2028.

Issued: December 19, 2025

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

The Supreme Court of New Hampshire, pursuant to RSA 490:4, directs that proceedings in every State court in New Hampshire may be suspended on Friday, February 20, 2026, to facilitate continuing judicial and legal education and to accommodate any judges’ meetings being held in conjunction with the Midyear Meeting of the New Hampshire Bar Association. A judge or other judicial officer may decide not to suspend proceedings if the judge or judicial officer and the lawyers on a case do not plan to attend the Midyear Meeting, or if the judge or judicial officer, in his or her discretion, decides that the efficient administration of the court or ensuring justice in a particular case compels that a case be scheduled for a hearing or trial, or that a hearing or trial continue to be litigated, on that day.

Issued: December 22, 2025

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

Pursuant to Supreme Court Rule 51(3)(a), the Supreme Court reappoints the following persons to the Advisory Committee on Rules, to serve three-year terms commencing January 1, 2026, and expiring December 31, 2028: Attorney Charles Keefe; Terri Peterson, Circuit Court clerk; and William Wright, a non-attorney and the current Sheriff of Belknap County

Pursuant to Rule 51(3)(a), the Supreme Court appoints Superior Court Judge Anne

**ORDERS** continued on page 34



## ■ ORDERS from page 33

M. Edwards to the Advisory Committee on Rules, to serve a three-year term commencing January 1, 2026, and expiring December 31, 2028.

Issued: December 22, 2025

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

◆  
In accordance with Supreme Court Rule 37(3)(a), the Supreme Court appoints Attorney Sally Mulhern to the Professional Conduct Committee, to serve a three-year term commencing January 1, 2026, and expiring December 31, 2028.

The Supreme Court designates Attorney Mitchell Simon to serve as a vice chair of the Professional Conduct Committee.

Issued: December 23, 2025

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

◆  
In accordance with Supreme Court Rule 37(4)(a), the Supreme Court reappoints Attorney Gilles Bissonnette to the Hearings Committee, to serve a three-year term commencing January 1, 2026, and expiring December 31, 2028.

Issued: December 23, 2025

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

◆  
In accordance with Supreme Court Rule 37(5)(a), the Supreme Court reappoints Attorney Joshua Gordon to the Complaint Screening Committee, and appoints Attorney Caroline Leonard to the Complaint Screening Committee, to serve three-year terms commencing January 1, 2026, and expiring December 31, 2028.

The Supreme Court designates Attorney Danielle Sakowski to serve as chair of the Complaint Screening Committee.

Issued: December 23, 2025

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

### ◆ **ADM-2024-0018, *In the Matter of Ben Martin-McDonough, Esquire***

On December 19, 2024, Attorney Ben Martin-McDonough was suspended from the practice of law in New Hampshire for failure to timely satisfy 2024/2025 registration requirements and for failure to appear for the November 14, 2024 show-cause hearing. On June 4, 2025, Attorney Martin-McDonough filed a petition for reinstatement after administrative suspension. On November 17, 2025, the New Hampshire Bar Association notified the court that Attorney Martin-McDonough is in compliance with the requirements for reinstatement.

The petition is granted. Attorney Ben Martin-McDonough is reinstated to the practice of law in New Hampshire, effective immediately.

MacDonald, C.J., and Donovan, Conway, and Gould, JJ., concurred.

ISSUED: December 23, 2025

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

### ◆ **LD-2025-0007, *In the Matter of Bridget N. Mitchell, Esquire***

On November 25, 2025, the Attorney Discipline Office (ADO) filed a petition for Attorney Bridget N. Mitchell's immediate suspension from the practice of law on the ground, among others, that she has contended during the course of a disciplinary proceeding that "she is suffering from a disability by reason of mental or physical infirmity

or illness, . . . which makes it impossible for the respondent attorney to adequately defend . . . herself." Supreme Court Rule 37(10)(c).

On December 2, 2025, the court issued an order of notice, which directed Attorney Mitchell to file a response to the petition on or before December 17, 2025. The order of notice was sent to Attorney Mitchell through the court's electronic filing system, as well as by mail to the address that she provided to the New Hampshire Bar Association and by mail to a second address listed in the ADO's petition. Despite the sufficient and binding nature of those methods of notice, see Supreme Court Rule 42E(c); Rule 8(b) of the Supreme Court Supplemental Rules for Electronic Filing, Attorney Mitchell did not file any response.

Having reviewed and considered the ADO's petition, including appendix, the court concludes that Attorney Mitchell has contended that she is suffering from a disability by reason of mental or physical infirmity or illness, which makes it impossible for her to adequately defend herself in the disciplinary proceeding. In this circumstance, Rule 37(10)(c) states that the court "shall enter an order immediately suspending the respondent attorney from continuing to practice law until a determination is made of the respondent attorney's capacity to continue to practice law in a proceeding instituted in accordance with the provisions of subsection (b) of this section."

Accordingly, the court orders that Attorney Bridget N. Mitchell is immediately suspended from the practice of law in New Hampshire pending further order of this court. She is enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of any clients, whether real, personal, beneficial or mixed, and is further enjoined from any use of her IOLTA accounts.

Pursuant to Rule 37(17), the court appoints Attorney Amy B. Davidson to take immediate possession of any client files and trust and other fiduciary accounts of Attorney Mitchell, and to take the following actions:

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

(2) Attorney Davidson shall notify the courts in which any hearings are scheduled in the near future of Attorney Mitchell's suspension.

(3) Attorney Davidson shall prepare an inventory of Attorney Mitchell's client files, if any, and shall file a copy of the inventory with the Supreme Court on or before February 6, 2026, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.

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

Attorney Mitchell is ordered to cooperate with Attorney Davidson in performing the tasks as directed by the court. Attorney Mitchell is further ordered to inform her clients in writing, on or before January 7, 2026, of her suspension from the practice of law and of her inability to act as an attorney, and shall advise them to seek other counsel. See Rule 37(13). On or before January 9, 2026, Attorney Mitchell shall file with this court an affidavit stating that she has complied with this Rule 37(13) requirement or that she had no clients to so inform and advise. A copy of the affidavit shall be sent to the ADO and to Attorney Davidson.

On or before January 7, 2026, Attorney Mitchell may file a written request for

a hearing before a judicial referee. If she does so, her written request must address the following topics: (1) the basis of the asserted need for a hearing, given her failure to respond to the ADO's petition; (2) proposed dates for such a hearing; (3) whether the court should order the examination of Attorney Mitchell by a qualified medical expert or experts; (4) names of suitable medical experts for such an examination or examinations; and (5) any other matters, procedural or substantive, that she contends are relevant to the court's assessment as to whether she is incapacitated from continuing the practice of law. See Rule 37(10)(b). The ADO may file a response on or before January 12, 2026. If Attorney Mitchell does not file a timely request for a hearing, the ADO's contention that she is incapacitated from the practice of law will be deemed ad-

mitted, and Attorney Mitchell's suspension shall remain in effect until and unless terminated in response to a motion for reinstatement, which may be filed sooner than one year from the date of suspension, see Rule 37(10)(d)-(f).

The fees and expenses of Attorney Davidson shall be paid in the first instance from the funds of the judicial branch, but Attorney Mitchell shall be responsible for reimbursement.

The underlying disciplinary matter involving Attorney Mitchell shall be stayed pending further order of this court.

MacDonald, C.J., and Donovan and Gould, JJ., concurred.

DATE: December 29, 2025

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

## US District Court Decision Listing

November 2025

\* Published

28 U.S.C. § 2241

*Jimenez v. FCI Berlin, Warden et al*, 25-cv-326-LM-Aj  
2025 DNH 107P, September 8, 2025.

