

New Hampshire Case Becomes Vehicle for Supreme Court Birthright Citizenship Ruling

By Tom Jarvis

A nationwide class action filed in federal court in Concord became the vehicle through which the United States Supreme Court resolved the constitutional dispute over President Donald Trump's effort to restrict birthright citizenship.

In a 6-3 ruling issued June 30 in *Trump v. Barbara*, the Court affirmed an order from the US District Court for the District of New Hampshire blocking the executive order. A five-justice majority held that children born in the United States to parents who are unlawfully or temporarily present are citizens at birth under the Citizenship Clause of the 14th Amendment, while the sixth justice reached the same result under the federal citizenship statute.

The clause provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

Federal law similarly provides that a person "born in the United States, and subject to the jurisdiction thereof" is a US citizen at birth. 8 U.S.C. § 1401(a)



The Warren B. Rudman United States Courthouse in Concord, where *Barbara v. Trump* was filed. Photo by Tom Jarvis

On January 20, 2025, Trump issued Executive Order 14160, "Protecting the Meaning and Value of American Citizenship." The order directed federal departments and agencies not to issue documents recognizing US citizenship or accept documents from state, local, or other authorities purporting to recognize US citizenship for a child born in the United States when the mother was unlawfully present and the father was neither a citizen nor a lawful permanent

resident, or when the mother was lawfully but temporarily present and the father held neither status.

Challenges followed in several jurisdictions. In the Granite State, lawyers from the American Civil Liberties Union of New Hampshire (ACLU-NH) and several partner organizations filed *New Hampshire Indonesian Community Support v. Trump* on the day the order was signed. A separate case, *Barbara v. Trump*, was filed in Concord on June 27, 2025, after the Supreme

Court ruled that day in *Trump v. CASA*.

Trump v. CASA concerned the authority of federal courts to issue universal injunctions extending relief beyond the parties to a lawsuit. The Court did not decide whether Trump's order was constitutional. It held that the injunctions in those cases could extend no further than necessary to provide complete relief to the plaintiffs.

The *Barbara* plaintiffs instead sought relief through a nationwide class action.

Margaret O'Grady, a professor at the University of New Hampshire Franklin Pierce School of Law who teaches constitutional law, says the class-action structure allowed the plaintiffs to pursue nationwide relief without relying on the type of universal injunction the Supreme Court had just limited.

"A class action is the avenue the Court left open when it declined to order a nationwide injunction in *Trump v. CASA*," O'Grady says. "Class actions are different from universal injunctions because all those in the same situation as the named plaintiff are, under the Federal Rules of Civil Procedure, plaintiffs, too – part of

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Hillsborough County Superior Court Hosts International Legal Delegation



Members of the "Freedom 250: The US Constitution's Enduring Global Legacy" delegation, from left: Bryan Rome; Anna Brown; Marwan Abdallah, Lebanon; Alan Lau, Hong Kong SAR; Andrea Bonito; Sana Cengic, Bosnia and Herzegovina; Temur Tsendeliani, Georgia; Hon. Mihnea Stoicescu, Romania; Hon. N. William Delker; Patrick Ives; Felista Mauya, Tanzania; Robert Melanson; and Jordan Strand. Courtesy photo

By Tom Jarvis

An international delegation of judges, prosecutors, attorneys, academics, and government officials visited Hillsborough County Superior Court-North on July 6 for a roundtable discussion on how constitutional principles are ap-

plied in New Hampshire's courts and how the state's criminal justice system compares with legal systems abroad.

The six-member delegation, representing Bosnia and Herzegovina, Georgia, Hong Kong, Lebanon, Roma-

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Street Law Workshop Gives New Hampshire Educators an Inside Look at the Supreme Court

By Megan Koerber

Fifteen New Hampshire educators gathered at the New Hampshire Bar Center on July 14 and 15 for a Street Law Professional Development workshop that combined United States Supreme Court education, hands-on learning, and lawyer-teacher partnerships aimed at strengthening civics education across the state.

Led by Street Law consultant and senior fellow Lee Arbetman and Senior Director of Teacher Professional Development and Curriculum Cathy Ruffing, the two-day program explored how the US Supreme Court operates, how constitutional cases are decided, and how teachers can bring those lessons to life in their classrooms through activities such as moot courts and collaborations with local attorneys.

The training reflects Street Law's longstanding mission of making law and democracy accessible to students. Ac-

cording to Arbetman, the organization traces its roots to the Georgetown Law Center in 1972, when law students began teaching practical law lessons in Washington, DC, high schools. What began as an experimental clinical program has since grown into a global, nonpartisan, nonprofit organization focused on legal and civic education.

