

Courts Consider Wage Data to Verify Indigent Defense Eligibility

By Tom Jarvis

State officials are exploring whether wage data collected by the New Hampshire Employment Security (NHES) could be used to help courts determine eligibility for appointed counsel. The proposal is part of a broader review of indigent defense practices.

The effort follows concerns raised by state leadership.

“The governor and the Executive Council urged us to examine the efficacy of conducting eligibility verification because they expressed concern that there may be people who are submitting requests for the appointment of counsel and providing misleading or unreliable information,” says Judge Christopher Keating, the New Hampshire Judicial Branch’s state court administrator.

The Judicial Branch is now working to evaluate how such a system could function in practice.

“We hope to launch a pilot program to make sure that we can have a good grasp on what’s entailed in eligibility verification,” he says. “The value of a pilot program is that we can look at that at the end of the day and say, ‘this is how much effort it took ... and here’s what we learned from doing it.’”



Judge Keating says he would like to have a pilot program in place by late spring or early summer.

Proposal and Background

The concept of using wage data originated during discussions about indigent defense funding, according to NHES Commissioner Rich Lavers.

“It was originally raised by Execu-

utive Counselor John Stevens ... regarding one of the requests for additional funds in order to continue to pay for indigent defense,” Lavers says.

Under the proposal, courts would be able to access wage information currently collected by the NHES through quarterly employer filings. Lavers says the department already uses that data to verify eligibility for unemployment

benefits and other public assistance programs.

“That quarterly information is a good way to assess and verify the information being provided by applicants,” he says, “and it helps us preserve the dollars for those programs for the people who meet the eligibility requirements.”

Lavers says any implementation would require an agreement between the Judicial Branch and NHES, which would need approval from the Executive Council.

Legal Framework and Recommendations

Judge Keating emphasizes that the proposal would not affect the legal standard for determining eligibility.

“The standard for the appointment of counsel has been established by statute,” he says. “So that’s not going to change.”

Under current law, courts determine whether a defendant is financially unable to obtain counsel by comparing the defendant’s income and assets to the cost of hiring private counsel.

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NHBA Explores Experiential Learning Track for Practical Skills Course

By Megan Koerber

The New Hampshire Bar Association is exploring the addition of an experiential learning track to its required Practical Skills CLE course, aiming to better prepare new attorneys for the realities of practice.

A national report released in July 2025 by the Committee on Legal Education and Admissions Reform (CLEAR) calls on state supreme courts to place greater emphasis on practice readiness. As part of its eight recommendations, the CLEAR report specifically encourages expanding experiential learning, including opportunities that involve real client responsibilities.

New Hampshire’s Daniel Webster Scholar Honors Program (DWS) at the University of New Hampshire Franklin Pierce School of Law was cited repeatedly in the CLEAR report for its exemplary in-

novation.

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

NHBA Executive Director Sarah Blodgett says her own early experience with hands-on training underscores the value of this approach.

“I had the luxury of starting my legal career with a five-week training program led by Richard Guerriero, then Litigation Director at the New Hampshire Public Defender,” she says. “Richard guided

LEARNING *continued on page 17*



IOLTA Enhancement Committee Boosts Funding by \$576,000

By Tom Jarvis

For decades, New Hampshire’s IOLTA program has provided critical funding for civil legal services across the state. In the past year alone, targeted efforts by the New Hampshire Bar Foundation (the Foundation) to expand participation among Leadership Banks and ensure rate compliance have in-

creased IOLTA revenue by \$576,000. That growth underscores a longstanding reality: where attorneys choose to hold their trust accounts matters.

“It is really important to bank with a Leadership Bank because in New Hampshire, most of our civil legal services rely heavily on the funds that come

IOLTA *continued on page 10*

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Attorney Civic Engagement Survey Results – We Are Showing Up for Our Communities

The results of the Bar Association’s electronic survey on attorney civic engagement are in, and they are impressive. Attorneys truly do give back to their communities – providing pro bono legal services, serving on nonprofit boards or town boards and commissions, or otherwise volunteering in their communities.

We received more than 200 responses to the survey. Based on the results, more than 92 percent of those responding volunteered their time in some capacity last year. Of those who volunteered, nearly half volunteered for nonprofits, about a quarter served on state or municipal boards, about a fifth provided pro bono legal services, and a significant number volunteered for NHBA programming such as We the People or a Lawyer and Judge in Every Classroom.

About 75 percent used their legal acumen in their volunteer efforts, while others did not – including those who, for example, served in their local volunteer fire and rescue department, coached local youth sports teams, or worked in their community garden.

The volunteer work spans all areas of New Hampshire life. It was truly astounding to see all the work attorneys do for their communities. Here are just some of the many, many ways attorneys reported volunteering their time:

- Town Recreation Advisory Committee member
- Town Conservation Commission member
- Town River Advisory Committee member
- Board member, Daughters of the American Revolution

President’s Perspective



By Derek D. Lick
Orr & Reno,
Concord, NH

- Law student mentor
- Fraternal educational trust – trustee and legal counsel
- Library trustee
- Access to Justice Commission member
- Firefighter/EMT, Town Fire and Rescue Department
- Board member, Chamber of Commerce
- Volunteer, NH Small Business Development Center
- Town Select Board member
- Town Planning Board member
- Ausbon Sargent Land Preservation Trust Stewardship Committee member
- Kimball Union Academy Trustee
- Co-counsel with the Innocence Project
- Board member, American Red Cross
- Board member, Capital Region Food Program
- Board member, Friends of the Cashin Senior Activity Center
- School Committee member
- Board member, NH Telephone Museum
- Board chair, Muster Field Farm Museum
- Board member, New Hampshire Women’s

- Bar Association
- Board member, Kimball Jenkins
- Restorative justice volunteer, Community Justice Center
- Board member, Dartmouth Hitchcock-Cheshire Medical Center
- Lakes Region Scholarship Foundation
- Kiwanis Club
- Community Garden volunteer
- Rotary Club International
- Trustee of Crotched Mountain Foundation
- Manchester Boys & Girls Club
- Board member, Society for the Protection of NH Forests
- Boys and Girls Club of Souhegan Valley
- Board member, Kilham Bear Center
- Board member, New England School of Metalwork
- Zoning Board member
- High school girls varsity basketball coach
- Trustee, Episcopal Diocese
- Board member, Chocorua Community Association
- Town Moderator
- School District Moderator
- Board member, Rail Trail
- Rivier University Trustee
- Trustee of Town Trust Funds
- Board member, United Church of Christ
- Advisor, New Leaders Council – New Hampshire
- Board member, Monadnock Center for Violence Prevention
- Chair, Legal Redress Committee for the Greater Nashua Branch of the NAACP
- Keene Human Rights Committee
- Chairman of the Town of Historic District Commission
- Board member for Slim Baker Foundation for Outdoor Education, Inc.
- Coach, grade 5-6 field hockey at community center
- NH Bar Foundation IOLTA Grants Committee
- We the People judge

This is just a short list of the many ways in which our attorney friends and colleagues have donated their time and efforts to make New Hampshire a vibrant and wonderful place to live. The Bar Association plans to publicize a full list of the organizations and communities served to fully show the Bar members’ commitment to their communities.

Attorneys play a vital role in strengthening their communities, and the results of the survey were inspiring. You all should be applauded for your efforts. Let’s keep up the good work! ♦

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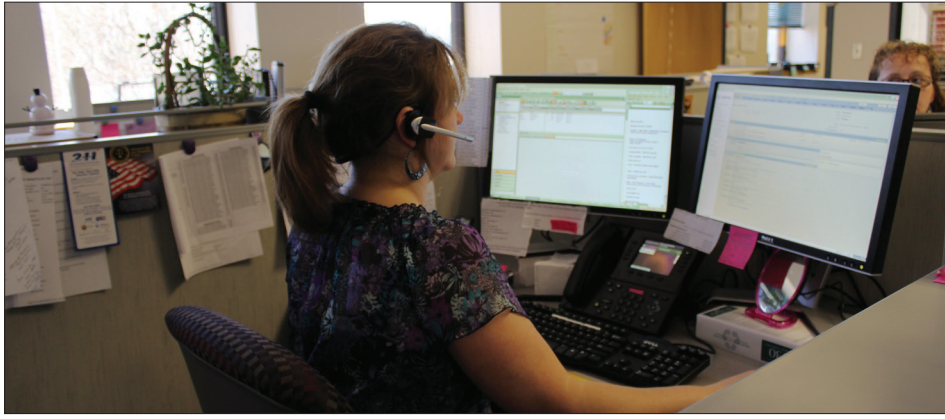
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Judicial Branch Information Center Reaches Six Million Inquiries in 14 Years



An agent assisting callers at the NHJB's Information Center in Concord. Courtesy Photo

By Tom Jarvis

The New Hampshire Judicial Branch (NHJB) Information Center has processed more than six million inquiries since its founding in January 2012, marking 14 years of assisting individuals, attorneys, and government agencies in navigating the court system.

The Concord-based center, staffed by approximately 35 agents, responds to more than 400,000 phone and email inquiries each year. Its role is to provide direct answers, referrals, and guidance related to circuit and superior court cases, including assistance with forms, deadlines, case procedures, and document retrieval.

According to the NHJB, approximately 75 percent of all inquiries are resolved directly by Information Center staff without the need to transfer the caller to a courthouse. This centralized approach has reduced the volume of calls received by clerks' offices, allowing court staff to focus on case processing and in-person assistance.

"The Information Center was started under Chief Justice Linda Dalianis with a goal in mind of providing the people of New Hampshire with direct access to a live human being who can help them make sense of a court system that can be confusing to someone without legal training," Circuit Court Chief Judge Ellen Christo said in a press release. "At the same time ... they also free up our trial court staff to process thousands of court cases more quickly."

The Information Center was established following recommendations from a 2010 NHJB Innovation Commission, which was convened to identify inefficiencies in the court system.

Judge David King, now serving in senior active status, played a key role in developing the Information Center. As a member of the Innovation Commission, he advanced initiatives to improve court efficiency and

access to justice, including the concept of a centralized resource to handle public inquiries. During his tenure as administrative judge of the circuit court, he also championed support for self-represented litigants, including early service center models that informed the Information Center's approach.

"Back in 2010, Chief Justice [John] Broderick was really under pressure to cut costs in the Judicial Branch," Judge King says. "So he created this group called the Innovation Commission. We literally sat around a big table and brainstormed. One day, someone said, 'when I call to buy airline tickets, I talk to a call center – what about that?'"

Before moving forward, the NHJB conducted a pilot project in three courts of varying sizes to assess the feasibility of a centralized call system. Staff tracked incoming calls and determined that a significant majority could be answered using existing electronic case management tools without retrieving physical files.

"Across the three courts, it was pretty consistently 75 percent," Judge King says. "So we figured we could conceivably cut the calls coming into the court offices by 75 percent and free up staff."

The Information Center officially opened in January 2012, with a phased roll-out across the state. Initially serving the circuit courts, the program later expanded to include the superior courts.

"It was a huge undertaking because these people had to know every case type in the circuit court," Judge King says.

Over time, the impact on court operations became apparent.

"The phones pretty much stopped ringing in the clerk's offices," he says. "It was remarkable."

By reducing interruptions and redirecting routine inquiries, the Information

CENTER continued on page 15

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Beth Deragon: From Russia to Employment Law

By Kathie Ragsdale

Beth Deragon got her first lesson in the importance of even-handedness when she was 14.

Then-President Ronald Reagan had just given his 1983 speech in which he referred to the Soviet Union as an “evil empire,” and Deragon remembers feeling fearful and angry toward that faraway country, and voicing her thoughts to her mother.

“I can remember exactly where I was standing in my family home,” Deragon says. “I can picture her face. It was utter disappointment in me. She said, ‘How could you possibly express an opinion like that about something you know nothing about?’”

Deragon has been examining two sides of any issue ever since.

Now a principal at ClarkDeragon Law, Deragon was so affected by her mother’s comment that she started studying Russian history on her own to gain a broader perspective. Later, when she had to choose a language as a student at the University of New Hampshire (UNH), she chose Russian, “and then I was hooked,” she says.

She earned a bachelor’s degree in Russian language and literature at UNH, then a master’s in the same field at the University of Birmingham in the United Kingdom.

Deragon says her experiences studying and working overseas informed her later work as an employment lawyer.

She was part of a British-sponsored, multinational group to help Russians develop workforce management and business

enterprise skills. As part of the program, she went to the Russian Far East to help accredit universities there.

“I knew it would be a once-in-a-lifetime chance,” she says of the few months she spent in places like Vladivostok. “There were lots of highlights, including swimming in Lake Baikal.”

Deragon also participated in a consortium of American and Russian legal communities sponsored by the United States Agency for International Development at a time when there was hope that Russia would westernize following the 1991 dissolution of the Soviet Union.

Former Superior Court Judge Kathleen McGuire chaired the committee established by the New Hampshire Supreme Court to foster those partnerships. Deragon interpreted, hosted Russian judges and traveled to New Hampshire’s partner community of Vologda with McGuire multiple times.

“Beth is a fluent Russian speaker and was a natural to be involved in the program,” says McGuire, who now has her own mediation and arbitration business. “Her warmth, enthusiasm, and Russian-speaking ability made her a very popular addition to our New Hampshire delegation.”

After moving back to the United States, Deragon decided practicing law



would be “a meaningful job” that tied in with her experiences in Russia, and started at the UNH Franklin Pierce School of Law when her daughters were three and five.

“I still believe my prior life experiences had a positive impact on how I practice law and how I relate to people,” Deragon says. “My experience in Russia required a relationship based on trust in some instances. You have to be able to be vulnerable in order to have that deeper connection. In practicing law, clients are usually meeting you at one of the most vulnerable times in their lives. [My Russian experience] has enabled me to slow down, really listen, and be a little vulnerable with them to establish trust.”

She was drawn to employment law because she found it “a complex web of multiple federal and state laws” with an intricacy that reminded her of learning a language.

“I thought I would enjoy that complexity and that personal relationship with both businesses and individuals,” she says.

Deragon has represented both businesses and individuals throughout her career at firms like Upton & Hatfield; Gallagher, Callahan & Gartrell; McLane Middleton; and Pastori | Krans. In January of last year, she joined with friend and employment law colleague Lori Clark to form ClarkDeragon Law, with a focus on representing businesses.

One of her most memorable cases came early on, when she worked with a senior attorney and mentor at Upton & Hatfield, Heather Burns, on a gender discrimination case involving a female drywall worker from Canada who alleged she was not selected



Beth Deragon and her family enjoy some fitness time together. Left to right are daughter Megan, Beth Deragon holding grandchild Blaire, and daughter Elin. Courtesy Photo

for jobs because of her gender, among other factors. Their side prevailed, and Deragon still considers it a formative experience.

Her most satisfying cases representing management have come “where I know a client has implemented a policy or made a decision that’s going to have a positive impact on the workplace,” she says. That often happens when something comes to light that creates some risk for the business, but rather than turning a blind eye to it, “they own it, take a risk anyway, and im-

DERAGON *continued on page 17*

The Value of a Second Opinion

Cancer case turned away by another firm, resolved by Lubin & Meyer for a record 7-figure settlement



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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\$4,800,000	Failure to diagnose infection results in brain damage
\$3,000,000	Failure to perform c-section results in newborn’s brain damage
\$2,000,000	Failure to timely diagnose heart attack results in death
\$2,000,000	Birth injury resulting in severe and permanent neurological damage
\$2,000,000	Failure to diagnose and treat bowel blockage results in death
\$1,900,000	Failure to accurately interpret MRI results in brain bleed and death
\$1,500,000	Colon puncture during liver biopsy results in death
\$1,000,000	Improperly performed gallbladder surgery leads to post-op infection and reconstructive surgery



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Jeremy Clemans: A Career Built in Public Defense

By Megan Koerber

Jeremy Clemans' path to becoming a public defender began in high school. Raised by a single mother in the medical field, he found himself drawn to public service through years in the Boy Scouts.

Though he once imagined a future in environmental law, his career path shifted when he discovered the immediacy of client-centered work and the energy of indigent defense. Nearly two decades later, Clemans remains driven by a commitment to his clients – an approach that has earned him the respect of his colleagues.

"He is meticulous in his preparation and highly skilled in the craft of being a trial lawyer," says New Hampshire Public Defender (NHPD) Executive Director Christopher Johnson. "In addition to his deep commitment to his clients, he gets energy from the battle of wits in the courtroom."

Former NHPD Deputy Director Mark Sisti agrees.

"He's very well-respected in the court system," he says. "If you were accused of a crime in the state of New Hampshire, you'd want him to be your lawyer."

The courtroom may be a second home for Clemans now, but growing up in a small city in Michigan, he had little exposure to the legal profession. At one point, he considered following his parents into the medical field, but by high school he realized it was not the right fit.

That changed during his senior year, when he participated in a mock trial coached by a friend's attorney father. The experience gave him a clearer sense of direction.

"I was familiar with my friend's father's work," Clemans says. "It seemed interesting. There was something that grabbed me – that I gravitated toward and found appealing – and it's what led me on my trajectory."

Although Clemans was fairly certain he wanted to pursue law, he was encouraged to have a backup plan. He earned his teaching certification with the idea of teaching high school English, but after graduating from the University of Michigan with a degree in English education and a minor in environmental studies, he went on to Vermont Law and Graduate School.

He was initially drawn to the school for its environmental law program, as well as the opportunity to experience life

outside the Midwest. As an avid runner, he appreciated the balance the school offered, with access to outdoor recreation and a less competitive atmosphere than he expected.

During an internship after his first year of law school, Clemans realized that while environmental law remained meaningful to him, he wanted a faster-paced practice. A second internship with a civil legal aid clinic focused on predatory lending brought him closer to the kind of work he wanted to do.

He credits his wife, Emma Sisti, with helping steer him toward public defense.

"It's destiny that my wife Emma was going to be a New Hampshire public defender," Clemans says. "She got her job first – I will readily admit – so she started at the Public Defender, and I started at a small firm. We had friends that were also starting off there, so I was surrounded by people who were talking about their daily experiences and what they were doing, and something just resonated with me. I realized, 'That's the type of work I want to be doing.'"

Clemans later joined the NHPD, where he has spent his career handling complex and demanding cases.

Emma Sisti points to a defining trait in both his work and personal life.



Jeremy Clemans (right) with wife Emma Sisti (left) and children at a Pura Vida cooking class in La Fortuna, Costa Rica. Courtesy Photo

"Jeremy is so loyal," she says. "He will go to the mat for his clients, leave no stone unturned, and defend them to the bitter end."

That loyalty carries into his work in the courtroom, particularly in high-stakes cases.

"[Clemans] works well when his back is against the wall," says Mark Sisti, Clemans' father-in-law. "He had one case that resulted in a mistrial once or twice, and when you have to go back and try a murder case over again, that's a difficult task – and he was up to it."

A career in public defense is not an

eight to five job, and caseloads can be high, but for Clemans, the key to getting it all done has been to stay focused. Over time, that approach has made him more efficient.

"After years of doing these most challenging cases," Johnson says, "he has an amazing instinct for what will and what won't fly in the courtroom."

Outside of work, Clemans recharges by running, going to the gym, and spending time with his wife and three children.

"Maybe it's the corny response," Clemans says, "but every client I help is, in essence, what keeps me moving forward. That's what keeps me going." ♦

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Rhonda Bryant Named ADR Coordinator for Judicial Branch

By Tom Jarvis

The New Hampshire Judicial Branch has appointed Dr. Rhonda Bryant as its new alternative dispute resolution (ADR) coordinator, who brings to the role a unique blend of legal training and decades of experience as a licensed therapist and higher education administrator.