Jimenez, a noncitizen, unlawfully crossed the border into the United States in 2023. After being briefly detained at the border and placed in expedited removal proceedings under 8 U.S.C. § 1225(b)(1), he was found to have a credible fear of persecution by an immigration judge ("IJ"), released from custody, and transitioned to standard removal proceedings under 8 U.S.C. § 1229a. Jimenez moved to New York where he lived with a cousin, worked, participated in removal proceedings, and applied for relief from removal. He was arrested by immigration officers in July 2025 pursuant to a warrant issued under 8 U.S.C. § 1226(a) but denied a bond hearing before an IJ. Jimenez thereafter brought a petition for a writ of habeas corpus. The court found that Jimenez had a clear case on the law and facts that he was eligible for a bond hearing before an IJ pursuant to § 1226(a) and its implementing regulations. Section 1225(b)(1) did not compel Jimenez's mandatory detention because that provision applies to noncitizens who are "arriving in the United States." As of July 2025, Jimenez was no longer arriving in the United States. Section 1225(b)(1)(B) did not compel Jimenez's detention either because the asylum officer who conducted his credible fear interview in 2023 failed to conclude that Jimenez had a credible fear of persecution, and because an IJ had already rendered a final determination of credible fear. Finally, § 1225(b)(2) did not compel Jimenez's detention because he was not, as of July 2025, "seeking admission" to the United States. Rather, he was seeking to remain in the United States despite a lack of admission. The court also found that the INA's statutory framework, legislative history, context, and the overall constitutional scheme supported the conclusion that Jimenez was entitled to a bond hearing under § 1226(a) instead of being subject to mandatory detention under § 1225(b)(2). 24 pages. Chief Judge Landya B. McCafferty.

*Mayancela v. FCI Berlin, Warden et al*, 25-cv-348-LM-TSM  
2025 DNH 135P, November 18, 2025.

Mayancela petitioned for a writ of habeas corpus after an Immigration Judge ("IJ") concluded at a bond hearing that he posed a flight risk by a preponderance of the evidence and denied his request for release during removal

proceedings. His primary contention was that the IJ failed to apply the standard of review mandated by due process. After concluding that it had jurisdiction to review Mayancela's claim, the court rejected it on the merits. The court found that the evidence before the IJ permitted a reasonable jurist to conclude by a preponderance of the evidence that Mayancela posed a flight risk. The IJ had before her evidence that Mayancela had been charged with several driving-related offenses since 2015 and that he failed to appear for a hearing on some of those offenses in July 2024. The record before the IJ also disclosed that Mayancela attempted to flee from a Border Patrol agent immediately prior to his arrest and detention. Finally, because Mayancela had already been ordered removed, he had an incentive not to appear for further removal proceedings, and it was speculative whether Mayancela would obtain relief from removal on appeal. Because a reasonable jurist could have found, based on the evidence before the IJ, that Mayancela more likely than not posed a flight risk, his claim that the IJ did not apply the preponderance-of-the-evidence standard failed. 16 pages. Judge Landya B. McCafferty.

### INSURANCE/AMEND COMPLAINT

*Harvey v. Union Mutual Fire Insurance Company*, 24-cv-244-LM-AJ, 2025 DNH 125P, October 15, 2025.

The plaintiffs sued their homeowners' policy insurer when the insurer seeking amounts they claimed were due and owing after their home burned down. After the case failed to settle at mediation, the plaintiffs moved to amend their complaint to allege an additional claim for "bad faith breach of insurance contract." Meanwhile, the insurer notified the plaintiffs that they would seek appraisal of two of the plaintiffs' insurance claims. The court found that plaintiffs had good cause to amend their complaint. They did not have the facts underlying their new claim until the insurer disclosed its claim file in discovery, and the plaintiffs acted reasonably in waiting to seek amendment until after mediation failed. Moreover, New Hampshire law recognizes a claim for bad faith breach of an insurance contract, insofar as it recognizes a claim for breach of the covenant of good faith and fair dealing that is implied in every insurance policy. As for the insurer's appraisal demand, the court found that, where an appraisal clause is silent as to when appraisal must be demanded, the New Hampshire Supreme Court would require appraisal to be sought within a reasonable period. The primary considerations in determining whether appraisal was sought within a reasonable period are the time between the breakdown of good-faith negotiations and whether the other party would suffer prejudice as a result of any delay in demanding appraisal. The



court found that the insurer sought appraisal within a reasonable period. The insurer demanded appraisal only three days after mediation concluded, and there was no evidence the insured would be prejudiced. 18 pages. Chief Judge Landya B. McCafferty.

## VAGUENESS AND PREEMPTION

*National Education Association-New Hampshire et al v. NH Attorney General et al*, 25-cv-293-LM, 2025 DNH 123P, October 2, 2025.

Various organizations, school districts, and individuals sued several New Hampshire agency heads seeking to enjoin recently enacted New Hampshire statutes that ban schools and public entities from engaging in any activity that is “related” to “diversity, equity, and inclusion,” or “DEI.” The plaintiffs moved for a preliminary injunction, contending that they were likely to succeed on the merits of their vagueness and preemption claims and that impending deadlines for attesting to compliance with the anti-DEI laws’ requirements posed an impending danger of irreparable harm. The court granted plaintiffs’ motion for a preliminary injunction. The anti-DEI laws prohibit such a wide swath of conduct that they authorized, or even encouraged, arbitrary enforcement in violation of plaintiffs’ due process rights. Moreover, the laws conflict with various requirements of federal disability laws and were therefore preempted by those laws. The plaintiffs were likely to suffer irreparable harm in the absence of preliminary relief, and the balance of equities and public interest supported an injunction. However, the court declined to enter the “state-wide” injunction plaintiffs requested, finding that such an injunction would be broader than necessary to afford complete relief to the plaintiffs. 68 pages. Chief Judge Landya B. McCafferty.

## Classifieds

### POSITIONS AVAILABLE

**ASSOCIATE ATTORNEY** – Stebbins, Lazos & Van Der Beken PLLC, located in Bedford, NH, seeks an Associate Attorney to join its commercial real estate and corporate law practice. 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. Hybrid remote potential. Qualified candidates must be admitted to the New Hampshire Bar or have the ability to waive in. Competitive compensation and benefits package offered. All submissions kept confidential. Please send resume and cover letter to [kkloza@proconin.com](mailto:kkloza@proconin.com).

**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).

**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](mailto:dmsmith@boxerblake.com) – please use Attorney Search in the subject line.

**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](mailto:dorothy.darby@cohenwinters.com).

**SENIOR VICE PRESIDENT, CHIEF LEGAL OFFICER AND GENERAL COUNSEL (CLO.)** – Manchester, NH – WittKieffer has been retained by Elliot Health System to identify a dynamic, strategic leader to serve as its next Senior Vice President, Chief Legal Officer and General Counsel (CLO.) Elliot Health System, with over \$1 Billion in annual revenues and over 4,000 team members, is the largest provider of comprehensive healthcare services in southern New Hampshire, providing high quality, cost-effective programs across the continuum of care. As a highly visible and engaged member of the Executive Leadership Team, this executive will provide legal insight with respect to the strategic direction of the organization and participate in a wide range of projects where legal, regulatory and compliance knowledge is needed. More information can be found at <https://ap-trkr.com/6803369>. Confidential inquiries, nominations, applications and expressions of interest can be submitted to the WittKieffer consultants supporting this search, Werner Boel and Melaney Mooradian via email to [mmooradian@wittkieffer.com](mailto:mmooradian@wittkieffer.com). Werner Boel, LL.M. <https://wittkieffer.com/consultants/werner-boel-llm> Melaney Mooradian <https://wittkieffer.com/consultants/melaney-mooradian>. Elliot Health System values diversity and is committed to equal opportunity for all persons regardless of age, color, disability, ethnicity, marital status, national origin, race, religion, sex, sexual orientation, veteran status, or any other status protected by law.

**PARALEGAL** – Stebbins, Lazos & Van Der Beken PLLC, in Bedford, NH has an immediate full-time or part time opening for a commercial real estate/corporate paralegal. Our firm works primarily in the areas of commercial real estate, banking, commercial construction and corporate law. A background in corporate transactions, commercial real estate and/or title is preferred, but training is available. The ideal candidate will have excellent organizational skills and attention to detail, proficiency in handling a number of projects simultaneously, and ability to work well under pressure of deadlines. We offer competitive salary and benefits. Please send cover letter and resume to [kkloza@proconin.com](mailto:kkloza@proconin.com).