"In 2022, Street Law celebrated a half-century of educating people across the country and around the world about law, democracy, and human rights," Arbetman says.

As Street Law's classroom lessons gained popularity, the organization expanded its work with teachers. Its best-known educator initiative, the Supreme Court Summer Institute, was launched in 1995 and has brought teachers from across the nation, including New Hampshire, to Washington, DC, for intensive professional development focused on the

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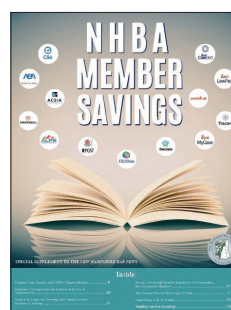
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Mentorship by Young Lawyers

In 1838, J.M.W. Turner painted *The Fighting Temeraire*, depicting a famous old sailing ship that had fought against Napoleon's navy at the Battle of Trafalgar in 1805 being tugged toward the scrapyard by a steamship. The new technology was not only replacing the old but actively leading it to its destruction.

Most people who see the painting see it as a sad commentary on new technology. The steam tug is rather ugly, the old sailing ship majestic. An era is passing. Some art historians see the opposite. The sun in the background, they point out, is rising, not setting.

The legal profession is facing profound technological change, and it sometimes can feel as though we are bound for the proverbial scrapyard. AI bots will do all our work and tug us relentlessly to our demise. It is easy to forget that we have weathered profound changes before. We also need to remember that we still have skills and experience that are as desperately needed as ever. We have a duty to pass on those skills to the next generation of lawyers. We also can't be shy in asking young lawyers to mentor older attorneys who may find radical new technology intimidating or overwhelming. The newest lawyers have a facility with technology that some of us older practitioners will never have. They have much to teach us.

Our profession is built on tradition, apprenticeship, and the gradual accumulation of experience that no textbook can fully convey. The transition from law school to the realities of client service, courtroom advocacy, and professional development can be both daunting and disorienting. Mentorship bridges that

President's Perspective



By Robert R. Lucic

Sheehan Phinney
Manchester, NH

gap, offering new attorneys the guidance, support, and institutional knowledge they need to build successful and fulfilling careers.

At its most fundamental level, mentorship provides lawyers with practical knowledge that formal education simply cannot deliver. Law school teaches students to think analytically, parse statutes, and construct arguments, but it rarely prepares them for the day-to-day realities of legal practice. A mentor can teach a new lawyer how to manage a case file, communicate effectively with opposing counsel, navigate courthouse procedures, or handle a difficult client conversation. These skills are learned through observation and experience, and a mentor accelerates that learning curve dramatically.

A young lawyer can mentor older attorneys on how to craft AI prompts, how to identify mistakes, and how to be appropriately skeptical of digital output. Importantly, they can help older attorneys become more comfortable with technology.

From a broader institutional perspec-

tive, mentorship strengthens the profession itself. Law firms, government agencies, and public interest organizations that invest in mentorship programs benefit from higher retention rates, stronger team cohesion, and a more robust pipeline of future leaders. When attorneys take the time to mentor colleagues, they transmit not only technical expertise but also the culture, norms, and relationships that sustain legal institutions over time. The mentor-mentee relationship creates networks of trust and mutual obligation that enrich the entire legal community.

So how do we tackle the challenges facing our profession in the coming decade? To begin, on November 6, the New Hampshire Bar Association and the University of New Hampshire Franklin Pierce School of Law will host a symposium on how to prepare lawyers to become counselors, judges, and trusted advisors for the next decade. Central to the discussion will be how we are going to properly mentor and train the next generation. We cannot afford to rely solely on how we have done it in the past. There will be some old-fashioned fundamentals and some reliance on understanding and utilizing the technological tools that are developing before our eyes. Like Plato's *Symposium*, we will likely leave unanswered questions. But we hope this will be the start of an ongoing process.

So put November 6 on your calendar. Registration will open in September and space will be limited.