Bryant, who began her position in January, oversees the Judicial Branch's Office of Mediation and Arbitration (OMA), which develops, administers, and promotes ADR programs across the state's courts.

"I saw it as an opportunity to serve in a different way than I served as a therapist," Bryant says of her decision to pursue a legal career and ultimately transition into ADR. "As I went to law school, my ideas about what I wanted to do with law evolved and led me to dispute resolution."

Bryant brings more than three decades of experience in counseling, administration, and mediation to the role. She earned her bachelor's, master's, and doctoral degrees from the University of Virginia and spent much of her earlier career working as a therapist in correctional and community settings.

As she gained more professional experience, she completed training as a civil and family mediator and provided conflict resolution through coaching, mediation, and conciliation in various settings, including higher education and both court-affiliated and non-affiliated nonprofit organizations dedicated to helping families, landlords, tenants, and consumers.

In 2024, she graduated from Mitchell Hamline School of Law, where she also earned a certificate in dispute resolution.



ADR Coordinator Rhonda Bryant in the law library of the New Hampshire Supreme Court. Photo by Brian Eddy

Her background in counseling, she says, naturally complements the work of mediation.

"Mediation and therapy use similar skills – active listening and being as objective as we can be," Bryant says. "It is helpful to be able to understand both sides that are being presented."

The OMA, established under RSA 490-E, plays a central role in expanding and supporting ADR options throughout the court system. The office develops dispute resolution programs, promotes ADR as an alternative to litigation, serves as a resource to the courts, and facilitates voluntary pre-suit mediation and arbitration services.

"Alternative dispute resolution covers mediation, neutral case evaluation, and arbitration. We cover a lot of ground,"

Bryant says.

The office oversees 17 programs across all state courts. In 2025, approximately 10,000 ADR sessions were scheduled, reflecting the growing role of these processes in resolving disputes outside of traditional courtroom proceedings.

Bryant describes ADR as an increasingly recognized and valued tool within New Hampshire's legal system.

"People – the court community, nonprofit organizations, folks in the community at large – are coming to understand the value of mediation," she says. "We want people to consider whether their dispute can be resolved before going to court."

ADR programs are available at multiple levels of the court system and cover a wide range of case types.

In the circuit courts, programs include both voluntary and mandatory small claims mediation, civil mediation, divorce and parenting mediation, and landlord-tenant mediation. A statewide pre-filing eviction diversion program is also available, along with landlord-tenant mediation in Manchester, Nashua, and Concord.

Probate court programs include estate and trust mediation, complex trust docket mediation, neutral case evaluation, and guardianship matters. In the superior courts, ADR options include civil ADR, business court mediation, arbitration, and felony settlement conferences. The Supreme Court also offers appellate mediation in certain cases.

"We are a court-annexed program, which means that a lot of our cases come primarily from court rules," Bryant explains. "But people can certainly request mediation. They don't have to be required to go."

In addition, judges may encourage parties to consider ADR even when it is not mandatory.

One of the distinguishing features of ADR, Bryant notes, is the level of control it gives to the parties involved.

"The beauty of mediation is people get to create their solutions," she says. "They can work things out that reflect the nuances of their lives a judge just may not know about."

For attorneys, ADR can also offer a different approach to advocacy.

"Mediation gives attorneys an opportunity to help craft a solution that benefits their client in a way that litigation may not,"

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"2026 Lawyer of the Year – Personal Injury Litigation – Plaintiffs"

JARED R. GREEN

Medical Malpractice Law – Plaintiffs; Personal Injury Litigation – Plaintiffs; Product Liability Litigation – Plaintiffs

HOLLY B. HAINES

Medical Malpractice Law – Plaintiffs; Personal Injury Litigation – Plaintiffs

EVA H. BLEICH

Medical Malpractice Law – Plaintiffs; Personal Injury Litigation – Plaintiffs

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Words to Practice By: Advice from the Bar for New Lawyers

By Tom Jarvis

For this year's law school graduates, the *Bar News* asked members of the New Hampshire Bar: What is one piece of advice you would give to someone just starting their legal career?

Sarah Blodgett

New Hampshire Bar Association

"Learn how to request and accept feedback. It may be uncomfortable in the moment, but it will make you a better lawyer."

Courtney Brooks

UNH Franklin Pierce School of Law

"Find ways to engage with other bar members, whether it's through events, one-on-one networking, committees, or CLEs. New Hampshire attorneys are almost always sincerely willing to talk to new attorneys and make them feel welcome in the Bar."

Marcia Brown

NH Brown Law

"Join listservs, and don't hesitate to ask us other practitioners any questions about our area of expertise. We are happy to help."

Hon. Ellen Christo

New Hampshire Circuit Court

"Find a mentor early – they'll help you avoid missteps and build confidence. And don't underestimate the value of networking; a quick conversation can lead to unexpected opportunities. Building relationships is one of the easiest ways to feel supported and grow in the profession."

Ariel Clemmer

603 Legal Aid

"Early in your career, focus less on hav-

ing all the answers and more on asking the right questions. The attorneys who grow fastest stay curious, seek feedback, and aren't afraid to admit what they don't know.

Whatever path you choose, stay connected to the profession's core purpose: serving others. Be bold – pursue public interest work or take on pro bono opportunities. They will sharpen your skills, ground your perspective, and remind you of the real impact you can have on people's lives."

Hon. Melissa Countway

New Hampshire Supreme Court

"Remain open to unexpected career changes."

Hon. Philip Cross

New Hampshire Circuit Court

"Be a counselor at law and not just a zealous advocate. Clients are best served when given honest assessments of their cases, and by setting reasonable expectations for them, you can often reach long-lasting results while helping them to preserve dignity and respect for everyone involved."

Hon. Patrick Donovan

New Hampshire Supreme Court

"Be yourself. Don't try to be somebody else, because that other person is already taken. When you make a mistake, and you will because we all have made a mistake at some point, own it, inform your client, your partner and, if necessary, opposing counsel and the court.

Finally, ask for and find help when you find yourself in unfamiliar territory."

Dennis Ducharme

Ducharme Resolutions

"Learn how to stop talking and lis-

ten. With clients or witnesses on your side, you never want to stop them from telling you more. It's your job to separate the wheat from the chaff. With lawyers, parties, and witnesses who are adverse to you, take advantage of their innate discomfort with silence. Chances are, while you are doing nothing, some of what they say will prove to be helpful to your cause."

Jennifer Eber

Disability Rights Center – NH

"Take an interest or passion and seek out volunteer work in that area. If you have trouble finding such an interest, try something new. Nonprofits, and even New Hampshire Bar committees, are always looking for volunteers, especially with legal skills, and helping a cause and networking not only makes you a better lawyer, but it makes us a stronger community."

Edmond Ford

Ford, McDonald & Borden

"Be truthful. Be kind and considerate to others. It's hard: do the work to know the law. Be concise. Take care of yourself and exercise. Don't expect too much. You will make mistakes – the important part is fixing them."

Kelleigh Gleason

Gleason Legal

"Follow your passion. If you love trial work, do trial work. If you are very interested in sports and entertainment law, gear yourself in that direction. Life is too short to practice in an area of law that you're not excited about."

Karen Gorham

New Hampshire Superior Court

"Get to know court staff and treat

them with respect."

Hon. Bryan Gould

New Hampshire Supreme Court

"One aphorism attributed to Abraham Lincoln is, 'A lawyer's time and advice are his stock in trade.' Hopefully, Lincoln wouldn't object if I added that a lawyer's reputation is his or her equity capital. To succeed in the practice of law you must cultivate a reputation for honesty, thorough preparedness, civility, and sound judgment. You can demand the first three of yourself on the day you begin practicing law. Judgment develops with time, but you can seek out more experienced lawyers for advice in the meantime."

Christopher Hawkins

Donahue, Tucker & Ciandella

"Do the work, don't make stuff up, and find your voice."

Marta Hurgin

New Hampshire Legal Assistance

"Be willing and able to say, 'I don't know the answer to that, but I will do my best to find out and let you know.'"

Petar Leonard

Orr & Reno

"Don't let the fear of making mistakes deter you from getting experience and taking risks. That is how you grow as an attorney. As long as you're working hard, acting diligently, and practicing ethically, 99 percent of mistakes can be either avoided or quickly remedied. Just always be particularly mindful of any potential statute of limitations issues!"

ADVICE *continued on page 18*

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UNH Law Launches Food Pantry to Address Food Insecurity

By Bethany Hartt

The list of law students' worries is long. That list often includes cold calls, legal citations, and the Federal Rules of Evidence. Unfortunately, it also frequently includes food insecurity.

If you are on campus long enough, you will grasp just how many law students have a side hustle. They are teaching assistants, security personnel, library clerks, waiters, nannies, and gym attendants.

The supplemental income from these jobs is usually exceeded by a law student's expenses. When loan money or cash on hand runs out – usually at the end of the month – fridges and pantries are the first casualties. Daydreaming about a someday salary in law is cold comfort in these moments.

While recruiting students for Public Interest Law (PILaw) at the University of New Hampshire Franklin Pierce School of Law (UNH Law), 2L Reiko Johnson was stunned by a student's disclosure about food insecurity. But it made sense to her. Food prices are steadily rising, and more affordable grocery stores in Concord are inaccessible to students without transportation.

That one student comment inspired



an outpouring of support, culminating in UNH Law's first food pantry: Franklin's Cubbard.

"The coolest thing was that so many people got involved," says Johnson. "There was buy-in from professors, administrators, and students."

It is not uncommon for law schools, especially those in areas with a high cost of living, to address campus food insecurity. City University of New York School of Law, the University of Hawaii at Manoa William S. Richardson School of Law, and the University of the Pacific McGeorge School of Law are among the law schools with well-established student food pantries.

To jumpstart this endeavor at UNH Law, Student Bar Association (SBA) President Justin Gillule immediately set aside \$1,000 in the SBA's budget for Franklin's Cubbard. The SBA, PILaw, and the Women's Law Student Association then launched a food-filled fundrais-



Students donated \$1 and \$2 to throw whipped cream at poncho-clad professors. Photos by Reiko Johnson



A well-stocked Franklin's Cubbard at UNH Law. Photo by Bethany Hartt

er to stock its shelves.

The fundraiser included both a bake sale and – most outrageously – bids to pie 11 of UNH Law's most beloved (and good-humored) professors and administrators.

Johnson says that the donations to the bake sale reflected the perfectionism and excellence of UNH Law's student body. Most memorable were 2L Eric Dunn's blood orange macarons, which he made painstakingly from scratch. They sold out within minutes.

"When [Eric] bakes, it's like you are going to a French pâtisserie. I am just amazed at him," Johnson says.

Johnson, who is also a physician, provided the pie contest volunteers with medical-grade protective gear, like goggles and ponchos.

"I wanted no injuries on my watch," she says with a laugh.

Students paid \$1 or \$2 for gobs of whipped cream that were launched toward poncho-clad professors in the Jury Box cafeteria in front of a crowd. Some professors ditched their ponchos. Others donned rain boots when the whipped cream started flying. Needless to say, it was a hit.

After the bake sale sold out and the whipped cream was scraped off the walls, the organizing students raised more than \$600 – an amount that was then matched

by the generosity of an anonymous donor.

With over \$1,200 raised, the Office of the Assistant Dean for Students purchased food and hygiene items from a thoughtful list compiled by students. Franklin's Cubbard aims to provide nutrient-dense food that can be used to prepare meals like oatmeal, tuna fish, soups, pasta, macaroni and cheese, beans, canned fruits and vegetables, and rice.

Franklin's Cubbard is available to all UNH Law students. The pantry operates on the honor system, and students take what they need as the needed. To protect student privacy, it remains unstaffed.

However, the SBA created a dedicated student supervisor to monitor and restock the pantry's provisions. Nearly a month after the fundraiser, Johnson reports Franklin's Cubbard is well-utilized.

If you would like to donate to Franklin's Cubbard, you can do so by visiting givecampus.com/campaigns/36991/donations/new. Under the "Designation" category, select "School of Law Student Emergency Financial Assistance." ♦

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.

LOTHSTEIN GUERRIERO, PLLC

Supreme Court Endorses Belief in Easter Bunny

In *State v. St. John*, 120 N.H. 61 (1980), a criminal defense lawyer challenged the competency of a six-year-old witness, pointing out that the child believed in the existence of a magical rabbit that brings eggs.

The Court, however, found that the child's belief supported the conclusion that the child was indeed competent to testify. "That there might not be an Easter Bunny, however, does not in any way reflect on the ability of the victim, who undoubtedly had been told that the Easter Bunny leaves eggs, to recall events. Rather, it demonstrates her ability to recall events and to associate them with specific holidays."

(OK, we understand, there is no judicial "endorsement" here, and the Court wisely remained agnostic as to whether the Easter Bunny exists, but it got your attention, didn't it...)

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Vacations: How I Disconnect

By Kathleen Davidson

Completely disconnected vacation time is one of the most important things to me. I personally cannot truly relax unless I am totally disconnected. If you think you cannot disconnect, but want to try, here is how I do it.



First, for attorneys beholden to the billable hour, you need to do your billable hour math. Don't just take your goal and divide by 12, since your months are not equal. For a quick estimate, divide your billable hour requirement by 10.7 for your monthly goal. That accounts for four weeks of vacation and eleven federal holidays. I'd round up a little to account for CLEs and other admin-heavy days. Divide that number by 4.33 for your weekly goal, and divide that number by 5 for your daily goal.

If you achieve or exceed these goals throughout the year, you should have no problem taking your disconnected vacation and hitting your hours. Remember, when checking if you are on track, subtract from each month (or week) your allotted "off hours." Your goal may be 145 hours in a normal month, but only 110 hours in a month when you take a week of vacation disconnected.

Next, plan far in advance. My husband and I have a personal rule that we book our next vacation before we leave on vacation. That way, we never have a moment when a vacation is not on the books. There is never a "good time" to go on vacation if you do not create it. Planning ahead allows us to protect that time. Know those dates before picking trial dates. Promptly seek continuances when necessary, and reciprocate when colleagues ask for the same courtesy.

The next hurdle is managing expectations. I look ahead about a month before my vacation and check for upcoming deadlines. If there is a deadline while I'm away, I will deal with it in advance. For my most active matters, I try to give my clients something to work on while I'm away, so they do not feel like the time was lost. I also let opposing counsel, when appropriate, know that I will be away, so we can wrap up any urgent issues before I go.

I am often asked, "Don't you worry that something important will come in nonetheless?" I have an out-of-office message stating that I am out, when I will return, and asking that anything urgent be forwarded to my assistant.

I also have rules set up in my email. Any email from the courts or an administrative body will automatically be forwarded to my assistant. If there is opposing counsel whom I am concerned may try to take advantage of my absence, I will have a rule set up where any email from that person goes to another attorney in my

office. If appropriate and with your firm's permission, you could have a trusted colleague or an office manager scan your email daily for such items.

Most importantly, I create a comprehensive chart of all of my cases for my team to rely on in my absence. It includes the names of my cases, the status of those cases, anything I expect to potentially arise while I'm away, which lawyer at the firm has worked on the case, and if none, who should cover it if something arises while I'm away. Here's an example:

Jane Doe – Divorce; Rule 1.25-A complete, mediation next month.
Needs: Client owes opposing counsel updated bank statements. If received, forward after Ashley reviews.
Coverage: Ashley

John Smith – Negotiating employment separation. Severance language approved; awaiting decision on COBRA coverage.
Needs: If yes, add to agreement; if no, client will sign as is. Then send to client for signature.
Coverage: Meredith

Before I leave, for the matters that will have some work while I'm away, I email the necessary people to introduce them to my colleagues. For the above example, I would email the employer and say, "I will be out X to Y, but my colleague Meredith (copied) will be covering this in my absence. Please reply-all when



Kathleen Davidson and her husband in Lake Como, Italy. Courtesy photo

you respond regarding COBRA so we can keep this moving."

If you are a solo practitioner, consider making an agreement with another solo practitioner that, with your clients' consent, you will cover each other's vacations. I also recognize that, rarely, I may have a critical piece of information necessary for my colleague to address an unexpected emergency. For that reason, I leave an emergency number with my firm, such as the hotel's main number

WELLNESS *continued on page 15*

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Partner



CELEBRATING 120 YEARS



■ IOLTA from page 1

from IOLTA grants,” IOLTA Enhancement Committee Chair Lyndsay Robinson says. “We would be able to help so many more people in New Hampshire if we had more funding to provide to our civil legal aid organizations.”

IOLTA – Interest on Lawyers Trust Accounts – pools interest generated on certain short-term client funds and directs it to the Foundation. Those funds are then allocated annually to civil legal aid organizations.

A Leadership Bank is a financial institution that agrees to pay a higher rate of interest on IOLTA accounts.

“Leadership Banks have created a special rate for their IOLTA accounts that pays at least 65 percent of the federal funds target rate,” says Robinson.

Foundation Coordinator Cindy Roberts underscores the scale of that impact.

“If all attorneys in the state banked with a Leadership Bank, it would generate roughly \$1 million more in IOLTA funding each year,” she says. “That’s \$1 million more to ex-pand access to justice for those who need it most.”

For attorneys, the shift requires no additional client work or billing.

“Attorneys who keep their trust accounts at Leadership Banks are really helping without even having to do anything – just sign up and you’re already helping people,” Roberts says. She encourages lawyers to ask their banks directly what rate is being offered on IOLTA accounts

and compare it to the Leadership standard.

Russ Hilliard, a former New Hampshire Bar Association (NHBA) president and former Foundation chair, remembers a time before the program existed.

“We’ve had the IOLTA program for 45 years now,” says Hilliard, who served on the NHBA Board of Governors when IOLTA was introduced in the Granite State. “It almost seemed like a no-brainer to take advantage of the change in banking regulation and use the interest for a good purpose. It’s just hard to imagine the world without the IOLTA program providing support for indigent legal services.”

He describes switching to a Leadership Bank as “a no-cost way to help fund these important legal services.”

Foundation Executive Director Sarah Blodgett says the stakes are visible in the courts on a daily basis.

“Every day we see the impact of being in the court system without representation,” she says. “It’s incumbent on all of us to maximize the amount of IOLTA revenue. And switching to a Leadership Bank is a manageable step for an attorney to take that would have a meaningful impact on civil legal services in New Hampshire.”

Blodgett also credits the IOLTA Enhancement Committee’s recent efforts.

“They have done magnificent work under Lyndsay’s leadership and with Cindy’s tireless efforts,” she says.

With Robinson at the helm, the IOLTA Enhancement Committee – composed of attorneys and banking industry representatives – has focused on expanding participation and strengthening rate compliance.

“We are reaching out to banks that are not in compliance to encourage them to become compliant, increasing our number of Leadership Banks, looking at financial institutions where people are banking the most that aren’t Leadership Banks, and focusing our efforts there,” Robinson says.

When Robinson joined the committee several years ago, there were between four and six Leadership Banks. Under her leadership and through the committee’s outreach and rate-review efforts, that number has grown to 13, including the recent addition of Triangle Credit Union.

In addition to recruiting new Leadership Banks, the committee has worked to ensure that institutions offer comparable rates as required under Supreme Court Rule 50. Roberts explains that in some cases, banks were offering higher, comparable rates to other customers but not applying those rates to IOLTA accounts. Correcting those discrepancies contributed significantly to the recent increase in IOLTA revenue.

The committee has also focused on education and outreach. Robinson describes efforts to connect with new lawyers, larger firms, and institutions in rural counties where Leadership Bank options are limited.

“It’s out of sight, out of mind for so many people,” she says, noting that many attorneys are unaware of the rate differences among banks.

Beyond IOLTA, the Foundation has recently expanded other initiatives aimed at strengthening civic engagement and

public understanding of the law.

The Foundation’s civics essay contest, now in its second year, invites New Hampshire high school students to engage with constitutional and law-related topics. Blodgett says the goal is both educational and forward-looking.