**LEGAL ASSISTANT** – Busy Manchester law firm seeks experienced legal assistant to support multiple attorneys in case file management, e-filing, and other case-related requirements. Must be detail-oriented, self-motivated, and proficient in Microsoft Office 365. Law office experience preferred. Compensation commensurate with experience. Please forward resume to [jgibson@bkwlawyers.com](mailto:jgibson@bkwlawyers.com).

**REAL ESTATE PARALEGAL/SECRETARY:** Busy Wolfeboro law firm seeks real estate secretary/paralegal. Excellent word processing, computer, and people skills a must. Abstracting and E-Closing experience helpful. Medical and retirement benefits are available. Please call and send resume to Randy Walker at Walker & Varney P.C., P.O. Box 509, Wolfeboro, New Hampshire, 03894 (569-2000).

**LEGAL ASSISTANT/PARALEGAL:** Seeking a full-time Legal Assistant/Paralegal for our busy Concord-based practice to assist with insurance defense cases in New Hampshire state and federal courts. We seek a candidate with 2+ years of experience in the litigation field. Remote work access available for the right candidate. We offer competitive compensation and benefits. Please submit your resume to [NGetman@friedmanfeeney.com](mailto:NGetman@friedmanfeeney.com). All inquiries will be kept confidential.

**PART-TIME ASSISTANT.** Small Trusts & Estates firm in Concord seeks a part time administrative assistant to handle a variety of clerical tasks, including communication with clients. Knowledge of QuickBooks a plus. Potential for flexible hours. Send cover letter and resume via email to [hr@anniszellers.com](mailto:hr@anniszellers.com). NO inquiries by telephone or mail.

Aggressive experienced attorney to manage family law practice in Plymouth.

Merger Possible.

Contact:  
[Win10Por10@gmail.com](mailto:Win10Por10@gmail.com)



### Civil Litigator

Alfano Law, PLLC seeks a civil litigator with a minimum of 5 years of trial experience in New Hampshire. Familiarity with real estate a plus. Our practice areas include roads and easements, boundary disputes, real estate transactions, zoning and planning, property tax, estate planning, and probate.

Our main office is in Concord with additional locations in Bedford, Keene, and Portsmouth.

We are a hybrid office; you may work from home or in an office.

We offer full benefits (health, dental, 401K) for full time candidates.

Please contact Anne-Marie Guertin at [amguertin@alfanolaw.com](mailto:amguertin@alfanolaw.com) or 603.333.2210.



### 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
- Zoning and planning
- Boundary disputes
- Property tax appeals
- Real estate transactions
- 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](mailto:amguertin@alfanolaw.com).

## Staff Attorney – Senior Level

New Hampshire Legal Assistance (NHLA) seeks an attorney with significant litigation experience to join our nonprofit law firm as a Staff Attorney.

The Staff Attorney will play a leadership role in developing and executing complex federal and state impact litigation, including class actions and appeals. In addition to supervising and participating in impact work, Staff Attorney may also handle individual cases. At least 10 years of prior litigation, or substantial institutional reform/civil rights litigation experience strongly preferred.

Full position details and how to apply by February 2, 2026:  
<https://www.nhla.org/support/jobs>



## Civil Litigation Attorney

Seacoast firm seeks an attorney for its civil litigation practice.

The successful candidate will work on all types of civil litigation matters. The firm's primary clients are banking institutions, credit unions, small businesses, corporations, and high wealth individuals. The successful candidate may also work in the firm's other practice areas including personal injury, trusts and estates, collections, and real estate.

The candidate must have excellent research, writing, and communication skills, be detail oriented, organized, and self-motivated. Competitive compensation with an aggressive bonus program.

Those interested, please send your resume and cover letter to [ryelaw@ryelaw.net](mailto:ryelaw@ryelaw.net). Please address cover letter to Earl L. Kalil, Jr.



# MCLANE MIDDLETON

## LITIGATION ATTORNEY

McLane Middleton, Professional Association is seeking a talented and driven Litigation Associate to join our team. We are a leading trial practice group in New England, handling a broad range of business and complex litigation.

The ideal candidate should possess 2 to 4 years of general litigation experience. The successful candidate will be adept at collaborating with partners and clients to develop litigation strategies including conducting discovery, document review, witness preparations, and drafting motions, etc.

Self-starters looking for career advancement and business development opportunities are encouraged to apply. The qualified candidate will have prior private firm experience or will be transitioning from a government position to private practice.

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. We encourage you to consider joining our team!

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

# MCLANE MIDDLETON

## TRUSTS & ESTATES ATTORNEY

McLane Middleton, Professional Association, is seeking a Trusts and Estates Attorney to join our active and expanding Trusts and Estates Department. McLane Middleton has one of the largest Trusts and Estates departments in New England. This is a unique opportunity to work alongside some of New England's most highly-skilled Trusts and Estates attorneys.

The ideal candidate should possess a strong academic record and excellent written and oral communication skills, with 7+ years of experience in estate planning, tax planning, and trust and estate administration. Experience in New Hampshire trust law and asset protection planning is a plus. Ideally, the candidate would have prior experience working directly with high net-worth individuals and families and their advisors on designing and implementing personalized estate plans, and tax-efficient and estate and wealth transfer strategies, including transfer of closely-held business interests to irrevocable trusts. Equally important is the ability to manage a preexisting volume practice while working alongside a team of skilled professionals.

McLane Middleton has a strong tradition over its 106-year history of deep involvement by its employees in the communities where they work and live. The firm itself is an active participant in the community as well, supporting numerous charitable, business and professional associations. The firm helps create a long-term career path to assist professionals in their pursuit of personal and professional achievement. We offer a collegial team environment, professional development, and personal satisfaction in a fast-paced and motivating work environment. Competitive compensation and benefits package offered.

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

# MCLANE MIDDLETON

## REAL ESTATE ATTORNEY

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

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

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

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

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

Built on over 106 years of experience, McLane Middleton helps create a long-term career path to assist professionals in their pursuit of personal and professional achievement. We encourage you to consider joining our team!

Qualified candidates should send a cover letter, resume and law school transcript.

All submissions kept confidential.

Jessica Boisvert, Manager of Professional Recruiting and Retention, Email: [jessica.boisvert@mclane.com](mailto:jessica.boisvert@mclane.com)

# MCLANE MIDDLETON

## CORPORATE LAW 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 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.

Individuals 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 and transcript to: Jessica Boisvert, Manager of Professional Recruiting and Retention, Email: [jessica.boisvert@mclane.com](mailto:jessica.boisvert@mclane.com)



## Associate Attorney - Litigation **PretiFlaherty**

Preti Flaherty, one of New England's largest law firms with offices in ME, NH, MA, and Washington, D.C. is seeking an experienced attorney to join the firm's dynamic and growing Litigation Practice Group (LPG). This position is based in our downtown Concord, NH offices and offers an engaging roster of work in litigation on behalf of Preti's regional and national clients. We place a high value in cultivating talent and giving Associates early and frequent exposure to robust and challenging legal matters. We pride ourselves on taking a solutions-based approach to client representation.

Preti Flaherty offers a competitive salary and generous benefits package which includes health, dental, vision, life and disability insurance, paid time off, paid holidays, and retirement benefits.

Apply directly:

[www.preti.com/careers/attorney-openings](http://www.preti.com/careers/attorney-openings)

### Education and Experience Required

- Juris Doctor (J.D.) Degree from an accredited law school
- Active bar membership (or anticipated) in New Hampshire
- 2-4+ years of litigation experience preferred
- A judicial clerkship is preferred but not required
- Strong legal research, writing, and analytical skills
- Experience drafting pleadings, motions, discovery, and legal memoranda
- Excellent communication and interpersonal skills for client interaction and teamwork
- Ability to manage multiple cases and deadlines in a fast-paced environment



# NHRS

New Hampshire Retirement System

## REQUEST FOR PROPOSALS FOR HEARINGS EXAMINER SERVICES

The New Hampshire Retirement System invites submissions from individuals to serve as Hearings Examiner to conduct adjudicatory proceedings and prepare recommended decisions for the Board of Trustees. The Board intends to contract with one or more qualified individuals to provide these services.