Otherwise, you can go to the National Gallery in London and sit in front of *The Fighting Temeraire* and ponder whether you are the sailing ship or the tugboat. ♦

Correction

In the July 2026 issue of *New Hampshire Bar News* (Vol. 37, No. 2), the CLE Honor Roll incorrectly listed the course associated with the faculty members for the Adoption Law program. The correct listing is:

Christine M. Hanisco
Life Stages Law, PLLC
• Adoption Law

Lisa Ura Bollinger
Black, LaFrance & Bollinger, LLC
• Adoption Law

Lisa M. Bianco
Bianco Professional Association
• Adoption Law

Caitlyn E. Bickford
NH DHHS – DCYF
• Adoption Law

Randi L. Bouchard
NH DHHS – DCYF
• Adoption Law

Kristine A. Pries
Adoptive Families for Children
• Adoption Law

Kimberly A. Shaughnessy
Shaughnessy Allard, PLLC
• Adoption Law

Karen M. Shea
Law Office of Karen M. Shea
• Adoption Law



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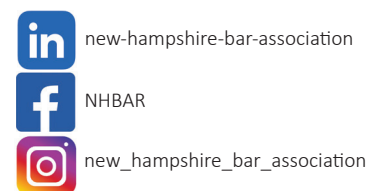
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Applications Open for Don Crandlemire Inn of Court Scholarship



By Clara E. Lyons

The Daniel Webster Batchelder American Inn of Court is accepting applications for the Don Crandlemire Inn of Court Scholarship. Award recipients will receive a one-year free membership to the Inn of Court.



Don Crandlemire was a beloved member of the New Hampshire Bar and the Daniel Webster Batchelder American Inn of Court who unexpectedly passed away in 2016. Don devoted his professional life to strenuously advocating for clients in his adopted state and was known for his honesty, perseverance, and humility. He cherished the fellowship found in the New Hampshire legal community and believed in the power of forging enduring professional connections and mentoring younger members of the bar. He was a proud cross-trained professional; in addition to earning undergraduate engineering and law degrees, he returned to graduate school at age 40 and earned an MBA from Northwestern University's Kellogg School of Management in 2008. Don was also devoted to his wife of 19 years, Jennifer Frizzell, and their sons, Ethan and Evan.

The Daniel Webster Batchelder American Inn of Court was founded in 1993, and for the last several years has earned the prestigious Platinum Distinction through the national American Inns of Court Achieving Excellence program. The Inn brings together federal and state judges, law students, and lawyers of all experience levels and practice areas in a social setting that encourages professional collegiality. All meetings include

dinner after programming. Members are eligible for 60 minutes of continuing legal education credit at each meeting. Programs are presented by Inn members, frequently involve spirited discussion, and cover a wide range of topics consistent with the diversity of the Inn's membership. The Inn meets monthly during the membership year, which this year runs from September through May. Meetings are primarily held in Manchester, but one meeting will be held in Bedford and another in Concord this year.

In celebration of Don's life, legacy, and commitment to the New Hampshire Bar, the Daniel Webster Batchelder American Inn of Court created a scholarship in his memory. Past recipients have become invaluable members of the Inn community, and the Inn is thrilled to continue honoring Don by offering the scholarship. Eligible candidates must be admitted to the New Hampshire Bar, be a graduate of Don's alma mater, the University of New Hampshire Franklin Pierce School of Law, have been practicing law for fewer than five years, be dedicated to practicing law in this state, and be willing to actively participate in the Daniel Webster Batchelder American Inn of Court for the year. Special consideration will be given to applicants who work at smaller firms or in the public sector, as well as to cross-trained professionals.

All are welcome to apply, including current members of the Daniel Webster Batchelder American Inn of Court who otherwise fit the criteria.

For more information or to request an application, please contact Clara Lyons at clyons@phml.law. ♦

Clara E. Lyons has been a member of the Daniel Webster Batchelder American Inn of Court since 2014 and a member of its executive board since 2025. She is a shareholder at Poulin Hurley Makris & Lyons, PA.

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The Many Roles of Len Deming: From Bankruptcy Court to Center Stage

By Kathie Ragsdale

Many viewers might recognize him as “the man on TV” in the Apple TV comedy-horror series *Widow’s Bay*. Or as the villainous Colonel Nathan R. Jessep in the Milford Area Players’ production of *A Few Good Men*. Or as the police officer in the 2011 indie film *Blackwater Farm*.

But New Hampshire Bar members know him as Len Deming, the veteran Nashua attorney who has been helping clients emerge from bankruptcy for 40 years.

Deming grew up in Indiana and Michigan and remembers being drawn to theater from the time he was in grade school.

He recalls feeling like an outsider at his “preppy” Catholic high school, but a legendary drama teacher there, Kate Veihl, got him involved in acting. He was a natural.

“The thing I loved about it was, I could be somebody else,” Deming says. “I didn’t have to be me anymore where everybody else was upper crust. My self-esteem rose quite a bit. By senior year, I didn’t much care about the other stuff.”