“It’s a good learning opportunity for students in the moment, but also hopefully helps shift career trajectories,” she says. “We believe that this will encourage some students to pursue a career in the law.”

The Foundation has also launched the Law School for Legislators program, which provides lawmakers with an opportunity to learn about specific areas of law in an informal setting outside of the legislative hearing process. The goal, Blodgett says, is to create “a setting where people develop an understanding” of how cases move through the court system before addressing related legislation.

Even as the Foundation expands its educational initiatives, its ability to support civil legal services continues to depend in large part on IOLTA revenue – and on where attorneys choose to bank.

For Robinson, the message is straightforward.

“We’re lucky and privileged to be able to serve as attorneys, and we owe it to our community to pay it forward,” she says. “If we all bank at Leadership Banks, there will be more funds available to organizations that provide assistance to those who can’t afford it.”

For assistance making the switch to a Leadership Bank, contact Cindy Roberts at croberts@nhbar.org or (603) 715-3210. ♦

The New Hampshire Bar Foundation would like to thank the High School Civics Essay Contest Judges.

John (Jack) Bielagus

Law Office of John F. Bielagus

Hon. David J. Burns

6th Circuit Court – District Division

Heather A. Cherniske

NH Employment Security Office

Nicholas Goodall Glover

Strafford County Superior Court

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FIRST PLACE

Vaibhav Rastogi

Virtual Learning Academy Charter School
and Bishop Brady High School

SECOND PLACE

Leah McFarland

Newfound Regional High School

THIRD PLACE

Lauren Damota

Londonderry High School

Third Annual International Day of Women Judges Celebration Held in Manchester

By Tom Jarvis

The third annual celebration of the International Day of Women Judges (IDOWJ) was held March 24 at Sheehan Phinney, bringing together members of the legal community to honor the contributions of women on the bench locally and around the world.

The event marked the global observance of the day, recognized each year on March 10, and was sponsored by the New Hampshire Coalition for Afghan Women Judges in partnership with the New Hampshire Bar Foundation and the New Hampshire Women's Bar Association.

The program highlighted the experiences and resilience of Afghan women judges, many of whom were forced to flee their country following the return of the Taliban. Attendees heard from former Afghan Judge Geeti Roeen, who spoke about women's rights, the rule of law in Afghanistan, and her family's escape and resettlement in Manchester.

New Hampshire Circuit Court Chief Judge Ellen Christo served as master of



From left, Hon. Anna Barbara Hantz Marconi, Hon. Geeti Roeen, Hon. Ellen Christo, Hon. Anisa Rasooli, and Hon. Sandra Cabrera at the IDOWJ celebration on March 24. Courtesy photo

ceremonies. Additional remarks were delivered by New Hampshire Supreme Court (NHSC) Chief Justice Gordon MacDonald; retired Vermont Family Court Judge Patti Whalen; Afghan Judge Anisa Rasooli; Circuit Court Judge Sandra Cabrera; and University of New Hampshire Franklin Pierce School of Law Professor Kara Simard.

"The event celebrating the International Day of Women Judges was a real success, bringing together judges, lawyers, legislators, educators, and members of the international community to joyfully honor the bravery and resilience of these Afghan women judges," says Chief Judge Christo. "It underscored why this work matters —

building connections and supporting women in the judiciary strengthens public trust and fairness in our courts and reminds us of the importance of a more inclusive justice system."

She also emphasizes the broader impact of representation on the bench, noting that when women serve as judges, courts more fully reflect the communities they serve and benefit from a wider range of perspectives.

Retired NHSC Justice Anna Barbara Hantz Marconi highlights the event's impact on those directly affected.

"Not only did the event raise awareness of the contributions of women judges in New Hampshire and around the world, it raised the spirits of the Afghan judges and their families who have been displaced from their homes, jobs, and lives and resettled in New England," she says.

Organizers noted that the event also reinforced the importance of collaboration among women judges across borders, including mentorship and shared learning, to strengthen judicial systems and promote the rule of law worldwide. ♦

New Admittees

The New Hampshire Bar Association welcomes the following individuals who were admitted at a ceremony on March 13, 2026:

William Duane Huff, IV, Emilee Natasha Morin, and Colin Behrend Leonard Wagner

The New Hampshire Bar Association welcomes the following individuals who were admitted at a ceremony on March 31, 2026:

Bridget Christine Araldi, Taylor Asen, Robert Louis Batiste, Christopher Peter Bogart, Katherine Marie Brown, Brigid Rose Buckley, Amanda Kayla Campofiore, Ryan Michael Carmody, Alexander Douglas Cyr, Dennis Robert Daley, Jennifer R. DeFeo, Aaron Richard Fenton, Laurel Jean Francoeur, Edward Spencer Ghazey-Bates, Stephen Robert Gorman, Devin Scott Graham, Noa Gutow-Ellis, Ivy Haase, Colin R. Hagan, Thomas Michael Hoeffy, Brian Christopher Hutch-

ings, Rachel E. Janis, Moravia D'arcy Johnson, Nancy Nearing Keller-Go, Paul Robert Kennedy, Alexandra Kontis, Zachary R. Kuster, Christina Law-Hill, Julia Anne LeMense, Gabrielle A. Lis, Nicoletta Marie Longo, Ryan Joseph Mazalatis, Katherine Grace McCormick, Michael Patrick McDonald, Jonathan Tucker Merrigan, Gabriella Anh Tuyet Miller, Stephen Paul Mooney, McKenzie Lee Moore, Victoria Jordan Moore, Vincent Edward Morris, Maureen Brieger Murphy, Jillian Mary Nee, Colin Kyle O'Brien, Caroline Ami Ottoboni, Mariah Lynne Pamarthy, Victoria R. Poland, Lisa Anne Prosienski, Laura Katharine Putnam, Dina M. Quandamatteo, Amelia Lynn Ritenour, Joseph Luis Rivera, Stephen Alexander Roth, Kevin E. Silva, Daniel Skempton, Khrystina Snell, Hazel Brady Stirgwolt Spires, Gabriella Esther Gutt Stearns, Elizabeth Jane Tenerowicz, Eric William Teuber, Aryanna Villalva, Jennifer L. Welch, Eric Andrew Wenz, and Maya Kimberly Virginia Wilson ♦

LawLine

The NHBA thanks Parnell, Michels & McKay for the very successful LawLine event held on March 11. Thanks to its efforts, 41 calls from residents across the state were answered on a wide range of topics, including family law, criminal defense, and small claims cases.

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

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

We are seeking volunteers for future LawLine events. If you're ready to make a difference this year, we would love to have you join us! To learn more or to volunteer, please contact NHBA LawLine Coordinator Amanda Adams at aadams@nhbar.org. ♦



Catherine McKay speaks to a LawLine caller. Courtesy photo

Jest Is For All

by Arnie Glick



"I myself once considered becoming a lawyer. But then I realized that communicating in legalese is not for me -- I like to talk turkey."

The Bar News Crossword by James P. Mulhern

Here are the answers to the *Bar News* Crossword from the March 2026 issue (Vol. 36, No. 10), along with a new puzzle. Did you fully solve the March crossword? Tell us how you did or give feedback at news@nhbar.org.

1	M	A	R	C	H
6	I	D	A	H	O
7	N	O	V	A	K
8	C	R	E	P	E
9	E	E	N	S	Y

ACROSS

- Snoring indicator, in comics
- Total clown
- DIY manual
- "Break a leg," e.g.
- Quick look

		1	2	3
	4			
5				
6				
7				

DOWN

- "Hot dog!," in comics
- Rock band with iconic beards
- Remote meeting, often
- Foreshadow
- With it

Judge Bacher Brings Bankruptcy Court to Life for Weare Middle School Students

By Megan Koerber

Weare Middle School students recently got an inside look at the bankruptcy system thanks to a hands-on classroom visit from US Bankruptcy Court Judge Kimberly Bacher and nine members of the Bankruptcy Court staff. The visit was part of the NHBA's Civics and Law Outreach Street Law Program, which pairs judges and attorneys with educators across New Hampshire. Judge Bacher is partnered with 2022 New Hampshire Civics Teacher of the Year Holly Wilson.

"As a judge, it is my obligation to engage in civic outreach to explain to students how the system works, and specifically the bankruptcy process," Judge Bacher says.

She opened by introducing each member of the court – an intentional choice.

"My goal in introducing members of the clerk's office," she says, "was to show students that there is a role for everyone here, and we all work together to ensure the judicial system works efficiently."

Judge Bacher then offered a brief overview of how bankruptcy cases move through the court, highlighting evidence, exhibits, and the extensive paperwork that shapes each proceeding. Students were particularly engaged when they learned that the bankruptcy court could collect evidence from someone's social media feed for items that may not have been listed on their bankruptcy schedules.

Students split into homerooms and spent



Judge Kimberly Bacher at Weare Middle School. Photo by Megan Koerber

10 minutes reviewing a case study, "The Case of the Hidden Guitar," which listed multiple exhibits and roles with a glossary of terms on the back. They were then assigned to represent either the plaintiff or the defendant. Students had to read the case study thoroughly and think on their feet. Each group then engaged in a mock trial, applying the facts.

"Middle schoolers love to debate, so they were all-in," Wilson says. "This was an inspirational experience for kids to see one aspect of our justice system."

"This process has allowed me to build a relationship with a specific teacher and a school," Judge Bacher says. "I see the lightbulbs go off, and then the hands go up with questions. I can't think of anything more rewarding than hearing a student say, 'Who knew bankruptcy could be so exciting!'" ♦

Brewster Academy Students Participate in Mock Trial and Court Visit

By Tom Jarvis

Students from Brewster Academy in Wolfeboro recently had the opportunity to learn firsthand about the legal system through a mock trial and courthouse visit as part of the school's Criminal Justice Week, with support from members of the New Hampshire Bar and the NHBA's Civics and Law Outreach Committee.

On March 4, attorneys Alexander Smeaton, Katharine Lacey, and Kyle Amell visited Brewster Academy's Cooper Center to speak with students about criminal law and participate in a mock trial exercise. The activity gave students a chance to explore courtroom roles and procedures while interacting directly with practicing attorneys.

The following day, March 5, Brewster Academy history teachers Jonathan Browner and Doug Goodale brought students to the Belknap County Circuit Court Family Division. During the visit, students met with Judge Elizabeth Paine and toured the courthouse, gaining a closer look at how the court system operates.

Goodale says the students particularly enjoyed interacting with members of the legal community.



Alexander Smeaton looks on as Brewster Academy students engage in a mock trial on March 4. Courtesy Photo

"The students enjoyed meeting the attorneys and Judge Paine," he says. "A good portion of the class said that the trial was the highlight of their week, and others said visiting the courthouse was their highlight."

Browner, who was named the 2025 New Hampshire State History Teacher of the Year by the Gilder Lehrman Institute of American History, emphasizes the value of hands-on learning experiences.

"Expert partnership and academic apprenticeship are a critical component of learning by doing, and we are so grateful the New Hampshire Bar Association is so well-suited and welcoming in facilitating this valuable opportunity for students," he says. ♦



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Attorney Haase joins this firm with experience has experience handling matters including contract drafting and negotiation, corporate transactions, and mergers and acquisitions. After graduating from the University of New Hampshire School of Law, Ivy went on to work at firms in Washington, DC and Baltimore, where she specialized in drafting and developing patent and IP strategies. In time, she found herself serving as in-house legal counsel for a company based out of Belgium, where she handled contract negotiation and closing with companies of all sizes.

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Bankruptcy: What Happens When Your Most Important Software Vendor is No More?

By Ande Smith

It is common to focus on cybersecurity when thinking about technological risks – ransomware, data theft, breach notifications, regulatory responses. But one less commonly considered risk is what happens when a trusted technology vendor enters bankruptcy. A recent bankruptcy in the higher education technology marketplace offers some lessons.



In September 2025, Anthology, Inc. filed for Chapter 11 protection after missing interest payments. Like several companies that grew through acquisitions during low-interest-rate periods, Anthology could not sustain that model. In the higher education tech market, Anthology was an aggressive upstart intended to challenge entrenched incumbents with modern architecture and a holistic package of products.

Its approach included acquiring underinvested products and improving them. Before bankruptcy, it offered a student information system (SIS), a customer relationship management (CRM) platform, and a financial accounting platform (ERP), among others. Contributing to its debt, it also acquired Blackboard, an industry-leading learning management system requiring significant new investment. To-

gether, these products form the core of college operations.

Anthology's vision was eclipsed by rising interest rates and the scale of needed investments. As a result of the Chapter 11 proceeding, its assets were divided: Ellucian acquired its SIS and ERP products; Encoura, a research and consulting firm, acquired its CRM and related products; and Blackboard remained with the re-branded Anthology.

Roughly 1,250 customers found themselves with new partners for their SIS, ERP, and CRM platforms. This created uncertainty, particularly because these products are central to operations and not easily replaced.

Changing enterprise systems is often a complex, multi-year undertaking with significant cost and pressure on staff. Navigating this risk environment involves a number of key considerations, which go beyond contracts and licensing agreements.

First, it is important to differentiate between near-term and long-term strategies. Both new owners of the SIS/ERP and CRM platforms are committed to supporting them and retained the associated staff. As is the case with the Anthology products, the lights remain on, implementation teams continue to move forward with their customers, and support services are provided.

But the longer term remains necessarily murky for colleges. Here, the SIS/ERP platforms were competitors to their new owners. The new CRM owner is not by its history a product company. Key factors include post-acquisition investment,

retention of skilled staff, and the new owner's ability to manage unfamiliar technology. For Anthology customers, there are encouraging signs for the long-term, but watchfulness is always indicated.

A second set of considerations revolves around very technical factors. Even in Anthology's family of products, different platforms were knit together. Some were built on its unique code in the cloud, and others crafted on platforms like Microsoft Dynamics 365. Absent a single vendor, how will these platforms remain synchronized and integrated?

Without a single vendor, maintaining integration becomes more complex. In addition, these enterprise systems are often connected to a myriad of support products and platforms. The integration of these other systems is often a technological blind spot. Fortunately for Anthology customers, the newly split teams have a long work history together and the satisfaction of that now co-served customer base is an important economic consideration in the acquisition.

A third consideration is non-technical: people. Mastery and use of enterprise software is an ongoing process. Colleges must invest considerable work to optimize their functioning, including improving staff skills and adapting processes to use technology differently. Once this process is in motion, it is often inadvisable to turn back. Absent this optimization, staff are left with myriad operating challenges that could be solved, but instead are forced to operate inefficiently and with hardship while waiting

years for a new solution to go live, which inevitably brings its own need for optimization.

Adopting a new enterprise software suite is frequently challenging. Even the best staffed and led organizations struggle with changing these systems. It is not uncommon for Enterprise system replacements to fail. Ironically, Anthology was selected by some colleges following failed implementations of other systems.

Key questions include the ability of the enterprise's staff to undertake such a challenging project, whether staff have mastered the existing products and capabilities sufficiently to select new or different capabilities evolving in the market, and how services will be delivered by a workforce that may be still shaking off the stress of its last implementation.

There are strong incentives to stay the course despite the uncertainty created by the Anthology bankruptcy. Closely watching the trajectory of the new vendors, reviewing technological challenges, especially around the ecosystem of integrated products, and most of all, assessing the capabilities of staff to embrace an enterprise project successfully must be top of mind. ♦

Ande Smith is president of Deer Brook, an IT solutions and cybersecurity firm with specialties in higher education. Deer Brook provides technology implementation, IT advisory, and cybersecurity services to a range of private and government organizations. He can be reached at asmith@deerbrook.com and deerbrook.com.

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■ CENTER *from page 3*

Center has allowed clerks' offices to focus more fully on assisting individuals at the courthouse and processing cases. This shift has become increasingly important as court staffing levels have changed over time.

The model also required adjustment from members of the Bar and other frequent court users, who initially expressed concerns about losing direct access to individual clerks' offices.

"There was some pushback," Judge King says. "The lawyers all wanted the secret phone numbers. We said, look, there are no secret numbers. There's one phone number – that's what you have to call."

Over time, attorneys recognized the benefits of the centralized system.

"The lawyers realized that, 'I can make one phone call and I can check on five different cases in five different courts. This is actually really a convenience to me,'" he says.

The Information Center has also become a significant resource for self-represented litigants, who make up a substantial portion of cases in the circuit courts.

"I think it has had a huge positive impact on access to justice," Judge King says.

"The center staff are able to either answer the question or send the forms and walk people through them while they are on the phone."

"When someone is sitting at their computer, and they can't move forward and they're frustrated, it's our people who are on the phones taking care of them," said Therese Deleault, longtime manager of the Information Center, who recently retired from the role. "We stay on the phone until they get it through."

New Hampshire remains the only state to operate a centralized information center covering all trial court case types. According to Judge King, the state's size and unified court system are key factors in the model's success.

The Information Center has also demonstrated flexibility in response to changing conditions. During the COVID-19 pandemic, when in-person court operations were limited, the center transitioned to remote operations while maintaining service.

"When COVID hit, we were pretty much seamlessly able to move the agents into their homes, and we never missed a call," Judge King says.

As the Information Center marks 14 years of operation and six million inquiries processed, it continues to serve as a primary point of contact for individuals seeking assistance with the court system.

"I'm very proud of this institution," Judge King says. "It's been a phenomenal success. I can't imagine the court system without an information center." ♦

New FinCEN Rule Imposes Reporting Requirement on Certain Real Estate Transactions

By Norman J. Silber

Beginning March 1, §1010.821 of Chapter 31 of the Code of Federal Regulations requires that certain residential real estate transactions without institutional lender financing, where at least one buyer or transferee is a legal entity, such as a limited liability company, corporation, partnership, trust, or other non-natural person, must be reported to the Financial Crimes Enforcement Network (FinCEN) of the US Treasury Department. This is done by completing and filing a detailed reporting form consisting of five pages with more than 100 required entries.

In order to comply with the Rule and complete the form for filing, both sides of a transaction (i.e., transferor and transferee) and the beneficial owners of any trust must provide detailed information, including, without limitation, full legal names, dates of birth, residential street addresses, the IRS taxpayer identification number or Social Security number, and personal identification (i.e., copies of driver's licenses, etc.).

In its notice adopting the Rule [89 FR #168, at page 70258 (Aug. 29, 2024)], the Treasury Department has estimated that reporting alone, without consideration of training time, will require more than \$400 in typical lawyer time.

Failure to comply with the Rule may result in substantial penalties.

It appears that the Rule does not apply to a conveyance to an individual, i.e., not to a trust or other non-individual entity, so a conveyance by a trustee transferring property out of a trust to a beneficiary would not require compliance with the Rule.

Several title companies have made available online education about the new Rule, and it appears that there are commercially available businesses that will prepare and file the required reports for a fee. ♦

Norman Silber is a New Hampshire and Florida lawyer and political activist living in Gilford. He served as a New Hampshire State Representative from 2017 to 2018 and from 2021 to 2022.

■ WELLNESS *from page 9*

where I am staying. That type of contact will only be used in a true emergency, as opposed to maintaining regular cell phone availability.

Lastly, keep in mind that we have

ethical obligations as lawyers to safeguard our clients' information when traveling. See Ethics Opinion #2018-19/01, Border Law and Confidential Client Information: Practical Considerations and Ethical Obligations.

For that reason, many employers prohibit bringing work data outside of

the country. To be safe, I remove Outlook, Teams, my time keeping software, my note scanning software, and any other apps that contain work data from my phone and leave my laptop at home before leaving the United States. That may be why I have a strong preference for international trips! ♦

Kathleen Davidson is the chair of the Family Law Practice Group at Pastori | Krans, PLLC, the chair of the NHBA's Employment Section, a member of the NHBA's Special Committee on Attorney Wellness, the NHBA's Committee on Cooperation with the Courts, and the NHBA's Rules Committee.