For Statement of Work, refer to the RFP page of the NHRS website:  
[www.nhrs.org](http://www.nhrs.org)

**Submission Deadline:** February 20, 2026

# MCLANE MIDDLETON

## TRUSTS & ESTATES PARALEGAL

McLane Middleton, a leading New England-based law firm, has a unique opportunity for a Trusts and Estates Paralegal in our Manchester, New Hampshire office.

We are seeking an experienced, detail-oriented, thorough, and organized Trusts and Estates Paralegal to join our team. This individual will have a broad base of experience including probate and trust administration, working knowledge of the Probate Court rules and procedures and probate accountings, Federal estate tax returns, and familiarity with trust accounting computer programs.

The ideal candidate will be a self-starter, able to work independently and have previous paralegal experience in the administration of trusts and estates, including the preparation of Massachusetts and U.S. Estate Tax Returns (Form 706). Responsibilities include all facets of trust and probate administration, drafting correspondence and legal documents, asset spreadsheets and probate pleadings, reviewing bank statements, and organizing and maintaining client files. In addition, the candidate must be capable of offering the highest level of service to our clientele. Professionalism and teamwork are important, so the best candidate works well with attorneys, co-workers, and our clients.

### Skills, Education, and Experience:

- Minimum of 3 years of solid Trusts and Estates paralegal experience.
- Associate degree with paralegal studies emphasis. Bachelor's degree from ABA approved paralegal program preferred.
- Certification from NALA or NFPA is a plus.
- Attention to detail, dependable, organized.
- Excellent computer skills including MS Office, iManage, and Adobe Acrobat
- Excellent problem solving and analytical skills
- Excellent proofreading skills and clear and concise communication skills.

Direct resume with cover letter to: Jessica Boisvert, Manager of Professional Recruiting and Retention, Email: [jessica.boisvert@mclane.com](mailto:jessica.boisvert@mclane.com)

# Shaheen & Gordon

ATTORNEYS AT LAW

## Operations (Legal) Administrator Dover, NH

Do you love making your workplace run smoothly? Do you want to help create the best place to work for your coworkers and your team? If you're looking to take the next step forward in your legal operations career at a fast-paced, multi-site firm, this may be the job for you.

Shaheen & Gordon, P.A. is looking for an experienced and people-minded Operations Administrator to lead the day-to-day operations of several offices, delivering superior support services to attorneys and firm leadership. The ideal candidate will have over 7 years of experience in a legal (or other professional service) organization and be equally comfortable working on their own as with a team. They must also have reliable means of transportation and a willingness to travel between firm office locations.

Our Operations (Legal) Administrator will be working closely with the Chief Operating Officer in our Dover, NH office to set budgets and drive financial results, as well as managing the design and inventory of the firm's various facilities. In addition, you will provide support in payroll, recruiting, onboarding, training, and performance management to make S&G an even better place to work. This role will help to shape the firm going forward, and we are eager to find someone to join us in our mission to do some good.

About S&G: Shaheen & Gordon is a full-service law firm with a commitment to excellence and a focus on community. A fixture of the New Hampshire legal community for over 40 years, the firm has expanded across Northern New England and all the way to Hawaii. Whether you are a recent graduate or a seasoned professional, Shaheen & Gordon offers the opportunity to build your career with a fast-growing company.

At Shaheen & Gordon, we live our brand: It's different here. We take our work very seriously, but not ourselves. We take time to know each other. We care about our clients. We invest in our communities. We know that our employees make all the difference, and we treat them accordingly—every member of our firm has a voice and is encouraged to use it.

S&G offers excellent benefits including health insurance, flexible spending account, and 401(k) plan employer match. Our Dover office is located right in the heart of downtown and offers ample parking, an assortment of walkable lunch and coffee destinations, a break room full of snacks, and an in-office gym.

Between our Wellness and DEI committees, benefits and amenities, and openness to employee feedback, we're determined to do right by the people who make up our firm and excited to welcome the right person to our team to fill this role.

### Responsibilities include, but not are not limited to:

- Working with firm leadership, outside vendors and firm colleagues to oversee and support day-to-day operations of several firm offices, functioning as a highly visible member of the team, reinforcing policies, procedures, and firm culture.
- Assisting the Chief Operating Officer in budgeting and driving financial results.
- Collaborating with HR and Finance to provide support in payroll, recruiting, onboarding, training, and performance management.
- Supervising the office support teams, including clerical, legal assistants, paralegals, and reception; and facilitate projects and assignments with leadership in areas such as IT, HR, and Facilities.
- Working closely with the Chief Operating Officer to oversee facilities management, including space planning and design, purchasing, inventory control, and adherence to budget.
- Establishing and maintaining strong working relationships with coworkers, leadership, firm colleagues and vendors.

### Required Skills/Abilities

- Must have excellent interpersonal and organizational skills.
- Must have excellent written and verbal communication skills.
- Must have strong firm management software skills, with the ability to design and deliver training.
- Must have advanced computer skills using Microsoft Office Suite and firm management software.
- Must be able to meet deadlines and have strong attention to detail, with the ability to multi-task in a fast-paced environment.
- Must be quick-thinking and able to make prompt decisions
- Must have a professional, friendly, and client / customer focused attitude and demeanor.
- Must be focused on leading by example and promoting firm culture.
- Strong budgeting, performance and project management background required.
- Ability to travel to firm offices regularly, as needed.

### Education/Experience

- A BS in Business Administration, Management, HR, legal studies, or other related discipline required.
- A minimum of 7 years previous leadership experience in a legal or other professional services organization is required.

Shaheen & Gordon is an Equal Opportunity employer and does not discriminate on the basis of race, color, religion, sex (including pregnancy), gender identity or expression, national origin, citizenship, veteran status, age, physical or mental disability, genetic information, marital status, sexual orientation, or any other consideration made unlawful by applicable federal, state or local laws in all aspects of employment, including but not limited to recruitment, hiring, training, evaluation, transfer, promotion, discipline, compensation, termination, and layoff.

Salary commensurate with experience. Please email your cover letter, resume, salary requirements, and references to [careers@shaheengordon.com](mailto:careers@shaheengordon.com) . EOE



## Business/Corporate Attorney Portland, Maine

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

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

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

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

## Tax Attorney Portland, Maine

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

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

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

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

## NEW HAMPSHIRE DEPARTMENT OF LABOR

### Hearings and Rules Administrator Position # 16738

The N.H. Department of Labor, Hearings Bureau seeks a dynamic Hearings and Rules Administrator to lead the Department's Hearings Bureau and administrative rulemaking initiatives. The Hearings and Rules Administrator is primarily responsible for daily oversight and development of Hearings Bureau operations and programmatic initiatives to assure that Bureau objectives are met, including supervision of Hearings Bureau employees and work procedures, reviewing motions, and presiding over complex labor law cases. In addition, the Hearings and Rules Administrator is responsible for coordination and oversight of the Department's administrative rule initiatives.

#### Requirements:

Education/Experience: Bachelor's degree and 7 years of experience OR equivalent combination of 11 years of education and experience after completion of high school. Education and experience must be in pre-law, economics, industrial relations, business administration, public administration, conducting hearings or related field.

**Other Qualifications:** Must be an active member of the New Hampshire Bar Association and in Good Standing.

**How to apply:** Please go to the following website to submit your application electronically through NH 1st: <http://das.nh.gov/jobsearch/employment.aspx>. Please reference the job ID number that you are applying for: 49266 Hearings and Rules Administrator. In order to receive credit for postsecondary education, a copy of official transcripts with a seal and/or signature MUST be included with the application. Please have transcripts forwarded to the Human Resources Office with the recruiting agency. Position will remain open until a qualified candidate is found. EOE.