He feared his high school grades were not good enough to get him into college, but a chance conversation with a hitchhiker soon after high school graduation changed his thinking – and his career trajectory.

The hitchhiker explained that military service had enabled him to attend college under the GI Bill, and Deming resolved on the spot to do likewise and to become a lawyer by the time he was 30.

He spent four years in the Marines, used the GI Bill to attend Lansing Community College for two years, earned a scholarship to Michigan State University, and did well enough to land at Thomas M. Cooley Law School.

He continued acting in college, then suspended that avocation as career demands took over.

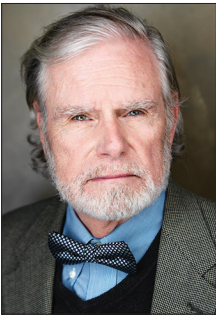
He moved to New Hampshire after choosing the state through “not much more than throwing a dart at a map,” hung out a shingle with Jamie Hage and Ray Raimo, and nine months later got a call from the Small Business Administration, where he ended up working for two years.

“That’s where I cut my teeth in bankruptcy,” he says.

Deming then went into private practice, with his wife, Jill, as his paralegal, and became a Chapter 7 trustee, a court-appointed official who oversees bankruptcy cases.

“It’s a wonderful process if you want to just help people,” he says of bankruptcy law. “People come to you at their lowest ebb and you help show them that it’s not the end of the world. They get a fresh start. Clients love us.”

One case, however, continues to haunt



Len Deming appears as Colonel Nathan R. Jessep in a stage production of *A Few Good Men*. Courtesy photo

him. A client came in, went through the bankruptcy process, and got his discharge. Two weeks later, he killed himself.

“I couldn’t believe it,” he says. “I often go back and ask, ‘What antenna was not up?’ That’s why I always try to express total empathy for the client ... I try to be completely open and aware of what a client is saying to me.”

At the suggestion of his wife, Deming started acting again in 2002, and since then has appeared in several films and television programs and been honored for multiple stage appearances.

Deming has received three New Hampshire Theatre Awards for Best Actor

– for *The Good Doctor*, *The Dining Room*, and *All My Sons* – and three Best Supporting Actor honors at community theater festivals in New Hampshire and New England.

Fellow actor Katie Collins has known Deming for more than a decade and has played his estranged spouse in *California Suite*, as well as his wife in the classic *Death of a Salesman*.

“Len’s performance as Willy Loman was truly masterful and heartbreaking,” she says of the latter. “I love working with Len as an actor because of the dedication

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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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\$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



Heather Kulp: Building Better Paths to Justice

By Scott Merrill

Heather Kulp spends her days thinking about problems most people never see.

How can a court form be rewritten so someone without a lawyer understands what comes next? How can a judicial system, bound by centuries of legal tradition and constitutional obligations, become just a little easier to navigate for someone facing one of the most stressful days of their life?

"I really see the job of an administrator," she says, "as being in the background making sure that we are fixing what we can and smoothing the way for people to experience justice as simply and as easily and as coherently as possible."

It's a role perfectly suited to Kulp, who in April became the New Hampshire Judicial Branch's first director of court operations. The position places her at the center of efforts to improve court operations across New Hampshire while advancing one of the causes that has defined her career: expanding access to justice.

Kulp's journey to public service has been anything but conventional.

Raised in Colorado, she attended Saint Olaf College in Minnesota, where she created her own interdisciplinary major combining theology, psychology, women's studies, and storytelling. Rather than writing a traditional thesis, she created a magazine for teenage girls that translated research on adolescent development into stories young readers could use.

"It was simply the culmination of a single issue of this magazine," she recalls.

The response surprised her. After presenting her thesis, audience members began handing her money, she says.

"They said, 'You need to actually create this magazine. This magazine needs to be in the world.'"

Kulp did just that, founding Live Arts Media and launching *Live* magazine, a nonprofit publication created by and for people 25 or younger. For three years she learned firsthand what it takes to build an organization, from fundraising and recruiting writers to managing a nonprofit board.

But when she turned 25, the publication's age requirement meant it was time for a new chapter.

"The skill set that I could not figure out how to teach myself was drafting contracts, filing IRS paperwork, and drafting bylaws," she says. "So I decided to go to law school so that I could use that skill set to help other nonprofits and small businesses get started."

She enrolled at Northwestern University School of Law in 2007, just as the financial crisis upended the legal job market. Ironically, the recession steered her toward the work that would define her career.