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■ WAGE DATA *from page 1*

A Judicial Branch task force on indigency verification, led by New Hampshire Supreme Court Associate Justice Melissa Countway, reviewed current appointment practices and issued a report on February 12.

“The task force came up with a number of recommendations, including the establishment of more objective standards for judges to utilize when they are making eligibility determinations,” Judge Keating says.

Balancing Accuracy and Speed

Judge Keating says the courts are exploring ways to ensure that any verification process does not slow down appointments.

“What I’m hoping is that we engineer this system to not diminish in any way the speed with which we act on requests for the appointment of counsel,” he says.

One option under consideration would be to verify eligibility after counsel has already been appointed.

“What that may entail is having to do the eligibility verification work after the fact,” Judge Keating says.

New Hampshire Public Defender Executive Director Christopher Johnson also points to potential delays as a concern.

“I do not expect a significant practical impact on the work of public defenders,” he says. “The main issue that could arise would be a delay in the appointment of counsel for eligible defendants, and therefore a delay in important early hearings in the case, depending on the logistics and timing of the verification

process.”

He says the structure of the verification process will be key.

“That delay would be avoided if the verification process permits a provisional appointment of counsel so that the work can begin while the verification process proceeds,” he says.

Other officials also cite timing and logistical challenges.

“The logistics behind doing a lot of agency verification would be quite intensive, given the number of people, the number of assignments at issue,” says New Hampshire Judicial Council Executive Director Jay Buckley.

He adds that the current timeline for appointing counsel is often very tight.

“Having that person be arrested, incarcerated, do the necessary paperwork, and then verify that information all within the span of a few hours is difficult,” he says.

Data Limitations and Safeguards

Lavers notes that wage data could help fill gaps in the current system but would not provide a complete picture of a defendant’s financial situation.

“It’s not all-encompassing,” he says.

“One of the biggest limitations is that employers report the data after the quarter has already ended. So you have a lag. It’s not going to solve all the issues, but it still fills a big gap.”

He also emphasizes that any data-sharing arrangement would include safeguards.

“We want to make sure that this information stays secure and tightly regulated,” Lavers says. “It’s not just every person coming in and being able to look up someone’s wage data. We need to make sure that

it stays secure and tightly controlled.”

Scope and Impact

Buckey says he has not heard widespread concern that large numbers of ineligible defendants are receiving appointed counsel.

“There’s not a perception that there has been a high number of people obtaining services they’re not entitled to,” he says.

He adds that the proposal is unlikely to significantly affect the number of defendants who qualify for appointed counsel.

“I don’t think it would have a substantial impact,” Buckley says.

Next Steps

The Judicial Branch is continuing to develop the proposal and assess how a verification system could be implemented.

“The Executive Council is asking us a legitimate question: ‘Is there waste, fraud, or abuse in the appointment of counsel process in New Hampshire?’” Judge Keating says. “I think it’s incumbent upon the Judicial Branch and the Judicial Council to work together to provide a reliable, cost-effective answer to that question.”

At the same time, he emphasizes that any changes must preserve timely access to counsel.

“There’s a real due process element associated with making prompt decisions on people’s requests for the appointment of counsel and actually getting that lawyer to the defendant,” Judge Keating says. “It’s really important to get people access to an attorney, particularly given the number of people being held pretrial these days.” ♦

■ BRYANT *from page 6*

Bryant says. “Litigation, by nature, is going to be adversarial. Mediation is not. It allows attorneys to advocate for their clients in different ways and with a different skill set.”

Bryant acknowledges that some attorneys may still be hesitant to embrace ADR, in part due to concerns about efficiency or control over the outcome.

“One of the challenges is that lawyers may feel like it’s not a good use of their time, or ‘let’s just go to court and see how things work out,’” she says.

Still, she sees continued opportunity for growth as awareness increases and more practitioners and parties recognize the benefits of resolving disputes outside of litigation.

Beyond program development and administration, the OMA is also supported by a federally funded eviction diversion program and an Access/Visitation grant through the New Hampshire Department of Health and Human Services.

For Bryant, the work ultimately comes back to service.

“I love people,” she says. “My earliest childhood memory was my hometown, Washington, DC, burning when Dr. [Martin Luther] King was killed. He had a quote that stayed with me: ‘You don’t have to be rich ... you just have to have a heart to serve.’ That’s what drives me. Being able to give people an opportunity to have personal agency over their lives – that’s how I can serve. And mediation is one place where power imbalances can be balanced in a way that allows people to get their needs met.”

More information about the Judicial Branch’s ADR programs is available at courts.nh.gov/resources/mediation or by email at mediation@courts.state.nh.us. ♦

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From left to right: Bridget Denzer, Esq., Michael Wood, Esq., Kristin Fields, Esq., Deborah Notinger, Esq., and Michael Hatem, Esq.

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■ DERAGON *from page 4*

plement training or a policy that improves things.”

She recently started providing mediation services for disputes ranging from personal injury and civil rights to malpractice and commercial conflicts, and continues to build this part of her practice.

Deragon’s work has earned the respect of fellow attorneys like James Reidy, who has worked with Deragon in different capacities for nearly 20 of his 37 years as a labor and employment lawyer.

“She is a serious student of the law and a very effective advocate,” Reidy says. “That is because she also possesses a calm and affable demeanor. With that she is able to connect well with her clients and communicate effectively with judges and with opposing counsel. Clients enjoy working with her and opposing counsel like and respect her.”

Colleague Kristin Mendoza, who met Deragon years ago through the New Hampshire Women’s Bar Association (NHWBA), says their complementary practice areas working with business clients gave them an opportunity to bond. More recently, the two have discussed how to better adapt services and fees to meet the needs of small business clients.

“She is one of only a handful of attorneys I know who approaches the subject with such open-mindedness and creativity that I’ve come to really value those conversations in particular,” Mendoza says. “As we have both transitioned into small firm practice, Beth has been a trusted referral for my clients needing labor and employment counsel and every one of our mutual clients raves about her. She has that rare combination of being both tough but

compassionate that truly resonates with clients.”

Deragon is also invested in giving back, both to the community and her profession.

She serves as chair of the board for the Kimball Jenkins School of Art in Concord and is a board member and president of the Human Resources Association of Greater Concord. She sits on the board of the NHWBA and is past chair of the NHBA’s Gender Equality Committee and Labor and Employment Section.

“I think we have the opportunity to make meaningful contributions in our communities and offer these kinds of different perspectives, and if I can bring value that way, I’m open to doing that,” she says of her volunteer work.

As chair of the NHWBA’s Public Service Committee, she is particularly proud of programs like the Women to Women Prisons Project, which coordinates lawyers to visit incarcerated women and provide educational workshops on subjects like estate planning and probate.

“We’re striving to give lawyers the opportunity to go beyond professional networking,” she explains.

A physical fitness enthusiast, Deragon enjoys running, strength training, and golf, believing they help with mental health and overall well-being, a commitment she shares with her two grown daughters, Megan and Elin.

Deragon also shares a passion for vegetable gardening with her 81-year-old father, who joins her in tending crops like tomatoes, cucumbers, and potatoes.

She recently started some seeds indoors in anticipation of the coming growing season.

“Just to see those little green buds coming through makes me happy,” she says. ♦

■ LEARNING *from page 1*

us through everything from interviewing clients to mock closing arguments. After each exercise, we received feedback from some of the best trial attorneys in the state. I would like to see the NHBA create similar opportunities for new attorneys. The new experiential learning track at Practical Skills is our first step in this direction.”

NHBA leadership is exploring how experiential learning components could complement the course’s existing format. The Practical Skills course is required for active status attorneys within the first two years after admission to the New Hampshire Bar.

As part of that effort, the NHBA is already piloting an experiential component within the Practical Skills course.

“In response to the CLEAR report’s emphasis on practice readiness, we’re excited to offer this breakout session and grateful to Cathy Shanelaris and Sara Crisp for leading it,” says NHBA Director of Professional Development Vince O’Brien. “Their hands-on, scenario-based approach – using a fact pattern, core documents, and live advocacy exercises – will give newer lawyers a practical opportunity to build skills for temporary hearings.”

As noted in the CLEAR report, practicing lawyers routinely report that this form of learning is critical to their professional development and readiness to practice.

“We’re trying to think of ways to include more active participatory learning as opposed to simply being talked at,” says NHBA President-Elect Robert Lucic. “We already have a program where every new lawyer has to participate, so the question becomes, ‘how do we modify it to really help people become practice-ready?’”

The shift reflects a broader effort to

strengthen practice readiness among new attorneys.

“Now you’ve got a set of tools that you’ve actually practiced with,” Lucic says. “You know how to deal with those situations because you’ve seen them play out and worked through them. The situation of how do you deal with a client that is problematic? How do you deal with a client that is not paying their bill? Or that has a complaint against you? These are the dilemmas you are inevitably going to face as you enter the practice of law.”

Experiential learning models usually include a structured reflection component, allowing participants to consider what worked, what didn’t, and how they might approach a similar situation differently in the future. Lucic notes that learning from mistakes can be especially powerful.

“Sometimes you go through an exercise and if it went well, you actually learn less than if it went badly,” he says. “You’re going to learn from that failure.”

Lucic emphasizes that although learning from failure can be difficult and requires humility, it also offers one of the most valuable opportunities for growth. And it isn’t something that can be taught in a lecture hall or classroom.

“Our ultimate goal,” Lucic says, “is for us all to become a counselor – a trusted advisor – not just somebody who can write a brief or draft a contract.”

Discussions about adding experiential learning to the Practical Skills CLE course are ongoing. However, the CLEAR report has provided an important framework for thinking about how training for new attorneys can evolve, and how bridging the gap from law school to Bar admission to being practice-ready in New Hampshire may increasingly be shaped by hands-on, experience-based learning. ♦



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2:00PM “COLD FIRE: TRYING YOUR CASE IN THE CIRCUIT COURT”

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Cathy Shanelaris

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"Clients have one emotion: fear. Fear of what will happen at court, to them, their children, and their property. When the clients are yelling, crying, and acting out emotionally, it stems from their fear. It helps to remember this when it feels like their emotions are directed at you."

Kathleen Sternenberg

Law Office of Kathleen A. Sternenberg

"Pursue your passion! Find an area of law that you feel good about, that gives you personal satisfaction. Find a mentor (or several). Reach out to a more experienced member of the Bar in the practice area.

Take the time to observe. Go watch hearings or part of a trial at the federal court, superior courts, and circuit courts if you have some time. Introduce yourself to court clerks. Join a county bar association. Attend gatherings."

Veronica Tomasko-Silva

Law Offices of Little & Tomasko

"Always ask questions. When you don't know what to do, it is always better to ask a colleague for help than to make a serious mistake.

It's okay not to know an answer; you are learning. We all struggle with time management and feeling stressed and overwhelmed. You are not alone, and you will be okay."

Hon. Daniel Will

New Hampshire Supreme Court

"Stop every now and then and consider how fortunate you are to practice in the New Hampshire Bar, where it is still possible to build friendships from opposing counsel and have a direct and meaningful impact on clients and the judicial system beginning at an early stage in your career. Always do your part to help maintain it."

Anne Zinkin

Office of Public Guardian

"No one will protect your well-being for you. If you don't set limits, the work will take everything you're willing to give. So, treat your well-being as part of your professional judgment." ♦



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APRIL 2026

THU, APR 16 – 9:00 a.m. – 4:15 p.m.
Trusts & Estates 2.0

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

FRI, APR 17 – 9:00 a.m. – 4:30 p.m.
Circuit Court Practice: Jurisdiction, Ethics & Guidance

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

WED, APR 22 – 9:00 a.m. – 4:30 p.m.
Statutory Interpretation

- 360 NHMCLE min.
- Concord – NHBA Seminar Room/Webcast

WED, APR 29 – 9:00 a.m. – 1:20 p.m.
Navigating Sexual Harassment Law: Key Updates & Compliance Tips

- 240 NHMCLE min.
- Concord – NHBA Seminar Room/Webcast

MAY 2026

FRI, MAY 8 – 9:00 a.m. – 12:45 p.m.
Federal Practice in New Hampshire

- 215 NHMCLE min.
- Concord – NHBA Seminar Room/Webcast

MON, MAY 11 – 2:00 p.m. – 4:00 p.m.
Intake & Beyond: Ethics in the Client Relationship

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

TUE, MAY 12 – 9:00 a.m. – 3:30 p.m.
Advocacy Before NH Agencies & Licensing Boards

- 315 NHMCLE min., incl. 30 ethics min.
- Concord – NHBA Seminar Room/Webcast

WED, MAY 13 – 9:00 a.m. – 4:30 p.m.
Hot Topics in New Hampshire Bankruptcy Practice

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

FRI, MAY 15 – 9:00 a.m. – 1:00 p.m.
Mechanics' Liens

- 210 NHMCLE min.
- Concord – NHBA Seminar Room/Webcast

THU, MAY 28 – 8:30 a.m. – 10:30 a.m.
20th Annual Ethics CLE

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

JUNE 2026

THU, JUN 11 – 12:00 p.m. – 2:00 p.m.
Cybersecurity Update for New Hampshire Attorneys

- 120 NHMCLE min., incl. 30 ethics
- Live Webcast

FRI-SUN, JUN 12-14
Annual Meeting 2026

- Whitefield – Mountain View Grand

TUE, JUN 16 – 8:30 a.m. – 4:45 p.m.
Practical Skills for New Admittees – Day 1

- Concord – Grappone Conference Center

WED, JUN 17 – 8:30 a.m. – 12:00 p.m.
Practical Skills for New Admittees – Day 2

- Concord – Grappone Conference Center

FRI, JUN 18 – 9:00 a.m. – 4:30 p.m.
Navigating Complexity in NH Real Estate Law

- 375 NHMCLE min., incl. 60 ethics min.
- Concord-NHBA Seminar Room/Webcast

SEPTEMBER 2026

WED, SEP 23 – Time TBD
New Hampshire Zoning & Land Use 2026

- Credits TBD
- Concord-NHBA Seminar Room/Webcast

THU, SEP 24 – Time TBD
The 2026 Employment Law 360° Forum

- Credits TBD
- Concord-NHBA Seminar Room/Webcast

Statutory Interpretation

Wednesday, April 22, 2026

9:00 a.m. - 4:30 p.m.
360 NHMCLE min.

NHBA Seminar Room/Webcast

Statutory interpretation lies at the heart of effective advocacy and sound judicial decision-making. This in-depth program brings New Hampshire attorneys directly inside the interpretive process used by our courts, from foundational theories and core canons of construction to the nuanced and often decisive role of legislative history. The seminar offers a rare opportunity to learn how judges analyze statutes in real time—what arguments resonate, what pitfalls to avoid, and how recent New Hampshire Supreme Court decisions are shaping the interpretive landscape.

Faculty

Jack P. Crisp, Jr., Program Chair, The Crisp Law Firm, PLLC, Concord

Lawrence Friedman, New England Law I Boston

Anthony J. Galdieri, Solicitor General, State of New Hampshire

Hon. Joseph N. Laplante, US District Court for the District of NH

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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

Circuit Court Practice: Jurisdiction, Ethics & Guidance

Friday, April 17, 2026

9:00 a.m. – 4:30 p.m.

360 NHCLE min., incl. 60 ethics min.

NHBA Seminar Room/Webcast

This seminar offers New Hampshire attorneys a rare, comprehensive opportunity to hear directly from Circuit Court judges and court leadership about what truly matters in day-to-day practice. Designed to strengthen courtroom effectiveness, this program moves beyond theory to focus on judicial expectations, evidentiary essentials, time management, professionalism, and persuasive advocacy across the Family, District, and Probate Divisions. Through candid discussion, practical examples, and an open judicial forum, participants will gain clarity on how cases are evaluated, how court resources can be used effectively, and how attorneys can better serve clients while supporting the efficient administration of justice. Whether you are building your practice or refining it, this program delivers practical insight you can use immediately in the Circuit Court.

Faculty

Rebeka M. Fortess, Program Co-chair/CLE Committee Member, NH Circuit Court Administrative Office, Concord

Hon. Charles L. Greenhalgh, Program Co-chair, 10th Circuit Family Division, Brentwood

Hon. Jared J. Bedrick, 9th Circuit Court, Manchester

Rhonda M. Bryant, ADR Coordinator, NH Judicial Branch, Concord

Hon. David J. Burns, 9th Circuit Family Division, Manchester

Hon. Sarah D. Christie, NH Circuit Court

Hon. Ellen V. Christo, Chief Judge, NH Circuit Court

Hon. James D. Gleason, NH Circuit Court (ret.)

Hon. Ryan C. Guptill, 6th Circuit District Division, Concord

Hon. Beth K. Kissinger, 9th Circuit Court, Nashua

Elaine J. Lowe, Clerk of Court, 3rd Circuit Court, Ossipee

Hon. Jason R.L. Major, NH Circuit Court

Hon. Dorothy E. Walch, NH Circuit Court

Navigating Sexual Harassment Law: Key Updates & Compliance Tips

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

Wednesday, April 29, 2026

9:00 a.m. – 1:20 p.m.

240 NHCLE min.

NHBA Seminar Room/Webcast

Sexual harassment remains one of the most litigated and high-risk workplace claims, and the legal standards continue to evolve. In the wake of the rescission of the April 2024 EEOC Enforcement Guidance on Harassment in the Workplace, attorneys must reassess how federal law defines "sex," including its intersection with sexual orientation and gender identity, and how those standards compare to New Hampshire's Law Against Discrimination (RSA 354-A). This practical CLE is designed for attorneys advising employers, representing employees, and litigating harassment claims, and will deliver actionable guidance on prevention, investigations, litigation strategy, and risk management. Topics include hostile work environment and quid pro quo claims, individual liability, statutes of limitation and exhaustion requirements, summary judgment and settlement strategy, damages and remedies, remote and hybrid workplaces, and third-party harassment—providing a clear, practice-ready roadmap for navigating today's workplace harassment landscape.

Faculty

Julie A. Moore, Program Chair/CLE Committee Member, Employment Practices Group, Wellesley, MA

Beth A. Deragon, ClarkDeragon, PLLC, Concord

Brooke L. Lovett Shilo, Upton & Hatfield, LLP, Concord

Terry L. Pastori, Pastori | Krans, Concord

Federal Practice in New Hampshire

Co-sponsored with the NHBA's Federal Practice Section

Friday, May 8, 2026

9:00 a.m. – 12:45 p.m.

215 NHCLE min.

NHBA Seminar Room/Webcast

Change description (if room) - Practicing in federal court requires a command of distinct procedural rules, strategic motion practice, and a practical understanding of how federal judges manage cases—particularly in an era of complex electronically stored information and an increasing number of self-represented litigants. Federal Practice in New Hampshire brings together experienced federal practitioners to walk attendees through the real-world mechanics of litigating in federal court, from Rule 26(f) conferences and ESI disputes to effective motion practice and advocacy challenges unique to the federal forum. Designed for attorneys who want to sharpen their federal litigation skills, this program offers practical guidance, best practices, and strategic insights you can immediately apply in your next federal case.