For questions about this position please contact Deputy Commissioner Danielle Albert at [Danielle.N.Albert@dol.nh.gov](mailto:Danielle.N.Albert@dol.nh.gov) or 603-271-8496.

## The Division for Children, Youth and Families is seeking Child Protection Attorneys Positions available in Laconia and Conway

The DCYF Legal Team is a dynamic group of experienced child protection attorneys and their legal assistants, stationed around the state, who work in partnership with the New Hampshire Attorney General's Office to seek judicial protection for children subjected to abuse or neglect. The focus of our work is on the immediate protection of the child and strengthening, whenever possible, families to eliminate abuse and neglect in the home.

We offer paid training, competitive salaries (\$72,930.00 - \$101,490.00), and a comprehensive benefits package.

**Requirements:** J.D. from an accredited law school, N.H. Bar membership, a driver's license and/or access to transportation for statewide travel, and four years' experience in the practice of law. Recent graduates are encouraged to contact Attorney Deanna Baker, Legal Director to discuss if an exception may be requested for years of experience.

**How to APPLY:** Please submit your letter of interest, resume and application by visiting: [www.nh.gov](http://www.nh.gov) Careers (tab on upper right), Finding a Job - NH State Government Job Opportunities, Search for Job Opportunities and enter "DCYF Staff Attorney" in the Job Title field.

For questions about this position, please contact Attorney Deanna Baker, Legal Director at (603) 419-0491, [deanna.baker@dhhs.nh.gov](mailto:deanna.baker@dhhs.nh.gov).





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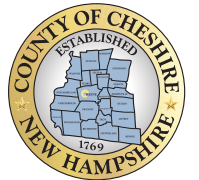
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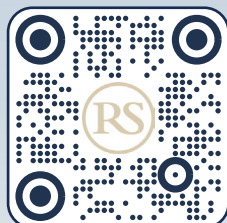
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NHBA Midyear Meeting

February 20, 2026

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Rutgers University



**Lorianne Updike Schulzke**  
Yale Law School

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## SCHEDULE AT A GLANCE

### Gender Equality Breakfast

Guest Speaker Annie Kuster and  
Philip S. Hollman Award Presentation  
to Nancy Richards-Stower

### Registration and Check-In Continental Breakfast Exhibitor Showcase

### President's Welcome and Introduction of Chief Justice Gordon J. MacDonald

President Derek D. Lick

### Remarks

Chief Justice Gordon J. MacDonald

### CLE: Self Evident Truths: Principles from the Revolutionary Era Embodied in State Constitutions

Professor Robert F. Williams (ret.),  
Rutgers Law School

### Refreshment Break / Exhibitor Showcase

### CLE: The Important Work of Building and Structuring the New Hampshire Constitution

Hon. N. William Delker,  
New Hampshire Superior Court

### CLE: The Vitality of the New Hampshire Constitution

Professor Lorianne Updike Schulzke,  
Visiting Fellow, Information Society Project,  
Yale Law School

### CLE Panel: Why History Matters to the 21<sup>st</sup> Century Lawyer

Pamela Phelan, New Hampshire Public  
Defender; Professor Robert F. Williams (ret.),  
Rutgers Law School; Professor Lorianne Updike  
Schulzke, Visiting Fellow, Information Society  
Project, Yale Law School. Moderated by Hon. N  
William Delker, New Hampshire Superior Court

### Business Meeting / Honors and Awards Luncheon

### CLE Panel: Evaluating Artificial Intelligence Platforms

Special Committee on Artificial Intelligence  
members Aaron A. Archambault, A.A. Archam-  
bault, PLLC; Amy B. Jeffrey; NHBA President-  
Elect Robert R. Lucic (chair); Willow R. Mur-  
phy, Precisely Software Inc.  
Moderated by Cassandra O. Rodgers, Sheehan,  
Phinney, Bass & Green, PA

### Refreshment Break / Exhibitor Showcase

### CLE: The Power of Engagement

NHBA President Derek D. Lick

### CLE Panel: The Importance of Community Engagement

Coda D. Campbell, Campbell Law, PLLC;  
Christopher D. Hawkins, Donahue, Tucker &  
Ciandella, PLLC; Katherine E. Hedges, Rath,  
Young & Pignatelli, PC; Katie A. Mosher, Dona-  
hue, Tucker & Ciandella, PLLC; Rory J. Parnell,  
Parnell, Michels & McKay, PLLC.  
Moderated by New Hampshire Supreme Court  
Justice James P. Bassett (ret.)

### CLE Panel: Supporting Access to Justice: Court Initiatives and Opportunities for Attorney Engagement

Jennifer Eber, Disability Rights Center; Cordell  
A. Johnston, Cordell A. Johnston Attorney at  
Law; Martha Madsen, NHBA; Kathleen Rear-  
don, New Hampshire Center for Nonprofits;  
Hon. Talesha L. Saint-Marc, US District Court  
for the District of New Hampshire.  
Moderated by New Hampshire Supreme Court  
Justice Melissa B. Countway

### Networking Social sponsored by the NHBA New Lawyers Committee

All are welcome – no ticket or RSVP required.  
Doubletree Hotel – Penstock Room

## GENDER EQUALITY BREAKFAST

### Guest Speaker

#### Annie Kuster

Annie McLane Kuster is an experienced attorney, public policy advocate, and former member of Congress who represented New Hampshire's Second District for six terms from 2013 to 2025.

During her tenure in the House of Representatives, Kuster established herself as a results-oriented, pragmatic lawmaker with a record of working across the aisle to get things done. This reputation earned her the support of her colleagues in 2022, when she was elected to serve as chair of the New Democrat Coalition, the largest ideological caucus in Congress.



As chair, she led a 100-member coalition of moderate House Democrats through the tumultuous 118<sup>th</sup> Congress, playing a leading role in negotiations with Republicans and Biden Administration officials during the historic expulsion of the Speaker, the debt ceiling crisis, and multiple government shutdown threats. She also worked alongside House Democratic leadership to secure votes for the National Defense Authorization Act and led bipartisan discussions on immigration reform, clean energy expansion, and AI policy.

While in Congress, Kuster served on the influential Energy and Commerce Committee, the House Committee on Agriculture, and the House Committee on Veterans' Affairs. Additionally, she was nominated to represent her colleagues on the Democratic Steering and Policy Committee and was selected by Speaker Pelosi to serve on the Farm Bill conference committee.

Throughout her career in the House, Kuster regular-

ly worked across the aisle and built long-lasting partnerships with pragmatic Republicans to tackle challenging issues.

In 2015, after witnessing firsthand the devastating impact of the substance use crisis in her home state, Kuster co-founded the Bipartisan Mental Health and Substance Use Disorder Task Force to combat the epidemic, driving progress in Congress and securing critical bipartisan wins.

Kuster also led efforts to advocate for survivors of sexual assault. A survivor herself, she joined Republicans and Democrats to establish the Bipartisan Task Force to End Sexual Violence to ensure survivors have a voice in Washington, DC.

Kuster graduated from Dartmouth College as part of the College's third coeducational class and earned her law degree from Georgetown University Law Center.

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# MEET OUR KEYNOTE SPEAKERS & PANELISTS

## Self-Evident Truths: Principles from the Revolutionary Era Embodied in State Constitutions

**Professor Robert Williams**  
(ret.), Rutgers Law School

Robert F. Williams is Distinguished Professor of Law Emeritus at Rutgers University School of Law and former Director of the Center for State Constitutional Studies. Professor Williams earned his BA, cum laude, in 1967 from Florida State University, where he was elected to Phi Beta Kappa and Phi Kappa Phi. He received his JD, with honors, in 1969 from the University of Florida School of Law, where he served as executive editor of the law review and was a member of the Order of the Coif. He earned an LLM in 1971 from New York University School of Law as a Ford Foundation Urban Law Fellow, and a second LLM in 1980 from Columbia University Law School as a Chamberlain Fellow.



Professor Williams has served as legislative advocacy director and executive director of Florida Legal Services, Inc.; an International Legal Center Fellow in Kabul, Afghanistan; and a reporter for the Florida Law Revision Council's Landlord-Tenant Law Project. He has also worked as a legislative assistant to Florida Senator D. Robert Graham, a staff attorney with Legal Services of Greater Miami, Inc., and a law clerk to Chief Judge T. Frank Hobson of the Florida Second District Court of Appeal.

His books include *The Law of American State Constitutions* (2d ed. 2023); *The New Jersey State Constitution* (3d ed. 2023); and *State Constitutional Law: Cases and Materials* (5th ed. 2015). He is also coauthor, with Hetzel and Libonati, of *Legislative Law and Statutory Interpretation: Cases and Materials* (4th ed. 2008). He has written extensively on state constitutional law, including equality guarantees, the role of statutes in common-law adjudication, founding-era state constitutions, and the methodology and legitimacy of independent state constitutional adjudication, with articles appearing in journals such as the *George Washington Law Review*, *William and Mary Law Review*, *South Carolina Law Review*, *Texas Law Review*, *Temple Law Review*, and *Notre Dame Law Review*.

## The Important Work of Building and Structuring the New Hampshire Constitution

**Hon. N. William Delker**  
New Hampshire Superior Court

Judge N. William Delker is an associate justice of the New Hampshire Superior Court. He was appointed in August 2011. He served as supervisory judge for the Rockingham County Superior Court from July 2014 until December 2019, when he transferred to Hillsborough Superior Court-North in Manchester to fill a vacancy. In April 2022, he was appointed supervisory judge of that court.



Judge Delker is an active member of the Supreme Court Advisory Committee on Rules, the Judicial Conduct Committee, the New Hampshire Lawyers Assistance Program Board of Trustees, the NHBA Leadership Academy, and the Superior Court Law Clerk Committee, which he chairs. He is also involved in civics education with area schools and teaches Remedies and State Constitutional Law as an adjunct professor at the University of New Hampshire Franklin Pierce School of Law.

Prior to joining the bench, Judge Delker served as a senior assistant attorney general in the New Hampshire

Attorney General's Office, where he was a prosecutor for 13 years. During his tenure, he handled numerous high-profile homicide cases, including the capital murder prosecution of Michael Addison. He founded the New Hampshire Cold Case Unit, prosecuted white collar and public integrity crimes, and worked in the appellate unit. He also served as bureau chief of the Criminal Justice Bureau.

Before joining the Attorney General's Office, Judge Delker was an associate at Testa, Hurwitz & Thibault in Boston and a law clerk for New Hampshire Supreme Court Justice Sherman Horton. He earned his JD, summa cum laude, from American University's Washington College of Law and his undergraduate degree, summa cum laude, from the University of Massachusetts Amherst.

## The Vitality of the New Hampshire Constitution

**Professor Lorianne Updike Schulzke**  
Visiting Fellow, Information Society Project,  
Yale Law School

Lorianne Updike Schulzke is a visiting associate professor of law at Yale Law School. She comes from the faculty of Northern Illinois University College of Law, where she teaches Constitutional History, Public International Law, Professional Responsibility, and Torts, and has also served as a Visiting Associate Professor of Law at Penn State Law, teaching Constitutional Law and Constitutional Negotiations. Her expertise lies in constitutional interpretation and comparative constitutionalism, with particular interest in the United States and early state constitutions, constitution-writing processes in the Middle East and North Africa, and the Supreme Court's use of history.

Updike Schulzke was previously a visiting fellow at Yale Law School (2018–20) and the Olin-Searle Fellow at the Yale Law School Information Society Project (2020–21). She has held teaching fellowships or adjunct appointments at New England Law, Penn State, and Brigham Young University. She also founded ConSource.org (the Constitutional Sources Project), the first free online library of the United States Constitution's historical sources. From 2010 to 2018, as president of Libertas Constitutional Consulting, she advised the Libyan constitution-writing process and helped found the Quill Project at Pembroke College, Oxford, which now owns ConSource.

Her work has appeared, or is forthcoming, in the *University of Chicago Law Review*, the *International Journal of Constitutional Law*, the *Connecticut Law Review*, the *Harvard Journal of Law and Public Policy*, the *University of Pennsylvania Journal of Constitutional Law*, and the *Columbia Journal of Race and Law*. Her historical research has been cited by the United States Supreme Court, and she frequently leads student teams in filing historical amicus briefs in appellate constitutional cases.



## Why History Matters to the 21<sup>st</sup> Century Lawyer

Panel Moderated by  
**Hon. N. William Delker**

Panelists  
**Pamela Phelan**  
**Professor Lorianne Updike Schulzke**  
**Professor Robert Williams**

## Evaluating Artificial Intelligence Platforms

Panel Moderated by  
**Cassandra O. Rodgers**  
Sheehan, Phinney, Bass & Green, PA

Cassandra Rodgers is an associate at Sheehan, Phinney, Bass & Green, PA, in Manchester, where she is a member of the civil litigation group. Her practice includes civil disputes involving employment, contract, commercial, land use, and trust matters.

Rodgers is admitted to practice in New Hampshire, Massachusetts, and Maine and is a member of the NHBA Special Committee on Artificial Intelligence. She earned her JD from the University of New Hampshire Franklin Pierce School of Law.



Panelists  
**Aaron A. Archambault**  
**Amy B. Jeffrey**  
**Robert R. Lucic**  
**Willow R. Murphy**

## The Power of Engagement

**Derek D. Lick**  
NHBA President

Derek Lick is a director and shareholder at Orr & Reno in Concord, where he concentrates his practice on litigation and real estate and land use law. He is admitted to practice in all New Hampshire state courts and the United States District Court for the District of New Hampshire.

Lick is president of the New Hampshire Bar Association Board of Governors and a member of the NHBA Finance Committee and the Leadership Academy Steering Committee. He is also a member of the NHBA's Appellate Law, Real Property Law, and Business Litigation Sections and an elected member of the Federation of Defense and Corporate Counsel.

He serves as moderator for the Town of Sutton and the Kearsarge Regional School District and as chair of the Sutton Zoning Board of Adjustment. Lick also serves on the board of the Concord Lake Sunapee Rail Trail, a nonprofit organization he helped found and for which he provides pro bono real estate and easement counsel.

Lick earned his BS from Boston University and his JD from Vanderbilt University Law School.



## The Importance of Community Engagement

Panel Moderated by  
**James E. Bassett (ret.)**  
New Hampshire Supreme Court

James Bassett served as a justice of the New Hampshire Supreme Court (NHSC) from 2012 until September 2025, when he returned to private practice at Orr & Reno in Concord. His current practice focuses on appellate matters, mediation, and arbitration.

Before his appointment to the Court, Bassett spent 27 years as a trial and appellate lawyer at Orr & Reno, where his practice concentrated on constitutional law, commercial litigation, medical malpractice defense, First Amend-



ment and Right-to-Know issues, and land use matters.

During his time on the NHSC, Bassett served as co-chair of the Court's Committee on the Judiciary and the Media and co-chair of the Access to Justice Commission. He was the Court's representative to the Judicial Council and liaison to the New Hampshire Bar Foundation and the New Hampshire Bar Association. He was appointed by Chief Justice John Roberts to serve two three-year terms on the Federal Advisory Committee on Rules of Evidence. In 2023, he earned an LLM from Duke Law School's Master of Judicial Studies Program.

Bassett has also been deeply involved in nonprofit and civic service, including serving as chair of the Merrimack County United Way Campaign and on the boards of New Hampshire Public Radio, the Capitol Center for the Arts, Conservation New Hampshire, the Friends of the Norris Cotton Cancer Center, and Canterbury Shaker Village. He served on the Campaign Leadership Council for the Campaign for Legal Services and was active in Canterbury town government for more than two decades, serving multiple terms on the Board of Selectmen and the Planning Board, including as chair of each.