Faculty

Pierre A. Chabot, Program Chair/CLE Committee Member, Devine, Millimet & Branch, PA, Manchester

Robert S. Carey, Orr & Reno, PA, Concord

Samuel R.V. Garland, NH Attorney General's Office, Concord

Elan S. Hersh, Akerman LLP, Ft. Lauderdale, FL

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

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Hot Topics in New Hampshire Bankruptcy Practice

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

Wednesday, May 13, 2026

9:00 a.m. – 4:30 p.m.
375 NHMCLE 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, Chief Judge, 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

Advocacy Before New Hampshire Agencies & Licensing Boards

Tuesday, May 12, 2026

9:00 a.m. – 3:30 p.m.
315 NHMCLE min., incl. 30 ethics min.
NHBA Seminar Room/Webcast

Advocacy before New Hampshire administrative agencies and licensing boards presents a distinct and often misunderstood arena of legal practice—where procedural rules, investigative authority, and regulatory frameworks intersect with constitutional due process. This practical program brings together experienced practitioners from both private practice and government to guide attorneys through the full lifecycle of administrative advocacy, from investigations and enforcement actions to hearings, record preservation, and appeals. Whether representing clients before state agencies, navigating licensing board discipline, or responding to regulatory investigations, participants will gain practical strategies for effective advocacy in a forum where preparation, procedural mastery, and strategic communication can make all the difference.

Faculty

James J. Armillay, Jr., Bernstein, Shur, Sawyer, & Nelson, PA, Manchester

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

Kaylee Doty-Johnson, Lothstein Guerriero, PLLC, Concord

Christina A. Ferrari, Bernstein, Shur, Sawyer, & Nelson, PA, Manchester

Lindsey F. Nadeau, Orr & Reno, PA, Concord

Collin R. Phillips, NH Department of Labor, Concord

Mechanics' Liens in New Hampshire

Friday, May 15, 2026

9:00 a.m. – 1:00 p.m.
210 NHMCLE min.
NHBA Seminar Room/Webcast

Mechanics' liens remain one of the most powerful—and most technical—tools available to contractors, suppliers, and construction professionals seeking payment for their work. For attorneys advising clients in construction, real estate, or commercial litigation, understanding how to properly create, perfect, and enforce a lien can make the difference between securing payment and losing priority to other creditors. This practical program walks through the full lifecycle of a mechanic's lien under New Hampshire law—from determining eligibility and satisfying statutory prerequisites to navigating judicial attachment, priority disputes, and related contractual and bankruptcy issues. Faculty will highlight common pitfalls, strategic considerations, and the procedural steps practitioners must master to effectively protect their clients' interests.

Faculty

Edward D. Philpot, Jr., Edward D. Philpot, Jr., PLLC, Laconia

Kelly J. Gagliuso, Gagliuso Legal Solutions, Amherst

20th Annual Ethics CLE

Thursday, May 28, 2026

8:30 a.m. – 10:30 a.m.
120 NHMCLE ethics hours
NHBA Seminar Room/Webcast

In its 20th year, this annual Ethics seminar has become a national leader in professionally delivering vital education regarding all aspects of ethics. Once again, our chair, Richard Guerriero, has put together a first-rate program to remind New Hampshire lawyers of key rules of ethics and highlight new issues.

Faculty

Richard Guerriero, Program Chair, Lothstein Guerriero, Keene

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Labor & Employment Law

Menopause and the Americans with Disabilities Act: A Life Stage Triggering Disability Protection

By Beth Deragon

It was not until 2019, with the release of the Study of Women's Health Across the Nation (SWAN) report, that the conversation about perimenopause and menopause became a more public discussion. Women of my generation have had little to no information about this stage of life, neither from practitioners nor from our mothers. We now have a better understanding of the mental and physical changes, often debilitating, that occur over a lengthy period when a woman is perimenopausal and menopausal. Data is forthcoming from research such as the SWAN report and subsequent medical studies, and it is now possible to consult with practitioners who specialize in and treat perimenopausal and menopausal symptoms.

As we continue to learn about the medical issues caused by this life stage, a related issue is the employer's obligation to provide accommodations to women experiencing perimenopausal and menopausal symptoms, when requested. This is an especially important topic for perimenopausal and menopausal attorneys who are on the cusp of career advancement.



perimenopausal and menopausal attorneys who are on the cusp of career advancement.

Perimenopause is the transitional period of time (ranging from two to eight years), beginning as early as mid-30s or as late as mid-50s, leading up to menopause, which is when a woman has gone 12 consecutive months without a period, and continuing into post-menopause.

Symptoms of perimenopause, menopause, and post-menopause (menopause) can vary in intensity and frequency and include: persistent hot flashes erupting without warning or predictability that can occur dozens of times per day and night, often accompanied by anxiety or panic attacks; migraines; insomnia causing exhaustion and irritability; anxiety;

depression leading to social withdrawal; and cognitive effects including brain fog, which can appear as an inability to focus, forgetfulness, or struggling to articulate thoughts clearly. These symptoms typically require ongoing medical treatment for the duration of the condition, including hormone therapies, antianxiety/depression medications, and medications to control hot flashes. It is the cumulative effect of these symptoms that is intensely disruptive and debilitating to a woman's well-being, including workplace performance.

Under the ADA (covering employers with 15 or more employees), as amended, and NH RSA 354-A (covering employers with six or more employees), employers must provide a reasonable accommodation to an employee with a disability when requested by the employee unless the employer can show that it would be an undue hardship to do so.

Even if a medical condition is not considered a disability (e.g., pregnancy) but its symptoms severely impact a major life activity (e.g., sleeping, thinking, concentrating, working, and/or endocrine and neurological systems), then the employer must provide a reasonable accommodation when requested by the employee unless it would be an undue hardship to do so. Possible accommodations may include: flexible working hours, remote work, temperature control measures, adjusted workload, leave of absence without penalty, and ergonomic adjustments. An employee covered by the ADA and/or RSA 354-A is protected from discrimination, harassment, and retaliation.

While menopause is not considered a

disability under federal and state law because it is viewed as a natural physical progression, the associated symptoms often result in a level of discomfort that impacts the endocrine and reproductive functions, requiring various medical treatments that can last over 10 years and therefore cannot be viewed as a "temporary" condition.

Some advocates have argued that menopause should be considered a disability under the ADA and require that accommodations automatically be provided when requested (unless it would pose an undue hardship). However, at a minimum, the disabling medical conditions caused by menopause, whether or not they are disabilities under the ADA, substantially limit major bodily functions, requiring the employer to provide accommodations when requested and to protect the employee from discrimination and retaliation.

As women continue to recognize and understand the symptoms of menopause, supported by science and qualified practitioners, they may feel more comfortable asking their employers for accommodations, thereby enabling them to continue to fulfill their job duties and providing themselves with protections from retaliation.

In the context of law firms, lawyers who are perimenopausal or menopausal are likely to be at pivotal points in their careers – on the cusp of equity partnership and/or rising through promotion and managing teams of attorneys.

It is entirely possible that a female attorney in her forties who is perimenopausal experiences anxiety, debilitating hot flashes, panic attacks, and insomnia, resulting in exhaustion and brain fog that negatively impacts her work product. Perhaps she is unable to attend the required after-hours firm networking events due to exhaustion. Perhaps the brain fog she experiences is so severe that she flounders during presentations, and her writing seems disjointed and of a low quality. Perhaps she suffers from hot flashes so severe and unpredictable that she is anxious and embarrassed enough to decline certain types of work – court appearances, long client meetings, and hours-long networking events.

If that same female attorney is on the cusp of a promotion or being considered for partnership, these performance issues

MENOPAUSE *continued on page 30*

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The Similarities Between Noncompetition Law and the Doctrine of Inevitable Disclosure

By David McGrath and John-Mark Turner



McGrath



Turner

The seminal inevitable disclosure case, *PepsiCo, Inc. v. Redmond*, 54 F.3d 1262 (7th Cir. 1995), was decided more than 30 years ago. The case involved a high-level employee with access to top-secret company information, including key marketing plans. He had no noncompete agreement, though PepsiCo argued that allowing him to work for a competing company in a similar position would inevitably lead to disclosure of PepsiCo's trade secrets. Based on that central argument, bolstered by evidence that the employee was untrustworthy and lied about his plans to compete, the court enjoined the employee from working for the owner of Gatorade, a competitor.

The *PepsiCo* court's emphasis on bad behavior is curious. If the employee's high-level position, access to highly proprietary information, and substantially similar competitive job made it essentially impossible for him to "compartmentalize" and refrain

from disclosing and sharing that information for the benefit of his new competitor employer, why should it matter if he is a saint or a sinner? If it is inevitable that he would disclose or use confidential information because of the human inability to compartmentalize under those circumstances, it should make little difference whether he was or was not well intended.

Since *PepsiCo*, courts in many jurisdictions have followed its reasoning and holding. Relying on the idea that high-level employees would be unable to reliably compartmentalize highly sensitive information, the courts have similarly enjoined high-level employees from working for a competitor, even in the absence of a non-compete agreement. Yet, as in *PepsiCo*, these courts typically also relied at least in part on some evidence of bad faith by the departing employee. The courts thus seem to judge "inevitability" of disclosure by weighing both the employee's access to confidential information and the employee's predisposition to wrongfully using that information, as evidenced by past bad behavior.

The inevitable disclosure doctrine has not been widely followed in New Hampshire or the First Circuit and technically applies only under trade secret law when there is no noncompete agreement. See Business Court case, *CMG CIT Acquisition, LLC v. Perron*, 216-2025-CV-00901 (J. Anderson 2025) ("declining to engage with Defendant's arguments concerning the inevitable [disclosure] doctrine, because...

that doctrine applies to claims of misappropriation of trade secrets and involves circumstances where the parties did not execute a non-competition agreement"). But even if the doctrine is not firmly embedded in New Hampshire jurisprudence, its principles overlap with our law concerning the enforceability of noncompete agreements in New Hampshire.

The *CMG* case is illustrative. In *CMG*, the employee signed a noncompete agreement when he was promoted to vice president of finance. The agreement prohibited him from working for a competitor that serviced common clients of the plaintiff, *CMG*, without any limitation that the restricted clients be ones with whom Perron interacted or about whom he had learned confidential information.

In most circumstances in New Hampshire, broad restrictions like this would run afoul of New Hampshire Supreme Court precedent, like *Syncom Industries, Inc. v. Wood*, 155 N.H. 73 (2007) and *Merrimack Valley Wood Prods. v. Near*, 152 N.H. 192, 197 (2005), because the restriction extends potentially beyond the legitimate protection of goodwill or confidential information. In *CMG*, though, the Court upheld the broad noncompete, enjoining Perron from working for the new employer.

Though it declined to formally apply the inevitable disclosure doctrine, the Court's rationale is similar to that in *PepsiCo*. The Court enforced the broad noncompete restriction because Perron – with his high-level position and high-level access

to highly proprietary information – would inevitably disclose that information if he were allowed to work for the new employer. *Id.* (citing *Data Intensity LLC v. Spero*, No. 21-CV-781 – PB (D.N.H. 2024)) (holding that allowing the employee to work for the competitor in a substantially similar position would present too much risk that the employee would disclose confidential information, even if inadvertently).

Similarly, as in *PepsiCo*, the Court noted some conduct by Mr. Perron that might be considered questionable, including sharing certain information with the prospective employer during the interview stage. However, the *CMG* Court's ruling did not expressly rely on bad behavior.

ACAS (Precitech) v. Hobert, 155 N.H. 381 (2007), a case decided at the same time as the *Syncom* case, is similar. In that case, the Court upheld the trial court's finding that a broad noncompete was valid and necessary to prevent the high-level employee from using highly proprietary financial, marketing, strategic, and other sensitive information on behalf of a competitor.

As in *PepsiCo* and *CMG*, the Court highlighted some of the trial court's factual findings concerning Hobert's apparently expressed and demonstrated bad intentions to use the confidential information to the detriment of ACAS, but, like *CMG*, its holding did not depend upon it. Instead, the Court focused on Hobert's high-level position at ACAS, his access to highly sensitive infor-

SIMILARITIES *continued on page 30*



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EEOC Signals Increased Scrutiny of DEI Practices

By Terri Pastori and Samuel Greenberg



Pastori



Greenberg

Equal Employment Opportunity Commission (EEOC) Chair Andrea Lucas asks: “Are you a white male who has experienced discrimination at work based on your race or sex? You may have a claim to recover money under federal civil rights laws.”

So begins the December 17, 2025 video post by Lucas, encouraging “white male employees and applicants” to “[c]ontact the @USEEOC as soon as possible” to report their discrimination claims. In three months, the post has been viewed more than six million times.

As we all know by now, Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin. There is no DEI-related exception to Title VII – a fact some employers are learning the hard way. Once lauded as advancing employee rights and opportunities, diver-

sity, equity, and inclusion (DEI) policies and programs are now under scrutiny for violating Title VII where they are motivated, in whole or in part, by an employee’s race, sex, or other protected characteristic.

Shortly after President Donald Trump took office in January and issued executive orders targeting DEI, the EEOC, which enforces federal anti-discrimination laws, issued two technical assistance documents – “What To Do If You Experience Discrimination Related to DEI at Work” and “What You Should Know About DEI-Related Discrimination at Work.”

On February 17, the EEOC sued Coca-Cola Beverages Northeast in Bedford in the United States District Court for the District of New Hampshire for discrimination against male employees. In the lawsuit, the EEOC alleges that Coca-Cola Northeast discriminated against male employees by excluding them from an overnight career development and networking event. Given the Trump administration and the EEOC’s stated priority of eradicating DEI-related discrimination, it should be no surprise that the EEOC took this case as an opportunity to file its first lawsuit in New Hampshire federal court in eight years rather than issuing the charging party a right-to-sue letter to pursue the litigation.

In the complaint, the EEOC alleges that Coca-Cola Northeast held a two-day employer-sponsored career development and networking event at the Mohegan Sun

Casino and Resort for 250 female employees. The EEOC alleges that attendees were excused from their normal work duties and paid their normal wages for attending the event; no male employees were invited to the event; the event featured a social reception, team-building exercises, and recreational activities; attendees heard from the president of Coca-Cola North America and corporate executives from other companies who spoke about their career paths; the company covered all expenses of the trip (e.g., hotel, food, beverages); and male employees were not offered or provided any of the associated benefits of attendance.

In a press release, Acting EEOC General Counsel Catherine L. Eschbach stated, “Title VII of the Civil Rights Act of 1964 has long made the exclusion of one protected class of employees from an employer-sponsored event a violation of the law.” She continued, “Excluding men from an employer-sponsored event is a Title VII violation that the EEOC will act to remedy through litigation when necessary. The EEOC remains committed to ensuring that all employees – men and women alike – enjoy equal access to all aspects of their employment, including participation in employer-sponsored events, regardless of their sex, race, or other protected category.”

Shortly thereafter, on February 26, Lucas sent a letter to the largest US employers warning them about DEI-related discrimination. Nike, a Fortune 500 com-

pany, has been under investigation by the EEOC since 2024 for its DEI practices. In 2024, Lucas (who was commissioner at the time) issued a Commissioner’s Charge alleging that Nike may have violated Title VII “by engaging in a pattern or practice of disparate treatment against White employees, applicants, and training program participants in hiring, promotion, demotion, or separation decisions (including selection for layoffs); internship programs; and mentoring, leadership development, and other career development programs.”

The Charge alleges that Nike’s unlawful employment practices may include establishing “race-based workforce representation quotas,” including by setting targets of “30 percent representation of racial and ethnic minorities at director level and above in the US.” On February 4, the EEOC filed an action in federal court to enforce a subpoena it had served on Nike as part of an investigation. Nike defends its actions on several grounds.

The EEOC’s focus on DEI-related discrimination could also be a bellwether for the private litigant claims that may arise for employers. This serves as a timely reminder for employers to evaluate, under attorney-client privilege, their policies, programs, trainings, and practices with these developments in mind to ensure that they are providing equal access to all and not unwittingly creating

PRACTICES *continued on page 30*

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Pushed to Quit: The Law of Constructive Discharge

By Madeline K. Matulis and
Lauren S. Irwin



Matulis



Irwin

Constructive discharge is a legal principle that recognizes an employee's resignation as tantamount to a dismissal when the working conditions imposed by the employer are so intolerable that a reasonable person in the employee's position would feel compelled to resign. *Green v. Brennan*, 578 U.S. 547, 555 (2016). The constructive discharge doctrine is not a standalone cause of action but is used to establish the adverse employment action or termination element in other claims.

While the constructive discharge standard is an objective one, "there is no requirement that the evidence be viewed from the perspective of an omniscient third party. Rather, the question is whether a reasonable person in the plaintiff's position would have felt that she had no choice but to resign." *Alberg v. Foss Motors, Inc.*, No. 17-cv-79-AJ, 2018 U.S. Dist. LEXIS 200516, *21 (D.N.H. Nov. 27, 2018).



The First Circuit has found that a significant delay in resignation may undermine a constructive discharge claim. See *Gerald v. Univ. of P.R.*, 707 F.3d 7, 26 (1st Cir. 2013). However, in *Green*, the Supreme Court found:

An employee who suffered discrimination severe enough that a reasonable person in his shoes would resign might nevertheless force himself to tolerate that discrimination for a period of time. He might delay his resignation until he can afford to leave. Or he might delay in light of other circumstances, as in the case of a teacher waiting until the end of the school year to resign. Tr. 17. And, if he feels he must stay for a period of time, he may be reluctant to complain about discrimination while still employed. A

complaint could risk termination – an additional adverse consequence that he may have to disclose in future job applications. *Green*, 578 U.S. at 557–58.

In a recent decision from the United States Court of Appeals for the First Circuit, *Walsh v. HNTB Corp.*, No. 24-1499, 2026 U.S. App. LEXIS 7489 (1st Cir. Mar. 13, 2026), the court upheld the lower court's grant of summary judgment to the employer in a constructive discharge claim.

The plaintiff was placed on a three-month performance improvement plan that she successfully completed. She resigned 10 months later, alleging that she suffered an adverse employment action through constructive discharge.

The court reiterated the legal standard that "in adjudicating a constructive dis-

charge claim, a court must view the employer's conduct holistically." *Id.* at *22. The court cited *Calhoun v. Acme Cleveland Corp.*, 798 F.2d 559, 562–63 (1st Cir. 1986), in which the court stated:

Appellants' theory is that since each isolated incident cannot as a matter of law suffice for a constructive discharge, all of them together must also fail to do so. The fallacy in this "divide and conquer" approach is that these events must be viewed as part of a single behavior pattern by appellants. Even were we to omit the allegations concerning the hours worked by others after Calhoun was terminated, the other events taken together compare favorably enough with fact patterns in successful age discrimination cases so as to make a grant of summary judgment improper. See *Cockrell v. Boise Cascade Corp.*, 781 F.2d 173 (10th Cir. 1986) (choice of transfer to lower paying job or resignation sufficient); *Williams v. Caterpillar Tractor Co.*, 770 F.2d 47 (6th Cir. 1985) (demotion without warning or reprimand enough); *Buckley v. Hospital Corporation of America, Inc.*, 758 F.2d 1525 (11th Cir. 1985) (several inquiries about retirement plans along with humiliating demotion, even with same pay and benefits, sufficient).

The court found that, when viewing the plaintiff's evidence holistically, there could

DISCHARGE continued on page 31

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Back row left to right: Karen Whitley, Mark Ventola (co-chair), Jen Moeckel, Brian Bouchard, Liz Bailey, Autumn Klick, J.P. Harris, Jim Reidy (co-chair)
Front row left to right: Abby Dow, Andrea Chatfield, Cassie Rodgers, Dave McGrath

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Employment Litigation in the ‘Everything Is Electronic’ World

By Nancy Richards-Stower and Debra Weiss Ford



Richards-Stower



Weiss Ford

This is the 25th Bar News “debate” over the last 20 years between employment lawyers Nancy Richards-Stower (employee advocate) and Debra Weiss Ford (employer advocate). Here, they discuss the impact of artificial intelligence on their advocacy, and *US v. Heppner*, in which the US District Court for the Southern District of New York ruled that a criminal defendant’s AI searches on a publicly available platform were not privileged under either attorney-client or work product privileges.