**Panelists**  
**Coda D. Campbell**  
**Christopher D. Hawkins**  
**Katherine E. Hedges**  
**Katie A. Mosher**  
**Rory J. Parnell**



**Supporting Access to Justice:  
Court Initiatives and Opportunities for  
Attorney Engagement**

**Panel Moderated by**  
**Hon. Melissa B. Countway**  
*New Hampshire Supreme Court*

Justice Melissa Countway is the fourth woman and 111<sup>th</sup> justice of the New Hampshire Supreme Court (NHSC). She joined the Court on January 2, 2024. Justice Countway was previously nominated by Governor Sununu and unanimously confirmed by the Executive Council to the New Hampshire Circuit Court in 2017, where she served for more than six years. She is the first Circuit Court judge appointed to the New Hampshire Supreme Court.

A New Hampshire native, Justice Countway graduated from Alton High School and earned a bachelor's degree in mathematics from the University of New Hampshire in 1993, followed by a master's degree in education in 1994. After teaching middle school math and science for five years, she attended the University of North Carolina at Chapel Hill School of Law, where she was a member of the *North Carolina Law Review*, a student leader with the Innocence Project, and was inducted into the Order of the Coif.

Justice Countway returned to New Hampshire and clerked at the NHSC for Chief Justice Brock in 2002. She later practiced law in Concord with Orr & Reno before returning to her hometown to found Alton Law Offices, PLLC, where she maintained a general practice with a focus on real estate and land use law. She also served as



a police prosecutor for the Alton Police Department and, from 2011 to 2017, was elected to three terms as Belknap County attorney, handling felony prosecutions in Superior Court.

Throughout her career, Justice Countway has been active in community and professional service. She is a founding member of the Alton Centennial Rotary Club and the Alton Business Association and has served on numerous boards, including the New Hampshire Charitable Foundation, Alton Elderly Housing, Inc., and the Lakes Region Conservation Trust. She also served as a council member of the Police Standards and Training Council.

**Panelists**  
**Hon. Tasha L. Saint-Marc**  
**Cordell A. Johnston**  
**Kathleen Reardon**  
**Jennifer A. Eber**  
**Martha Madsen**

For biographies of all the panelists, scan the QR code:



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## PRESIDENT'S AWARDS

### Vickie M. Bunnell Award for Community Service

#### James P. Cowles

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

James Cowles is a partner at Walker & Varney, PC, in Wolfeboro, where he maintains a broad general practice. His work includes civil litigation, family law, criminal and DUI/DWI defense, personal injury, civil rights, probate matters, and real estate and conservation easements.

He received his BS, magna cum laude, in environmental conservation from the University of New Hampshire (2004) and his JD from Vermont Law School (2008), where he also completed coursework toward an MSEL.

Before entering the legal field, Cowles worked as a community organizer. He began his legal career with the New Hampshire Public Defender in Laconia. He remains deeply active in his community, currently serving as board chair of the Makers Mill in Wolfeboro and as town moderator for Brookfield. He is also participating in the NHBA Civics and Law Outreach Program's Street Law initiative, partnering with a Brewster Academy history teacher throughout the 2025–2026 school year to engage students in civics education.

Cowles completed the NHBA Leadership Academy in 2015. His past service includes nine years on the board of The Nick in Wolfeboro; nearly seven years on the board of the Appalachian Mountain Teen Project; nine years on the Carroll County Bar Association board; and more than a decade volunteering at Moose Mountains Regional Greenways' annual Woods, Water, and Wildlife Festival.

He is a member of the New Hampshire Association of Criminal Defense Lawyers (NHACDL) and the New Hampshire Association for Justice (NHBJ). He has served multiple times as faculty for the NHBJ Trial Academy and has presented at an NHACDL DUI/DWI seminar. He also volunteers with the DOVE Project, representing victims of domestic violence, and with Veterans Legal Justice, assisting service members, veterans, and their families.



### Distinguished Service to the Public Award

#### Andru H. Volinsky

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

Andru Volinsky is currently "flunking retirement" by publishing his first book, *The Last Bake Sale*, writing a weekly *Substack* column on education, tax policy, and politics, and continuing to litigate school funding cases.

After graduating from the George Washington School of Law – with few honors but one jury trial under his belt – Volinsky began a lifelong effort to defend against the death penalty as a young instructor at the University of Tennessee School of Law. In just two years, he and a fellow instructor defended three capital cases with the help of law students and whatever resources they could gather from the university community.

Volinsky moved to New Hampshire after the birth of his first child and after his wife Amy was laid off during federal cuts to the Legal Services Corporation. He joined the New Hampshire Public Defender in Manchester, where he tried serious felony and murder cases. His prior experience with capital litigation was not widely known at the time, and local prosecutors underestimated the "rookie."

By 1985, Volinsky had transitioned to private practice – first in Manchester, then in Concord, and later with a regional firm with offices in Manchester and Portland. While building a civil litigation practice, he continued to handle death penalty cases as pro bono counsel. One case, *Gray v. Mississippi*, brought him before the United States Supreme Court before he turned 30. Another case lasted three decades and resulted in the commutation of his client's death sentence just five hours before the scheduled execution.

In addition to his death penalty work, Volinsky served as legal counsel for the New Hampshire ACLU in the 1990s and was lead counsel to the plaintiffs in the Claremont school funding litigation for roughly two decades. Although the resulting reforms were never fully implemented, the team of volunteer lawyers that Volinsky led secured a landmark ruling from the New Hampshire Supreme Court holding that the state's school funding system violated the New Hampshire Constitution. State support for public education rose from six percent to 22 percent over the last 25 years – after that, the rest has been politics.



## COMMITTEE AWARDS

### Award for Outstanding Service in Public Sector/Public Interest Law

#### Heather A. Cherniske

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

Heather Cherniske is an assistant United States attorney for the District of New Hampshire. A New Jersey native, she moved to New Hampshire to attend the University of New Hampshire Franklin Pierce School of Law.

After graduating, Cherniske served as a law clerk at the Rockingham County Superior Court. She then worked as an assistant city prosecutor for the City of Concord before joining the New Hampshire Attorney General's Office, where she prosecuted and investigated Medicaid fraud, public integrity offenses, drug distribution cases, and homicides.

She later served with the New Hampshire Department of Employment Security, prosecuting unemployment fraud cases for three years.

In addition to her public service work, Cherniske has served in various roles on the New Hampshire Bar Association Board of Governors and actively volunteers at the law school.



### Philip S. Hollman Award for Gender Equality

#### Nancy Richards-Stower

*This award is presented by the NHBA Gender Equality Committee honoring Judge Hollman's efforts as a stalwart advocate for gender equality in the legal system. It is awarded to the recipient who has taken initiative in matters of gender equality and has been a role model exhibiting dedication to promoting respect and fair treatment toward all members of the judicial system.*

Nancy Richards-Stower is an employee rights attorney who has practiced for nearly five decades. She is a graduate of the inaugural class of Franklin Pierce Law Center, now the University of New Hampshire Franklin Pierce School of Law.

After early work in Washington, DC, including on Capitol Hill and with a civil rights litigation firm, Richards-Stower returned to New Hampshire, where she was appointed to the New Hampshire Commission for Human Rights. She later opened a solo employee rights practice in Merrimack in 1988, which she operated for more than 30 years. She continues to practice remotely from Maine.

Richards-Stower is a founding member of the New Hampshire chapter of the National Employment Lawyers Association, which she established in 1993. In 2003, she became the first woman from New Hampshire inducted into the College of Labor and Employment Lawyers. In 2015, she received the Granite State Advocate Award from the New Hampshire Association for Justice.

A member of the New Hampshire and Massachusetts bars, Richards-Stower presented on discrimination law at the New Hampshire Bar Association's Annual Employment Law Updates for 22 consecutive years. She is also the inventor of the online litigation settlement tool TrytoSettle.com®.



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## Distinguished Pro Bono Service Award

*This award is presented to a person or organization who has provided exceptional support to the Pro Bono Program. Recipients typically volunteer their time and expertise not only by providing direct client representation, but also by mentoring newer volunteer attorneys, supporting staff on difficult legal issues, and advocating for New Hampshire's most vulnerable residents in the courts. The Distinguished Service Award recognizes the unsung heroes of the Pro Bono Program.*

### Anthony Naro

Anthony Naro, a graduate of Suffolk University Law School, has been a dedicated volunteer with 603 Legal Aid since 2021. Much of his pro bono work has focused on the DOVE Project, where he provides critical legal assistance to survivors of domestic violence, sexual assault, and stalking.

Over the past two years, Naro has taken on seven DOVE cases, along with several criminal record annulment matters. He is deeply committed to ensuring that courts reach fair and legally sound outcomes for his clients.



When cases progress to the Supreme Court level, Naro willingly steps in – despite the fact that many DOVE attorneys are understandably hesitant to take on appellate matters due to their complexity and specialized nature. His willingness to accept these challenging cases ensures that DOVE clients continue to receive skilled advocacy and the justice they deserve.

Naro's contributions extend beyond individual representation. In 2024, he served as a presenter at the DOVE Continuing Legal Education program, providing valuable instruction to current and prospective DOVE volunteers on ethical considerations unique to these cases. His leadership and expertise strengthen not only individual advocacy efforts, but the DOVE Program as a whole.

### Paul A. Maggiotto

Paul Maggiotto, a graduate of Northeastern University School of Law, is a passionate and deeply committed advocate for some of the most vulnerable individuals in New Hampshire.

Through his work with the DOVE Project, Maggiotto has made a profound difference in the lives of survivors of domestic violence, sexual assault, and stalking, helping them secure safety, stability, and the opportunity for a fresh start.



In 2025 alone, he took on nine DOVE cases and has already accepted his first case for 2026.

Maggiotto consistently goes above and beyond for his clients. In one particularly impactful 2025 case, he stepped in immediately following a protective order hearing and began the divorce process without hesitation. When the client expressed concern to a crisis center advocate about the cost of legal representation, Maggiotto's response spoke volumes about his character: "There is no way I would let you go up against them on your own."

Since then, Maggiotto has dedicated more than 72 hours of pro bono service to that client, once again demonstrating his unwavering commitment to ensuring access to justice for those who need it most.

Maggiotto's service extends beyond his DOVE advocacy. He has also handled several criminal record annulment matters and, in one case, filed an appeal after an initial petition was denied – further reflecting his persistence and dedication to his clients.

### L. Jonathan Ross Award

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

### Robert M. Shepard

Robert Shepard, a graduate of UNH Franklin Pierce School of Law, has been a stalwart volunteer with 603 Legal Aid's Pro Bono Program, demonstrating an exceptional commitment to ensuring access to justice for individuals who cannot afford legal representation. Over the course of his service, he has contributed more than 500 hours of pro bono legal representation, focusing primarily on family law matters.

Shepard is widely applauded for his willingness to take on particularly complex and contentious cases – matters that many volunteers might hesitate to accept. His thoughtful advocacy, legal acumen, and unwavering professionalism have produced meaningful outcomes for his clients,



who consistently report feeling genuinely supported and heard throughout their representation.

Shepard's dedication to service extends beyond the Pro Bono Program into both the broader legal community and his local community. He has volunteered with numerous agencies and has served on several boards. He is also a recipient of the Ted Jordan and Joe Gall Humanitarian Award from the Nashua Bar. His leadership, generosity of time, and commitment to high-quality representation set a standard for pro bono engagement and reflect the core values of the legal profession.

### Pro Bono Rising Star Award

*Rising Stars make valuable contributions during their first five years as attorneys and have demonstrated commitment and dedication to helping the Pro Bono Program increase access to justice for low-income and disadvantaged individuals throughout the Granite State.*

### Katie A. Mosher

Committed to advancing access to justice through pro bono service and community engagement, Katie Mosher has volunteered extensively with 603 Legal Aid's Concord District Court Eviction Defense Clinic. She has participated in numerous clinics, including responding to last-minute requests when court dockets expanded and additional volunteers were needed.

Through this work, Mosher has donated her time to assist tenants facing the possibility of becoming unhoused by providing legal advice, negotiating agreements, and helping individuals navigate the eviction process. She approaches this work with compassion and steadfast advocacy, demonstrating a strong commitment to supporting underserved members of the community.

A 2021 graduate of UNH Franklin Pierce School of Law's Daniel Webster Scholars Program and a Rudman-Peterson Fellow, Mosher continues to demonstrate a strong dedication to public service through her ongoing involvement in both the legal community and the broader community she serves.



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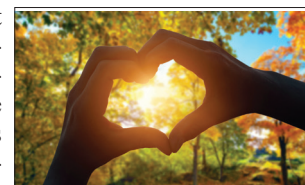
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## SOLACE is Where You Find It... With Our Members

SOLACE (Support of Lawyers/Legal Personnel All Concern Encouraged) helps with the immediate unmet needs of those who have suffered a significant loss, illness, or injury. Individuals eligible for assistance through this program include attorneys, judges, courthouse employees, firm employees, and families of anyone in the NH legal community.



Requests are evaluated on a case-by-case basis by the SOLACE program chair. If the request meets the program's criteria, the affected individual/family will be contacted for permission to send out an e-mail on their behalf to NHBA members. Members using SOLACE may request anonymity.

To submit a request, visit [nhbar.org/solace](http://nhbar.org/solace).



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## Sponsors



## Exhibitors



## Learn More About the NHBA by Visiting Our Exhibitor Booths at MYM 2026

In addition to numerous informative CLE speakers, multiple award ceremonies, and a post-event social at the DoubleTree Hilton's Penstock Room (sponsored by the New Lawyers Committee but all lawyers are welcome), there will be multiple exhibitor booths featuring products and services to help you better manage your practice. A number of these booths will be devoted to NHBA services, including the following:

### Civics & Law Outreach

The NHBA is committed to improving civics instruction in schools through its programming. Students need civics and social studies instruction to better prepare them for participation as citizens. Programs include We the People, A Lawyer & Judge in Every School, Street Law, and

more. These programs would not be possible without the assistance of volunteer attorneys.

### Lawyer Referral Service (LRS)

Joining LRS is a great way to build your client base and increase your revenue stream. You tell us what types of cases you want; we provide you with prospective clients. The LRS Full-Fee Program helps you increase your business while charging your regular rates. If you want to give back while still earning a reduced fee, join the Modest Means Program. This program connects moderate- to lower-income individuals with participating attorneys. LRS also administers the New Hampshire Free Legal Answers online legal advice portal and the monthly LawLine legal advice hotline.

### Member Services

Take full advantage of the benefits your NHBA membership provides. Members have access to a wide range of free member services and valuable discounts to enhance your practice at every stage of your career. One of our most popular member services is the Mentor Advice Program (MAP), which connects new or new-to-New Hampshire attorneys with an experienced mentor for professional guidance. Our free TechConnect benefit provides consultations with legal technology experts, as well as whitepapers and video tutorials to help your firm maximize the benefit from legal technology. Member services include free use of conference rooms, meeting rooms, and the Member Center. To learn more about these and other resources available to NHBA members, stop

by the member services table.

### Publications and Advertising

The NHBA publishes information on a regular basis through the monthly New Hampshire Bar News, the weekly E-Bulletin, specialty publications, social media, and the nhbar.org website. Are you interested in writing for the Bar News? Would you like to provide information on a new trend, new decision, new bill, or other legal news? Do you have an opinion you would like to share with your peers? Would you like to promote yourself or your firm to Bar members? Perhaps you have an event coming up that you would like to publicize, or you need to post a classified ad to fill a position. Whatever the reason, the Bar News team will be on hand to answer questions or listen to your ideas.



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