Nancy: First, it was electronically stored information (ESI) requiring thousands of dollars in time (and, for me, tech consultant costs). My clients have phones, tablets, and computers along with multiple service providers for texts, calls, emails, Facebook, Twitter (X), etc. It became so prohibitively expensive for me to even screen anything other than “slam

dunk” cases that I could never have had the decades of solo practice I’ve enjoyed, nor helped thousands of employees who were mostly “little gals/guys.”

Deb: It is tough on employers’ counsel, too. We’re doing all the same work for multiple people (and departments) in each case, and few of our clients’ employees have dedicated work devices, so we’re dealing with both work networks and personal accounts.

Nancy: Larger defense firms long ago staffed up with “techies,” and those costs can be built into your clients’ fees. For those of us doing civil rights employment law (discrimination, wrongful termination, whistleblower, wage claims, etc.), most of our terminated clients arrive with great injustices and zero ability to pay.

It reminds me of the “dark days” of 1996–2004, when I had to turn away all small-dollar cases because the fees awarded to me easily exceeded the damages awarded to my clients, and civil rights attorney fee awards became double-taxed for cases in which there was no physical injury in 1996; my fee awards were taxed to me and then taxed again to my client, until October 2004, when the civil rights tax relief laws untaxed attorney fees for the client.

Deb: I recall that the unintended consequences of that 1996 tax law got changed after the *New York Times* wrote about a Chicago police officer’s sexual harassment trial victory costing her a net loss of over \$100,000 because of taxes on her fees owed to the government. It was

impossible to settle small damage cases once the fees rose unless the employee’s lawyer simply gave up her fees.

Nancy: And now we have a “new age.” I think it is dark; techies think it is the brightest dawn imaginable. How can I screen a case for litigation worthiness whose value is mostly emotional distress? Before, it was easy to review an employee’s Facebook pages during the period of harm to make sure she hadn’t posted pictures of herself smiling, running down the beach the same week she claimed debilitating depression from a job loss.

Deb: What about us defense attorneys? Bad managers who harass often do so with texts and emails. Victims who received photos of some guy’s private parts often (understandably) deleted them immediately, so the readily available source would be the electronic history on the harassers’ phones – so it was employers providing the evidence to employees.

Nancy: And now, with AI, we advocates have to worry about our clients’ use of AI before they contact us, adding to the exploding spectrum of our due diligence. After clients contact us, we can provide protocols to halt all use on public AI platforms, but come on – it will be so tempting for clients to “Google” during the years it takes to get to trial, and now there’s ChatGPT, Claude, and Perplexity. Plus, AI has been developed mostly by men, so watch for that prejudice to unfold.

Deb: The courts are weighing in, ruling in *US v. Heppner* that a criminal defendant’s AI searches (before hiring his

attorney) were not privileged.

Nancy: Which is stupid! In the past, a client’s communications in anticipation of hiring counsel, to help that future counsel, were deemed privileged attorney work product.

Deb: *Heppner* means that public AI sites which lack privacy “locks” are fair game.

Nancy: I am exhausted just trying to draft a notice to potential clients about this new aspect of confidentiality; and, candidly, my guess is that with AI so readily available, many clients will come to their lawyers with big baggage. Of course, after being retained, the client can be invited into the lawyer’s private, paid-for AI platform, which has pressed all the “you cannot share this to teach your stupid system” buttons.

Deb: The capturing of electronic histories from phones and devices in employment discrimination litigation – where proving intent is usually key – gave us ESI protocols. Now, we must add AI searches to the list.

Nancy: Over the last 50 years, litigating small-dollar cases coming with fee-shifting statutory protections allowed me to help many thousands of employees find some justice in the workplace. The electronic explosion requires huge investments of time and treasure to even understand the landscape. Gone are the days when knowledge of the law, human behavior, and trial advocacy skills were

DEBATE *continued on page 31*

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How Far Is Too Far? Employee Privacy in the Workplace

By Gerald D. Peake

“[T]he camera, unlike the human eye, never blinks,” Judge Bruce M. Selya observed in *Vega-Rodriguez v. Puerto Rico Telephone Co.*, 110 F.3d 174 (1st Cir. 1997).



This article surveys employee privacy law in New Hampshire in light of changes in technology and workplace practices, which have expanded the breadth and depth of information employers have available about their employees. This wealth of information brings with it a patchwork of legal issues because the United States lacks comprehensive privacy legislation, unlike the European Union’s General Data Protection Regulation (GDPR).

Additionally, in the employment context, in 1999, the New Hampshire Supreme Court recognized in *State v. McLellan*, 144 NH 602, that “whether an employee has a reasonable expectation of privacy must be addressed on a case-by-case basis.”

Employee performance monitoring tools continue to proliferate, promising employers new productivity insights while adding to the pile of categories of information they may collect, including employment history, references, GPS location, browser history, location data, computer activity, health insurance data, keystrokes, and even



eye movements. While employers may find these tools useful, employees often resent them and view them as intrusive surveillance.

Generally, the type of information collected and the context of its collection determine the legal framework for the privacy interests involved. Does the employee work in the private sector or for a government entity? For public sector employees, the New Hampshire Constitution’s December 5, 2018 amendment recognized the inherent right to be free from government intrusion in private or personal information.

Not all state constitutions recognize an explicit privacy right, but New Hampshire’s “government intrusion” language narrows that right in comparison to many other states. State employees may also see their employment information become subject to RSA 91-A right-to-know requests. Although RSA

91-A:5, IV exempts “confidential, commercial, or financial information” whose disclosure would constitute an invasion of privacy, right-to-know requests have resulted in the disclosure of public employee salary information.

On January 1, 2025, the New Hampshire Data Privacy Act, RSA 507-H, went into effect. Despite the Act’s broad title, the legislature included important limits to its scope and application. The Act applies to persons conducting business in the state or persons producing products or services targeted to residents of the state who, within a one-year period, either control or process the personal data of no less than 35,000 unique customers, or 10,000 unique customers if deriving more than 25 percent of their gross revenue from the sale of personal data. 507-H:3 exempts broad categories of employment data.

Furthermore, the Act’s consumer pro-

tections are limited in the employment context because its definition of “consumer” excludes individuals in the employment context for communications solely within that individual’s employment role.

Home cameras are ubiquitous and the rise in popularity of work-from-home arrangements since the COVID-19 pandemic also means that many employees now routinely communicate by video in their homes, and occasionally even through a doorbell camera. It may be an overstatement to say that this situation is fraught with risk because it has become so routine, but employee communications must be treated with diligence. For work video calls, the clearest risk is from recording the call. In recorded video meetings, a button or other mechanism clearly documenting consent is a minimum, but critical safeguard.

New Hampshire Chapter 570-A, the wiretapping and eavesdropping statute, details the state’s “all-party” consent framework for recording conversations. Violations of the statute can be a class B felony and give rise to a civil action with actual damages of \$100 per day for each day of violation or \$1,000, whichever is higher; punitive damages; and reasonable attorney fees. Additionally, the contents of intercepted telecommunications or oral communications may not be used as evidence.

Employee financial information, criminal history, Social Security numbers, biometric information, and health information are each subject to their unique privacy

PRIVACY *continued on page 32*

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Employee Compensation Risks in a Business Sale

By Madeline Lewis

In a business sale, compensatory payments to employees and other service providers can trigger significant and often unexpected tax consequences. In particular, sellers and purchasers should assess whether Sections 280G and 4999 of the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated thereunder (the Code) are implicated by the contemplated transaction.



change unless the contrary is established by clear and convincing evidence.

Code Section 4999 imposes on any person who receives such an excess parachute payment a tax equal to 20 percent of the amount of such excess parachute payment over one times that person's base amount.

Which Entities are subject to Code Sections 280G and 4999?

Code Sections 280G and 4999 only apply to corporations or limited liability companies taxed as C corporations. They do not apply to limited liability companies or other entities taxed as partnerships, or corporations taxed as S corporations.

However, if a covered corporation is private (meaning its stock is not traded on an established securities market immediately prior to the change in control event), then the corporation may avail itself of an exception under Code Section 280G that does not count parachute payments when certain "shareholder approval" requirements are met with respect to such parachute payments. These "shareholder approval" requirements are that (1) such payment is approved by a vote of persons who owned, immediately before the change in control event, more than 75 percent of the voting power of all outstanding stock of the corporation and (2) there was adequate disclosure to the

SALE *continued on page 32*

What are Code Sections 280G and 4999?

Code Section 280G prevents a corporation from taking a deduction for compensatory payments made to "disqualified individuals" that are contingent upon a change in the ownership or effective control of the corporation, or in the ownership of a substantial portion of the assets of the corporation (referred to here as a change in control event), and that have an aggregate present value that equals or exceeds three times such disqualified individual's base amount. Such payments are referred to as "excess parachute payments." A disqualified indi-

vidual's base amount is the person's annualized includible compensation for the preceding five tax years (or such shorter period if the disqualified individual was not employed or providing services to the payor for the full five-year period). In general, the annualized includible compensation is the Box 1 amount in the person's W-2 for each of the applicable years in such period assuming such person is an employee.

Payments to or from a tax-qualified retirement plan, such as a distribution from a Code Section 401(k) plan, are not counted for this purpose. The following are common examples of payments that may be counted and should be considered when assessing whether there

are any parachute payments: severance payments, COBRA reimbursements or outplacement benefits; retention or transaction bonuses; nonqualified deferred compensation plan (such as an SERP or top hat plan) distributions; gross-ups to cover the taxes imposed by Code Section 4999; equity or cash-incentive vesting accelerations and payments; compensatory increases (such as salary increases) during the 12-month period prior to the change in control event. Importantly for this determination, any payment pursuant to an agreement entered into within one year before the change in control event, or an amendment made within such one-year period of a previous agreement, is presumed to be contingent on such



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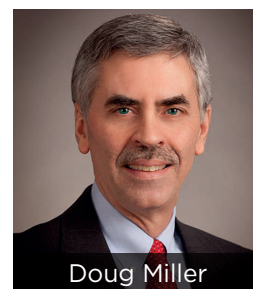
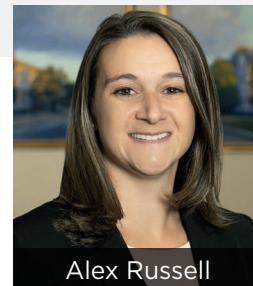
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NLRB Guidance Signals Softer Enforcement

By Hannah L. Devoe

On February 27, the National Labor Relations Board (NLRB) issued Memorandum GC-03, which for employers, represents a notable shift in tone. While not binding law, the memorandum signals a shift toward more employer-friendly, more efficient, and less aggressive enforcement by the NLRB and regional offices. It encourages lawful settlements, limits “enhanced” remedies, and reduces the review of “maintenance-only” cases.



The memorandum first introduces a renewed focus on settlement of employee claims. Regional offices have been directed to approve both informal NLRB settlements and non-NLRB agreements, as well as to approve withdrawal requests, so long as the terms are lawful and the parameters are reasonable. In practice, this means that employers may see greater flexibility to resolve disputes early, avoid prolonged litigation, and control outcomes. The memorandum also reins in the use of “enhanced” remedies, such as notice readings, apology letters, or nationwide postings. These remedies are now framed as appropriate only in cases involving particularly egregious conduct.



Employers may see a recalibration of settlements toward proportionality and ensuring that settlement terms closely align with the underlying alleged violation.

Perhaps the most impactful guidance involves “maintenance-only” cases – cases in which an unfair labor practice is based solely on the employer’s maintenance of potentially unlawful rules, without any allegation that the rule was enforced against or has impacted actual employees. This instruction is a shift away from the 2023 decision in the *Stericycle* case, which many employers will recall. In *Stericycle*, the NLRB held that workplace rules would be found to unlawfully violate the National Labor Relations Act if an employee could show that the rule might prevent them from exercising their Section 7 rights. In making that assessment, the NLRB stated that it would

interpret the employer’s rule from the perspective of an employee who is (1) subject to the rule, (2) economically dependent on the employer, and (3) contemplating engaging in concerted activity. If the employee could reasonably interpret the rule to have a coercive meaning, the NLRB would assume the rule was unlawful.

The *Stericycle* decision created a low bar for an employee to bring a claim and included no requirement for the employee to demonstrate that the employer had enforced the rule or that the employee faced any actual impact due to the rule. This decision created a push for employers to closely scrutinize their handbooks, rules, and other policies and narrow them to avoid any potential claims by employees that the handbook alone violates their Section 7 rights.

By contrast, the memorandum indicates that the NLRB’s current administration is distancing itself from the *Stericycle* decision and putting forth a more employer-friendly view of rule-interpretation cases. It raises the bar for employees by requiring evidence that the employer is enforcing the rule and that there is an actual impact on employees. Accordingly, these maintenance-based allegations are likely to carry less weight with the NLRB, and the regions are encouraged to promptly seek settlement in any pending complaints or charges of this nature.

This guidance offers employers some breathing room, allowing for more opportunity to settle early and efficiently and minimizing exposure for technical violations. That said, this memorandum is administrative guidance, not binding law, and reflects only the priorities of current agency leadership. As many employers have experienced, NLRB enforcement priorities can shift quickly with changes in administration. Employers should be prepared for future agency shifts and remain alert regarding their policies or rules, and consider how such policies may be interpreted by their employees. ♦

Hannah Devoe is an attorney in Drummond Woodsum’s Labor and Employment practice, where she advises public and private employers in New Hampshire on a wide range of employment law matters, with a focus on evolving regulatory and policy developments.

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■ **MENOPAUSE** *from page 22*

that are related to perimenopause could prevent her from advancing in her career – unless she either comes forward asking for accommodations to raise the issue or her firm navigates the issue with her.

Given the relatively recent awareness of the symptoms related to menopause, it is not unlikely that they are considered when

making employment-related decisions.

Perimenopausal and menopausal attorneys should be proactive about addressing any accommodations they need, and firms should exercise care when making adverse employment-related decisions involving a perimenopausal or menopausal attorney, and ensure that the reasons for the employment decision are strictly business related and not related to her condition.

■ **SIMILARITIES** *from page 23*

mation, and the similarity of the positions.

Importantly, the Court did not find that ACAS should have used a narrower restrictive covenant, one that, for example, only prevented Hobert from interacting with customers with whom he had some relationship or about whom he gained significant confidential information or a nondisclosure covenant that would have prevented him from disclosing sensitive information. Thus, although broad non-compete restrictions are strictly construed against an employer and must be *narrowly* tailored to protect legitimate employer interests, the Court upheld it as written.

Where does this leave us? One thing seems clear. In New Hampshire, broad noncompete agreements are likely to be enforced where (a) high-level employees, (b) with high-level access to highly proprietary information, (c) work (or desire to work) for a competitor in a similar position that would cause those employees necessarily to use that information on behalf of a competitor. Less clear is the degree to which bad behavior by the departing employee should

matter in the analysis.

While New Hampshire courts do not explicitly rely on such bad actions to uphold a noncompete, they are relevant. In other words, just like demonstrated bad motivations seem to make a disclosure more “inevitable” in the inevitable disclosure cases, New Hampshire courts seem more comfortable enforcing broad non-competes to prevent disclosure of truly proprietary information against high-level employees, particularly those who have shown unscrupulous behavior. Thus, even if the inevitable disclosure doctrine is not widely applied in New Hampshire trade secret cases, its principles run through (intentionally or not) certain New Hampshire noncompete cases. ♦

David McGrath is the immediate past president and managing director at Sheehan Phinney and a past president of the New Hampshire Bar Association. He is a certified mediator and maintains an active general commercial litigation and employment practice. John-Mark Turner is a member of Sheehan Phinney’s Business Litigation Group with an emphasis on complex, high-stakes cases.

Women are finally receiving scientific data and medical treatment by qualified practitioners to enable them to navigate the 10-plus years of menopause. This is a significant period of time during a critical phase of a woman’s career. Awareness and recognition of the issues, along with working together with employers, will enable women to continue to progress in their careers and make meaningful contributions to their profession. ♦

butions to their profession. ♦

Beth A. Deragon is a founding member of ClarkDeragon Law, PLLC, in Concord. Her employment law practice focuses on advising businesses on risk management and best employment practices, including employee terminations, workforce restructuring, policies, training programs, and internal investigations for public and private entities.

■ **PRACTICES** *from page 24*

exposure for claims of DEI-related discrimination.

Based on the EEOC’s guidance, employers should avoid quotas or even goals for hiring based on race, sex, or other protected characteristics. Setting aside seats or spots based on protected characteristics is also going to be a red flag with the EEOC, as is limiting membership or attendance in workplace groups (e.g., employee resource or affinity groups) or events (e.g., leadership training, mentoring programs, internships/fellowships, conferences, and the like).

Employers should instead make such opportunities accessible to all. Separating employees based on their protected characteristics for purposes of training or other privileges of employment should also be avoided. The EEOC has made it a point to note that DEI training can itself give rise to a hostile work environment claim.

Conversely, there are steps employers can take to create an inclusive work environment, including using skill-based

assessments; reimagining mentorship and sponsorship opportunities; training with an emphasis on inclusion; setting behavioral standards; identifying organizational values and operating consistently within them; conducting regular documented performance reviews; having clear channels for raising concerns; committing to the investigation of complaints; documenting the business rationale behind decisions, programs, and initiatives; and collecting and analyzing data.

Despite the EEOC’s new focus on DEI-related discrimination, its 2026 merits docket so far is mostly comprised of cases that do not involve alleged DEI-related discrimination. It remains to be seen whether the EEOC’s stated shift in priorities will become more evident in its litigation decisions as the year progresses. Stay tuned. ♦

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■ DISCHARGE *from page 25*

not be a reasonable conclusion that she had no option but to resign. The court found that the plaintiff's supervisor's comments during the performance improvement plan period that the plaintiff should "shut up" and "stop asking" in response to the plaintiff's request that the supervisor identify the employees who had complained about her, were "harsh," but that the context of the comments showed that the supervisor's comments were not indicative of an "intolerable workplace." *Id.* at *22 (internal citation omitted).

Further, the court found that the supervisor's comment about the plaintiff being replaced with "younger, cheaper people," may "suggest age animus, but also does not demonstrate an environment that would compel a reasonable person to resign." *Id.*

Finally, the court found that the plaintiff's "subjective beliefs" regarding her supervisor's management style could not form the basis of her constructive discharge, as they did not objectively rise to the level of intolerable working conditions. *Id.* at *23-24. The court also noted that the plaintiff's belief that she would be terminated at the

end of her performance improvement plan, without more, was not sufficient as the court found "apprehension of future termination is insufficient to establish constructive discharge." *Id.* at *25 (internal citations and quotations omitted).

However, the court noted that a performance improvement plan may constitute an adverse employment action where it imposes new job responsibilities, changes the present terms of employment, or deprives an employee of potential advancement opportunities. *Id.* at *16 (internal citations omitted).

In contrast to the *Walsh* decision, the United States District Court for the District of New Hampshire recently denied summary judgment to the employer on the issue of constructive discharge. In *King v. DMO Auto Acquisitions LLC*, No. 24-cv-018-SM, 2025 U.S. Dist. LEXIS 263546, *13 (D.N.H. Dec. 22, 2025), the plaintiff was hired as a "Finance Biller." Seven months later, she resigned from her employment. The plaintiff alleged that the finance department was "rife with age discrimination," that her supervisors refused to provide her with necessary training on important software because of her age, that she was isolated from other employees in the finance department, and that,

ultimately, her supervisors reported that she was not performing her job in the finance department.

As a result, the plaintiff was transferred to the role of receptionist/cashier, her salary was reduced by nearly 20 percent, and she lost the opportunity to earn any commissions. The plaintiff attempted to work in the new role but ultimately concluded that she could not afford to work for such little pay and resigned, alleging that she had no choice but to do so, as a result of the defendant's wrongful conduct.

The court noted that "salary considerations are important in determining whether a job transfer can support a claim of constructive dismissal." *Id.* at *9-10 (internal citations and quotations omitted). The court found that the trier of fact could reasonably and plausibly conclude that when the plaintiff was transferred to the cashier position – allegedly as a result of age discrimination – her substantially reduced salary and her inability to earn commissions rendered her job so difficult or unpleasant that a reasonable person in her shoes would have felt compelled to resign.

Whether an employee has been constructively discharged is a fact-specific inquiry that turns on the totality of the cir-

cumstances. While the court may rule on the issue in the context of summary judgment, at least one Superior Court decision has held that the "[u]se of the term 'reasonable' [in assessing a constructive discharge claim] implies the judgment of a jury." *Legacy Glob. Sports, LP v. St. Pierre*, No. 218-2019-CV-198, 2020 N.H. Super. LEXIS 13, *29 (Apr. 27, 2020) (McNamara, J.). ♦

Madeline K. Matulis is vice chair of the NHBA's Labor and Employment Law Section. She concentrates her practice in employment law, representing plaintiffs and counseling individuals who have been subjected to unlawful treatment in the workplace, and counseling public and private employers on employment and human resources matters.

Lauren S. Irwin represents plaintiffs and defendants in employment disputes and civil litigation, and regularly counsels and represents individuals, schools, municipalities, and private entities on employment law matters. Lauren is also an experienced investigator, mediator, and arbitrator. She is a past president of the NHBA's Gender Equality Committee and is a frequent speaker and author in her areas of expertise.

■ DEBATE *from page 26*

enough for successful employee rights practice. There may not be enough time left in my life, let alone before I retire, to become competent in AI, but I'm trying.

Deb: We lawyers do promise com-

petence. The New Hampshire Rules of Professional Conduct require it. Solos and small firms able to get a handle on electronic law office technology in intake, webpage, email, document portal, and AI combinations will be on a more equal footing with larger defense firms.

Nancy: I guess those who've grown

up with it will navigate it, but I started out with a manual typewriter in high school. ♦

Nancy Richards-Stower is an employee rights advocate for New Hampshire and Massachusetts employees. She created and owns TrytoSettle.com, an online settlement service facilitating

confidential blind bids to expedite dispute resolutions. Her law office website is jobsandjustice.com.

Debra Weiss Ford is the managing principal at the Portsmouth offices of Jackson Lewis, PC. Its website is jacksonlewis.com.

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■ PRIVACY *from page 27*

frameworks. While it isn't practical in an article to list every category of information that may be protected in the employment context, New Hampshire's common law tort framework provides a clear analytical framework for employee privacy.

In 1964, the New Hampshire Supreme Court recognized the right to privacy and the invasion of that right as four distinct torts in *Hamberger v. Eastman*, 106 NH 107. Those four torts are: intrusion upon physical and mental solitude or seclusion; public disclosure of private facts; publicity placing the plaintiff in a false light in the public eye; and appropriation, for the defendant's benefit or advantage, of the plaintiff's name or likeness.

The seminal New Hampshire Supreme Court case applying the tort framework to employee privacy is the 2002 case *Karch v. BayBank FSB*, 147 NH 525. In *Karch*, the plaintiff employee filed against her employer BayBank and a bank vice president for claims including violations of RSA 570-A and invasion of privacy. *Karch* and a co-worker were having a telephone conversation on a Saturday evening during non-work hours; the discussion was mostly personal with some observations about working at

the bank. This conversation was intercepted by John and Jane Doe on their radio scanner, and the Does reported the content of the conversation to BayBank. Based on this, the defendants accused the plaintiff of misconduct and threatened to terminate her.

These claims were not barred by the workers' compensation exclusivity provision as to the employer because the call was "wholly outside the boundaries of her employment" and the privacy claim against the bank vice president was not barred because it was an intentional tort against a co-employee.

Employers have a genuine interest in monitoring employees in the context of their employment, including ensuring work performance, avoiding negligence, maintaining records to assess whether disputed damages may result from a frolic or detour, and protecting the employer's trade secrets. However, employee monitoring must be proportionate with legitimate business needs and conducted with due care for employee privacy. ♦

Gerald D. Peake is corporate counsel with Charm Sciences, Inc., which develops food safety testing products. Gerald works primarily on contract law, intellectual property, and employment law. He can be reached at geraldpeake@gmail.com.

■ SALE *from page 28*

shareholders of all material facts regarding the payments.

This exception – often called the "280G shareholder cleansing vote" – is crucial for many sellers and buyers. Often, a buyer will require that a privately owned seller include a covenant in the purchase agreement that stipulates that the seller will seek to attain such shareholder approval and the disqualified individual's waiver of the right to receive excess parachute payments if such shareholder approval is not attained.

Who are Disqualified Individuals?

If a seller is subject to Code Section 280G and it is determined that excess parachute payments will be made, it and the purchaser must determine who are the "disqualified individuals" with respect to whom Code Sections 280G and 4999 will apply. Under Code Section 280G, a "disqualified individual" is any individual who is (1) an employee, independent contractor, or other person who performs personal services for the corporation, and (2) is an officer, shareholder, or highly compensated individual. The term "highly compensated individual"

only includes an individual who is (or would be if the individual were an employee) a member of the group consisting of the highest paid 1 percent of the employees of the corporation or, if less, the highest paid 250 employees of the corporation.

The Code Section 280G Treasury regulations provide more detailed descriptions of who constitutes an officer, shareholder, or highly compensated individual for purposes of Code Section 280G and should be consulted when making this assessment.

Take-Home Point

In summary, given the significant adverse tax consequences applicable to violations of Code Sections 280G and 4999, it is important for practitioners to consider their application in any business sale. ♦

Madeline Lewis is a corporate and tax attorney with extensive experience advising businesses and individuals on compensatory, employee benefits, and employment-related matters in corporate transactions and in day-to-day business management. She can be reached at madeline.lewis@mclane.com or (603) 628-1330.

NH Supreme Court At a Glance

March 2026

Civil Law

Donald J. Martin v. Far Echo Harbor Club
No. 2025-0077
March 3, 2026
Affirmed in part, reversed in part, and remanded.

- Whether the trial court erred in granting summary judgment as to whether the plaintiff's property had implied easements for the use of two nearby roadways, and whether the plaintiff had implied and prescriptive easements for the use of the defendant's other roadways and lakefront beach area.

The plaintiff and defendant are owners of property that was formerly one parcel, and later subdivided. In an action to quiet title, the trial court granted the defendant's motion for summary judgment, deciding that the plaintiff did not have an easement by implication for two nearby roads, nor did he have implied and prescriptive easements for defendant's roadways and lakefront beach area.

On appeal, the Court first reversed as to the issue of the plaintiff's implied easement, relying on *Loeffler v. Bernier*, 173 N.H. 180 (2020), for the principle that, "where property is conveyed in a deed and one or more of the calls is an abuttal on a private way, there is a grant...in such way when the way is owned by the grantor." Accordingly, the Court ruled that the plaintiff does have an implied easement as to the roadways.

The Court then affirmed as to the issue of the plaintiff's implied and prescriptive easements to the defendant's roadways, finding that the plaintiff's reliance on *Nashua Hospital v. Gage*, 85 N.H. 335 (1932) was misplaced. Although the plaintiff's land was conveyed with the express right to use the defendant's beach area, the plaintiff was not seeking the enforcement of the resulting equitable servitude. Accordingly, the trial court properly ruled that there was not an implied

easement. As to the prescriptive easement, the Court agreed with the trial court's analysis that the plaintiff failed to meet the factors required, thereby eliminating any genuine questions of material fact.

Ransmeier & Spellman, Biron L. Bedard and Bridget M. Denzer on the brief for the plaintiff, Morrison Mahoney, Linda L. Smith and Edwin F. Landers, Jr. on the brief for the defendant.

Criminal Law

The State of New Hampshire v. Matthew Brosseau
No. 2024-0625
March 13, 2026
Reversed in part and remanded.

- Whether the court's decision to permit the complainant to testify outside the defendant's presence violated the Confrontation Clause; whether the evidence was sufficient to uphold the defendant's conviction for pattern aggravated felonious sexual assault; and whether the trial court erred in failing to disclose the entirety of the records it reviewed *in camera*.

The defendant's appeal follows his convictions at jury trial of six counts of pattern aggravated felonious sexual assault (AFSA), one count of felonious sexual assault, and five counts of criminal threatening. On appeal, the Court reversed the pattern AFSA charge, and reversed and remanded as to the remaining convictions.

As to the Confrontation Clause issue, the Court's decision is controlled by *State v. Warren*, 177 N.H. 196 (2025), in which a witness testified from a location outside the defendant's presence. The *Warren* Court determined that because there was no face-to-face meeting, the Confrontation Clause was violated. The same logic applied here, leading the Court to decide that the complainant's testimony via a remote live video feed violated the Confrontation Clause, despite

At a Glance Contributor



Leona Sharpstene
is an associate in the Manchester office of Morrison Mahoney.

the trial court's reasoning that such a face-to-face meeting would be so traumatic as to render her unable to verbalize the events. Accordingly, all remaining charges must be remanded.

On the second issue, the Court determined that there was insufficient evidence to establish the pattern of AFSA with sexual intercourse, because, in contrast to the non-intercourse allegations, the complainant's testimony did not establish that these instances occurred with the same frequency as the other types of conduct.

The Court did not fully reach the final issue regarding disclosure of *in camera* records, but instead remanded to the trial court to determine whether the *Zarella* standard applies to the identified records and, if so, provide the complainant with notice and opportunity to be heard.

The Office of Attorney General John Formella and Anthony J. Galdieri, solicitor general, Audriana Mekula, assistant attorney general, on the memorandum of law and orally for the State. Pamela E. Phelan, senior assistant appellate defender of Concord, on the brief and orally for the defendant.

The State of New Hampshire v. Logan Clegg
No. 2024-0034
March 17, 2026
Vacated and remanded.

- Whether the trial court erred in relying

upon the exigent circumstances exception to the warrant requirement.

The defendant was convicted at trial of two counts of knowing second-degree murder, four counts of falsifying physical evidence, and one count of being a felon in possession of a firearm. On appeal, he argued that the trial court erred when it denied his pretrial motion to suppress, because no exigency justified the warrantless data extractions from his cell phone carrier's records.

In vacating the defendant's conviction and remanding for further analysis of the inevitable discovery doctrine, the Court undertook the highly fact-specific analysis required to determine that there were not sufficient exigent circumstances to justify the warrantless search. Although the trial court agreed with the State that the "few hours" it would have taken to secure a warrant for the defendant's cell phone data would have posed an "imminent and substantial threat of danger to life or public safety," the Court disagreed. It determined that the trial court failed to consider the significant length of time between the crimes and the warrantless search, and the lack of evidence in the intervening time that the defendant had committed further crimes.

The Office of Attorney General John Formella and Anthony J. Galdieri, solicitor general, Audriana Mekula, assistant attorney general on the memorandum of law and orally for the State. Thomas Barnard, deputy chief appellate defender of Concord on the brief and orally for the defendant.

The State of New Hampshire v. Joshua Wells
No. 2023-0562
March 3, 2026
Affirmed.

- Whether the Court should adopt a *de novo* standard when it views the same video evidence that was presented to the jury, and whether the evidence was sufficient to support the defendant's convictions for

simple assault and resisting arrest.

Following a jury trial in the Superior Court, the defendant was convicted of one count of simple assault and one count of resisting arrest arising from a traffic stop during which the defendant was a passenger. Another passenger in the vehicle captured part of the altercation on video, which was presented at trial.

In upholding the defendant's conviction, the Court considered its standard of review for video evidence that was presented at the trial court level. The Court held that such videos are "no different than other evidence" presented to a jury, for which the jury considers in the context of all other evidence. In declining the defendant's invitation to adopt a *de novo* standard, the Court recognized

the "familiar standard" which requires it to view the evidence and reasonable inferences in the light most favorable to the State and determine whether a rational jury could have found guilt beyond a reasonable doubt.

The Court further found sufficient evidence for the jury to find the defendant guilty of both counts against him, crediting the jury's judgment and disregarding the defendant's arguments.

The Office of Attorney General John Formella and Anthony J. Galdieri, solicitor general, Robert L. Baldrige, assistant attorney general, on the memorandum of law and orally for the State. Wadleigh, Starr & Peters, Donna J. Brown and Michael G. Eaton on the brief and Michael G. Eaton orally for the defendant.

NH Supreme Court Orders

In accordance with RSA 101-B:2, the Chief Justice of the Supreme Court reappoints Tanya Pitman, the Statewide Mental Health Court Coordinator of the judicial branch, to serve an additional three-year term on the Deferred Compensation Commission. The additional term of Tanya Pitman shall commence on April 23, 2026, and expire on April 23, 2029.

Issued: March 11, 2026

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 Andrew J. Piela, Attorney James A. Shepard, and Attorney Mark T. Knights to the Hearings Committee. Attorney Piela and Attorney Shepard are each appointed to serve an additional three-year term commencing as of March 1, 2026, and expiring February 28, 2029. Attorney Knights is appointed to serve an additional three-year term commencing April 1, 2026, and expiring March 31, 2029.

Issued: March 25, 2026

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

US District Court Decision Listing

February 2026

* Published

EFFECTIVE PROHIBITION OF WIRELESS SERVICES

Vertex Towers, LLC v. Zoning Board of Adjustment of the Town of Hampton, N.H., et al., 24-cv-45-PB-AJ, 2026 DNH 013, February 24, 2026

Plaintiff Vertex Towers, LLC sued Defendants Town of Hampton, New Hampshire, and its Zoning Board of Adjustment after the defendants denied the plaintiff two zoning variances required to build a 150 foot cell tower in Hampton. Having resolved most of the plaintiff's claims at summary judgment, the Court held a bench trial at which the remaining issue was whether, in refusing to permit the proposed tower in favor of a shorter one on the same site, the defendants had effectively prohibited promulgation of wireless coverage in contravention of 47 U.S.C. § 332(c)(7)(B)(i)(II). Based on testimony from both parties' radio frequency experts, as well as Vertex's principal, the Court concluded that the plaintiff's evidence only established that the tower must be 120 feet tall to avoid effective prohibition. This conclusion followed from two essential findings by the Court. First, the Court concluded that the propagation study performed by the plaintiff's expert, which was more credible than the one performed by the defendant's expert, indicated that a significant coverage gap would persist in the relevant area for any wireless carrier broadcasting wireless signal from an antenna array situated at or below a height of 85 feet. Second, the Court concluded that the plaintiff could show a reasonable likelihood that three carriers would seek to co-locate on the tower once approved, necessitating capacity for

three arrays. Adding a stipulated ten feet per additional array to the minimum height and another five feet for a public safety antenna on top, the Court calculated the tower's lowest feasible height as established by the plaintiff's evidence to be 120 feet. The Court thus awarded the plaintiff's requested injunctive relief to the extent of ordering the defendants to grant any variances necessary to build the plaintiff's proposed tower to that height. 38 pages. Judge Paul J. Barbadoro.

VOTING RIGHTS

New Hampshire Youth Movement, et al. v. David M. Scanlan, in his official capacity as New Hampshire Secretary of State, et al., 24-cv-91-SE-TSM, 2026 DNH 012, February 6, 2026

Several organizations and individuals sued the New Hampshire Secretary of State and the New Hampshire Attorney General seeking a declaratory judgment that certain provisions of 2024 New Hampshire House Bill 1569 (HB 1569) violate the United States Constitution. The defendants moved for summary judgment, arguing that none of the plaintiffs had standing to pursue their claims. The court denied the motion, holding that the organizations had organizational standing under *Havens Realty Corporation v. Coleman*, 455 U.S. 363 (1982) and *Food & Drug Administration v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024), as there was a dispute of fact as to whether HB 1569's challenged provisions perceptibly impaired the organizations' ability to provide their core services. The court also held that the individual plaintiffs had standing because there was a dispute of fact as to whether HB 1569's elimination of the Qualified Voter Affidavit created a substantial risk that the individuals would be injured. 25 pages. Judge Samantha D. Elliott.

Superior Court Judicial Evaluation Notice

The chief justice of the Superior Court is currently in the process of conducting judicial evaluations in accordance with Supreme Court Rule 56 and RSA 490:32, and invites you to participate in this process. The following justices are presently being evaluated:

- Hon. David A. Anderson, Hillsborough County–Northern District Superior Court
- Hon. Mark D. Attorri, Carroll County Superior Court; Belknap County Superior Court
- Hon. N. William Delker, Hillsborough County–Northern District Superior Court
- Hon. Martin P. Honigberg, Merrimack County Superior Court; Sullivan County Superior Court
- Hon. James W. Kennedy, Sullivan County Superior Court
- Hon. Michael A. Klass, Hillsborough County–Northern District Superior Court
- Hon. Lawrence A. MacLeod, Grafton County Superior Court; Coos County Superior Court
- Hon. Jacki A. Smith, Hillsborough County–Southern District Superior Court; Cheshire County Superior Court
- Hon. Daniel I. St. Hilaire, Merrimack County Superior Court; Rockingham County Superior Court

To complete a questionnaire, go to courts.nh.gov/resources/committees/judicial-performance-evaluation-advisory-committee/current-superior-court until June 1, 2026. From there, you can choose the justice that you would like to evaluate and it will bring you directly to that justice's survey. While responses will be shared with the justice being evaluated, the identity of the respondent will remain anonymous, and will otherwise be treated as confidential.

If you do not have access to the internet or would prefer to have a hard copy of the evaluation mailed to you, please call (603) 271-2030 and request that one be mailed. As stated above, while responses will be shared with the justices being evaluated, they are treated as confidential, and the identity of the respondent will remain anonymous. In fact, if you request a hard copy of the evaluation form, we ask that you do not sign the completed evaluation.

Your help with this evaluation process is invaluable and we greatly appreciate you taking the time to help us with this endeavor. ♦

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We'll start with presentations by CASA and the Court Improvement Project and will dedicate an afternoon session to **group discussions amongst the attorneys** on challenges, solutions, and successes in representation involving congregate care generally and child protection cases in particular.

Faculty includes Lisa Wolford, Executive Director of the Children's Law Center of New Hampshire; **Holly Rogers**, Children's Rights Lawyer, CLC-NH; **Shea Sennett**, a Staff Attorney and leader of the Youth Law Practice Group at the New Hampshire Public Defender; and **Samantha Perri**, a Staff Attorney at the New Hampshire Public Defender.

Note: The Judicial Council's obligations include ensuring that attorneys possess the necessary legal skills and experience to independently and reliably provide high-quality representation in court-appointed cases. The 2024 Judicial Council standards for the representation of children in RSA 169-B and C cases include new training requirements: attorneys must have engaged within the prior year in at least **3 hours** of CLE training in child-related topics and must engage in **5 hours** of CLE training per year thereafter.

The views of presenters are not necessarily those of the Judicial Council.

Registration: Email Sharon Hebert, NH Judicial Council,
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We are seeking qualified applicants who are interested in developing a practice centered on client counseling, particularly within the New Hampshire public sector. The ideal candidate will have excellent academic credentials; research, writing, interpersonal, and analytical skills; and have an interest in labor and employment law. Applicants with 0-5 years of related experience are encouraged to apply. We are invested in the success of all our associates and will provide training, mentoring, and resources to support your development as a labor and employment practitioner. New Hampshire bar admission is strongly preferred and the ability to obtain NH bar admission is required. As a close-knit, collaborative team, this role is primarily in-person, with occasional flexibility for remote work.

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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



Estate Planning Paralegal & Executive Assistant to Attorneys

Well-established New Hampshire law firm and title company is seeking a highly organized, detail-oriented, experienced Estate Planning Paralegal who will also serve as a dedicated Executive Assistant to two attorneys. Looking for an immediate hire!

The ideal candidate has 3+ years of Estate Planning experience, thrives in a fast-paced legal environment, anticipates needs before they arise, and takes pride in producing precise, high-quality work.

- Draft estate planning documents.
- Manage client files from intake through execution and post-signing follow-up, manage and coordinate attorney calendars,

appointments, deadlines, and court dates.

- Organize and maintain digital and physical filing systems, assist with billing entry, time tracking and client billing.

- Strong written and verbal communication skills, high level of discretion and professionalism, self-motivated, dependable, proactive and experience with Clio legal software a plus.

Benefits package and competitive salary commensurate with experience. Come join a great team!

Email resume and salary requirements to Joy Wood at joy@frascalaw.com. All resumes are kept confidential and we are ready to set up an interview!

Adler | **Cohen** | Harvey | **Wakeman** | Guekguezian LLP

Associate Attorney

Adler, Cohen, Harvey, Wakeman & Guekguezian, LLP seeks to hire an associate attorney for its Bedford, New Hampshire office. The ideal candidate will be an accomplished and motivated individual with a demonstrated interest in civil trial work and superior writing ability. Candidates with 1-3 years of malpractice defense experience are preferred. Adler, Cohen, Harvey, Wakeman & Guekguezian, LLP is a mid-sized, civil litigation firm with offices in Boston, Providence, and New Hampshire. The firm specializes in professional liability defense work and handles complex medical malpractice, general liability, and toxic exposure cases.

Please send resumes to:

Megan Pimentel mpimentel@adlercohen.com

Staff Attorney

New Hampshire Legal Assistance (NHLA) seeks a Staff Attorney to join our nonprofit law firm.

The Staff Attorney will have generalist duties, with a significant focus on domestic violence protective order and family law cases and additional work in NHLA's housing and public benefits practices.

This position will be a great fit for an attorney who enjoys handling a variety of different case types and learning new subject matter.

Full position details and how to apply here:

<https://www.nhla.org/support/jobs>



Immediate Opening Assistant County Attorney

Location: **Manchester, New Hampshire**

Job Type: Full-Time

Department: Hillsborough County Attorney's Office



Hillsborough County, the most populous county in New Hampshire (with over 430,000 residents), seeks a dedicated Assistant County Attorney to join our team of prosecutors. We pursue justice with professionalism, excellence, and pride while upholding the New Hampshire Rules of Professional Conduct, American Bar Association Standards for the Prosecution Function, and National District Attorneys Association guidelines.

As an Assistant County Attorney, you will serve as counsel for the State of New Hampshire in criminal matters. You will primarily handle felony and serious misdemeanor cases in Superior Court.

Responsibilities include:

- Reviewing criminal investigations and evidence submitted by the Hillsborough County Sheriff's Office, New Hampshire State Police, and law enforcement agencies from the cities of Manchester and Nashua plus 29 towns.
- Drafting indictments and presenting cases to the Grand Jury.
- Representing the State at bail hearings, pretrial motion hearings, depositions, and trials.
- Conducting legal research, responding to defense motions, preparing witnesses, and arguing at sentencing and post-conviction proceedings.
- Collaborating closely with police, victim/witness coordinators, court staff, and the public to ensure victims are supported throughout the prosecution process.

- Mentoring interns and Rule 36 attorneys.

One attorney in the office is on call 24/7 to assist law enforcement. Our team consists of approximately 25 prosecutors supported by experienced legal staff, four Victim Witness Coordinators, two investigators with decades of combined law enforcement experience (including a dedicated Sexual Assault Investigator), and a full-time Program Support Specialist who manages digital evidence such as body-worn camera footage and surveillance video.

Preferred Qualifications: Criminal defense or prosecution experience is preferred, but we will fully train the right candidate with strong potential.

Requirements:

- Juris Doctor degree from an accredited law school.
- Admission to the New Hampshire Bar (or eligibility for admission).

Status: Full-Time, Exempt

The Hillsborough County Attorney's Office is the focal point for criminal prosecution in our area. If you are passionate about public service, committed to ethical prosecution, and ready to make a meaningful impact in a dynamic team environment, we encourage you to apply.

To apply or for more information, please contact our Office Manager by email at pamela.cummings@hcnh.gov.



TRUSTS & ESTATES ATTORNEY

Donahue, Tucker & Ciandella, PLLC (DTC Lawyers) is a full-service New Hampshire law firm representing individuals, businesses, and municipalities across the state. With offices in Exeter, Portsmouth, and Meredith, we are known for our deep community roots, collegial culture, and practical, high-quality legal services. Our attorneys are trusted advisors who provide thoughtful, effective counsel with a focus on collaboration, community, and quality of service.

We are currently seeking two experienced attorneys with a genuine interest in estate planning and probate law to join our respected Trusts & Estates practice, with one position based in our Exeter office and one in our Meredith office.

The ideal candidate has experience drafting estate plans, administering trusts and estates, and counseling clients through all stages of life and legacy planning. This is an excellent opportunity for a lateral attorney seeking a long-term home within a well-established firm that values collaboration, community, and quality of service. Our Trusts & Estates team is trusted for thoughtful and personalized guidance on sensitive matters.

The successful candidate will be licensed in New Hampshire (or eligible for admission) and have three to five years of experience in estate planning and probate administration. Strong drafting, communication, and organizational skills are essential, as is the ability to manage client matters independently while working collaboratively with colleagues. Experience with elder law, tax planning, or business succession is a plus.

This position offers meaningful client engagement, the opportunity to contribute to a thriving practice, and the support of an experienced team. DTC Lawyers provides competitive compensation and comprehensive benefits, generous paid time off, firm holidays, and ongoing professional development support.

Qualified candidates should submit a cover letter and resume to: careers@dtclawyers.com

All inquiries will remain confidential.

✦ Exciting Opportunity: Join Sabbeth Law! ✦

■ Hiring Experienced Personal Injury Attorney

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

We are interviewing candidates with **relevant legal experience** who demonstrate the drive, a growth mindset, and capability to excel in this role.

Why Sabbeth Law?

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

💡 **Innovative Practices** – We embrace cutting-edge technology, work systems, and invest heavily in training with the best lawyers nationwide.

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

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

Who We're Looking For

- ✓ **Experience** in personal injury or a similar practice area.
- ✓ A **growth mindset** and eagerness to learn.
- ✓ Adaptability and openness to **innovative technologies**.
- ✓ A **team player** who thrives in dynamic environments.
- ✓ **Detail-oriented** and organized.

Ready to Make a Difference?

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

✉️ Submit your resume, cover letter, and accomplishments to mjs@sabbethlaw.com and crystal@sabbethlaw.com.

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

MCLANE MIDDLETON

MID-LEVEL EDUCATION LAW ATTORNEY

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

The ideal candidate should possess 3+ years of experience as an attorney, including experience working with K-12 independent day and boarding schools as outside or in-house legal counsel. Prior legal counsel experience with public schools, higher education, or other youth serving organizations will also be considered. Equally important is in-depth experience in employment law, student misconduct, contract and policy review and development, managing and overseeing investigations, crisis response, and enterprise risk management. The candidate should have a strong work ethic and the ability to effectively counsel various levels of management.

We welcome dedicated self-starters who are eager to grow their careers and explore business development opportunities. Candidates may come from private practice or may be transitioning from a government or public interest role.

A hybrid work schedule combining in-office and remote work is available. Applicants must have strong academic credentials from an accredited law school, excellent analytical capabilities, outstanding communication and writing skills, and a commitment to exceptional client service.

We offer a collegial team culture, robust professional development, and meaningful opportunities for personal and professional satisfaction in a fast-paced environment. Candidates must be admitted to the New Hampshire and the Massachusetts Bar, or have the ability to waive in. Additional bar memberships are a plus. We provide competitive compensation and benefits package.

For more than 106-years, McLane Middleton has supported the long-term growth of its professionals, helping them build rewarding and successful careers. We encourage you to consider joining our team.

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

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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

MCLANE MIDDLETON

TRUSTS & ESTATES ATTORNEY

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

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

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

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

MCLANE MIDDLETON

JUNIOR-MID-LEVEL TRUSTS AND ESTATES ATTORNEY

McLane Middleton, Professional Association, a leading New England-based law firm, 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.

The ideal candidate will have 3 to 5 years of experience in estate planning, tax planning, and trust and estate administration, including estate planning for individuals and family-owned businesses. 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 is a plus.

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 T&E practice are encouraged to apply.

This position will be based in either our Portsmouth or 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 and 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 professional and personal achievement. We encourage you to consider joining our team! All submissions kept confidential.

Qualified candidates should send a cover letter, resume and law school transcript to Jessica Boisvert, Manager of Professional Recruiting and Retention, 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

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



NH LIQUOR COMMISSION - ATTORNEY IV

Position # 44223 – Concord Office

Salary Range: \$72,579 - \$99,586.50

See *total compensation information at the bottom of announcement.

The New Hampshire Liquor Commission currently has an attorney position available to supervise, integrate, coordinate, and evaluate all legal and legislative objectives and actions for the NH Liquor Commission.

The Duties include:

- Reviews documents, contracts, and relevant issues on behalf of the Commission and its three divisions and provides legal advice regarding them.
- Conducts and provides legal research on various Commission Administrative Rules, Regulations, Issues, Policies, and State & Federal Laws.
- Assists with agency legislative issues, formulates strategy, and represents agency as required.
- Serves as an advisor to the NHLC senior management team by effectively communicating legal advice. Assists with legal hearings and prepares legal hearings Orders and Decisions.
- Represents Commission and manages lawsuits and legal proceedings, including criminal matters and appeals.
- Oversees compliance issues, interfacing with relevant State and Federal Agencies.
- Conducts legal programs and initiatives to ensure efficiency and consistency in application of Commission objectives and recommends corrective action.
- Works with the NH Department of Justice on legal matters as needed.
- Represents Commission at state and out of state conferences and seminars and prepares and presents legal training and presentations as required.
- Supervises personnel, including disciplining employees, solving personnel problems, developing work methods and writing evaluations.
- Recognizes that everyone we come into contact with is a customer and treats all with courtesy, respect and the utmost professionalism.

Requirements: J.D. from an American Bar Association recognized law school, active member of the New Hampshire Bar Association and in Good Standing, six years' experience in the active practice of law, and a valid driver's license and/or access to transportation for statewide travel.

The Attorney IV is a confidential position.

*TOTAL COMPENSATION INFORMATION

The State of NH total compensation package features an outstanding set of employee benefits, including:

- HMO or POS Medical and Prescription Drug Benefits:

See this link for details on State-paid health benefits: <https://das.nh.gov/hr/benefits.html>

Value of State's share of Employee's Retirement: 12.15% of pay

Other Benefits:

- Dental Plan at minimal cost for employees and their families (\$500-\$1800 value)
- Flexible Spending healthcare and childcare reimbursement accounts
- State defined benefit retirement plan and Deferred Compensation 457(b) plan
- Paid holidays and generous leave plan
- \$50,000 state-paid life insurance plus additional low cost group life insurance
- Incentive-based Wellness Program (ability to earn up to \$500)

Total Compensation Statement Worksheet:

https://das.nh.gov/documents/hr/JobSearch/FINAL_TOTAL_COMP_STATEMENT_ISSUE.xlsx

Want the specifics? Explore the Benefits of State Employment on our website:

<https://das.nh.gov/hr/documents/BenefitBrochure.pdf>

<https://das.nh.gov/hr/index.aspx>

HOW TO APPLY: Please go to the following website to submit your application electronically through NH First: <http://das.nh.gov/jobsearch/employment.aspx>. A paper application may be sent to: New Hampshire Liquor Commission, 50 Storrs St., Concord, NH 03301, Attention: Karen Garneau. A paper application may be emailed to HR@LIQUOR.NH.GOV EOE

ASSISTANT CITY PROSECUTOR CITY OF LACONIA, NH

The City of Laconia is seeking a highly skilled attorney to fill the position of Assistant City Prosecutor to manage criminal cases in the City Prosecutor's Office.

Salary Range: \$106,847.52 - \$115,655.19, plus a competitive benefits package (Starting salary based upon experience)

Submit cover letter and resume to:

Laconia Police Department
Attn: Executive Assistant Lori Marsh
126 New Salem St.
Laconia, NH 03246

The position will remain open until filled.

EOE



THE GENERAL COURT OF

New Hampshire

LEGISLATIVE DRAFTING ATTORNEY

The General Court's Office of Legislative Services (OLS) is seeking a motivated, full-time attorney in the Legal Division. The nonpartisan position is located at the State House in Concord. The position responsibilities include drafting legislation and amendments for members of the Senate and the House of Representatives and advising members of the legislature in resolving practical, technical, and potential legal issues in their drafting requests. The ideal candidate is a member of (or eligible to waive into) the New Hampshire Bar, who possesses excellent writing and analytical skills. Competitive compensation and excellent benefits. More information may be found at www.gc.nh.gov. The position is open until filled.

Interested candidates should send a cover letter and CV to Courtney Eschbach, Interim Director, Office of Legislative Services, 107 N. State Street, Concord, NH 03301 or email courtney.eschbach@gc.nh.gov.

The Division for Children, Youth and Families is seeking Child Protection Attorneys Positions available in Berlin, Conway, Laconia, and Manchester

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, and a comprehensive benefits package.

Requirements: J.D. from an accredited law school, N.H. Bar membership, a driver's license and/or access to transportation for statewide travel, and four years' experience in the practice of law. Recent graduates are encouraged to contact Attorney Deanna Baker, Legal Director to discuss if an exception may be requested for years of experience.

How to APPLY: Please submit your letter of interest, resume and application by visiting: www.nh.gov Careers (tab on upper right), Finding a Job - NH State Government Job Opportunities, Search for Job Opportunities and enter "DCYF Staff Attorney" in the Job Title field.

For questions about this position, please contact Attorney Deanna Baker, Legal Director at (603) 419-0491, deanna.baker@dhhs.nh.gov.

ASSISTANT COUNTY ATTORNEY Strafford County Attorney's Office, Dover, NH 03820

QUALIFICATIONS:

- Applicant must be member in good standing of the New Hampshire Bar Association and have a J.D. from an accredited law school
- Applicant must be able to handle multiple tasks, meet deadlines, be organized, have communication skills, and be an effective team member
- Mandatory criminal record check is required for all new employees

- ACA will prepare and conduct required pre-trial litigation related to the assigned caseload in the Strafford Superior Court. ACA will work closely with victim assistance to ensure that victim's rights are protected throughout prosecution
- ACA will prepare assigned cases for jury trial and handle all non-appellate post-conviction related matters

RESPONSIBILITIES:

- This position is for a trial attorney with a focus on felony-level criminal prosecution
- ACA will be responsible for reviewing case files, assisting police with building criminal investigations, making charging decisions, and presenting cases to the Grand Jury.

BENEFITS: Medical, Dental, Life Insurance, Holiday & Sick time, Longevity Pay, Short Term Disability, NH Retirement System, mileage reimbursement, CLE and Bar dues paid by county. Salary commensurate with experience.

Please send cover letter, resume, and references to County Attorney Emily Garod at egarod@straffordcounty.gov



LEGAL ASSISTANT/PARALEGAL

Lewis Builders Development, Inc. is seeking a full-time legal assistant/paralegal to assist Legal Counsel in a wide-ranging role with paralegal and administrative responsibilities, including real estate, corporate and regulatory matters. Ideal candidate must be efficient, organized, work independently and possess attention to details.

3-5 years relevant experience

Visit www.lewisbuilders.com/careers

Police Attorney

The City of Nashua is looking for a highly motivated individual to join our Police Department as a Police Attorney. Take your career to the next level with us as opportunities for growth and development await!

JOB SUMMARY AND RESPONSIBILITIES

The Nashua Police Department Legal Bureau prosecutes violation- and misdemeanor-level offenses in the District Division and juvenile delinquency matters in the Family Division of the 9th Circuit Court. The Legal Bureau is also responsible for felony cases until they are bound over to Superior Court. This prosecutor position works with a team of five attorneys and two victim witness advocates within the police department and is supported by two paralegals and several court officers.

This is a full-time position, Monday through Friday, 8 am to 4 pm, is part of the UFPO Collective Bargaining Unit, and provides an excellent work life balance. The position is grade 16, with a salary ranging from \$85,000 - \$110,500 (salary dependent upon experience).

SKILLS/QUALIFICATIONS

- Juris Doctorate degree
- Must be a member of the NH Bar Association (or able to upon hire)
- Prosecution experience is preferred

BENEFITS

Our comprehensive benefits package includes:

- Health/Dental/Vision Insurance
- Short Term Disability
- Life Insurance
- Mandatory Participation in New Hampshire Retirement System (Pension)
- 457 Retirement
- Vacation/Sick/Personal Time
- Weekly Pay

HOW TO APPLY

To apply please visit <http://applitrack.com/nashua/onlineapp>.

EQUAL OPPORTUNITY EMPLOYER – Recruiting practices shall be consistent with State and Federal Law (3/6/2026)

Answering the Call: A Life of Law and Leadership in the Marine Corps

For attorneys who feel drawn to serve something greater than themselves, the Marine Corps Judge Advocate program offers a path where law meets leadership, and justice is pursued with honor.

Marine Judge Advocates don't just practice law—they lead Marines, advise commanders in critical operations, and uphold the values of courage, integrity, and commitment. From courtroom advocacy to operational legal counsel, their work shapes lives and missions.

Why choose this path?

- Purposeful service: You'll be part of a revered institution, trusted with legal responsibilities that impact national defense and individual lives.
- Professional growth: Trial experience, federal policy exposure, and leadership training at Officer Candidates School and The Basic School build unmatched legal and personal skills.

- Support and stability: Competitive pay, up to \$110,000 in bonuses through Judge Advocate Continuation Pay (JACP), and eligibility for Public Service Loan Forgiveness (PSLF).
- Community and care: TRICARE health coverage, subsidized living, and access to on-base resources for you and your family.
- A legacy of excellence: Marine Judge Advocates are unrestricted officers, often selected for command billets and operational assignments—roles that reflect trust, capability, and character.

If you're seeking a legal career that challenges you, shapes you, and serves a higher purpose, the Marine Corps may be your calling.

For questions regarding this opportunity, please contact Captain Corbin Tyler at (603) 978-5967 or email at corbin.tyler@marines.usmc.mil

ASSISTANT COUNTY ATTORNEY

The Cheshire County Attorney's Office has openings for two full-time Assistant County Attorney's:

Circuit Court Prosecutor – this position is stationed at the Cheshire County Attorney's Office, and involved prosecuting criminal cases for 14 participating towns and the Cheshire County Sheriff's Office in the 8th Circuit Court – Keene District Division.

Circuit Court Prosecutor – this position is stationed at the Keene Police Department and involves prosecuting criminal cases for Keene Police Department in the 8th Circuit Court - Keene District Division.

Felony Prosecutor – this position involves prosecuting felony criminal cases in the Cheshire County Superior Court

Cheshire County offers a comprehensive benefits package with paid travel, CLE trainings, Court Fees and Bar Dues in addition to paid leave, medical and dental insurance options, NH Retirement, 11 paid holidays per year. Experience preferred and salary is commiserate with experience, starting at \$81,161. NH Bar membership is required.

Please submit cover letter and resume to Chris McLaughlin, Cheshire County Attorney. Attention Kim May, Human Resources Director, 12 Court Street, Keene, NH 03431 or via email at kmay@co.cheshire.nh.us



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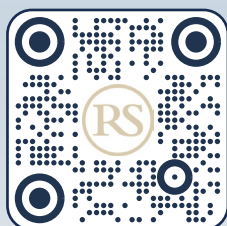
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