A negotiation course during her second year "really changed the trajectory of my life," she says.

Unlike traditional law classes, negotiation offered practical skills Kulp says she could apply immediately, both professionally and personally. As she and her boyfriend at the time, Ben, discussed their future together, she found herself using techniques she had learned in class.

"We had so many rich conversations because of some of the skills I was learning," Kulp says.

The negotiation course was a formative experience for Kulp, and the relationship lasted. Today, she and her husband, Ben, a professional cellist and teacher at the Upper Valley Music Center in Lebanon, are raising their 12-year-old son, Nathan.

Professionally, negotiation also introduced Kulp to alternative dispute resolution – mediation, restorative justice, and conflict management.

"It was the thing I was looking for," she says. "I was learning skills that I could immediately apply."



After graduating, Kulp earned a prestigious Skadden Fellowship to work with the Resolution Systems Institute in Chicago, designing court-based mediation programs for self-represented litigants, particularly in small claims cases where attorneys are rarely available.

"It was really designing programs that would ultimately benefit lots and lots of folks in the long term," she says.

She later joined Harvard Law School's Negotiation and Mediation Clinical Program, first as a clinical fellow and later as a clinical instructor, teaching negotiation while supervising students working on complex dispute resolution projects.

Rachel Viscomi, who supervised Kulp at Harvard, says she stood out from the beginning.

"From the first moment I met [Heather], I was struck by her professionalism, competence, and care," Viscomi says. "She brought a level of purpose, structure, strategy, and skill to the role that was really impressive to see."

Viscomi describes her as "one of the kindest people you'll ever meet," adding that Kulp is "analytical and efficient, while also being intuitive and emotionally attuned."

That philosophy eventually brought Kulp to New Hampshire.

After working with the New Hampshire Superior Court on an innovative criminal settlement conference program while at Harvard, Kulp joined the Judicial Branch as its alternative dispute resolution coordinator in 2017. Three years later, she became the se-



Heather Kulp hiking the Long Trail in Vermont. Courtesy photo

nior circuit court administrator – just two weeks before COVID-19 transformed court operations.

The pandemic demanded difficult decisions about protecting constitutional rights while safeguarding public health, reinforcing Kulp's love of practical problem solving.

"What I most enjoy about the work is the day-to-day problem solving," she says. "How can we make this easier so that the court staff and judges can execute their con-

KULP *continued on page 22*


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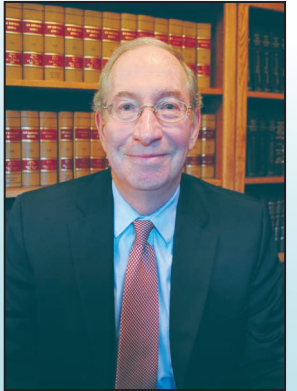
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Lambda Leader Carol Pickford Builds Community at UNH Law

By Bethany Hartt

When asked to describe her approach to law school, Carol Pickford joked, “Are you going to write that I never shut up?”

What she didn’t know was that I would write that she never stops working.

Carol recently finished serving as president of Lambda. Lambda is a student organization that represents LGBTQIA+ people at the University of New Hampshire Franklin Pierce School of Law (UNH Law).

Lambda has flourished under Carol’s tenure, and its visibility, initiatives, and reputation are a testament to her steady, optimistic leadership.

Professor Margaret O’Grady, Lambda’s faculty advisor, confirmed that Carol “has done an incredible job leading the LGBTQ+ community on campus.”

Originally from Gary, Indiana – she knows some readers are now humming *The Music Man* – Carol came to UNH Law by way of Salt Lake City, Utah.

Before arriving at UNH Law, Carol emailed Lambda about joining the organization.

“I didn’t know any queer people [in Concord], and I wanted to meet people



like me,” she remarked.

Carol shared that Lambda aims to “keep UNH Law an inclusive place by providing a community for queer people on campus, whether that’s through hangouts, doing schoolwork, or serving as a sounding board for students.”

“There are queer attorneys of all ages, and Lambda wants to keep the New Hampshire legal community a welcoming environment for everyone,” she says.

In the last two years, Lambda has raised hundreds of dollars for the Trevor Project and the Equality Health Center in downtown Concord, hosted panels about the LGBTQIA+ legal landscape, and even published two annual issues of the *Lambda Ledger* – its brand-new print publication devoted to queer creative expression, culture, and the law.

In the *Lambda Ledger*, students expertly grapple with intellectual property issues surrounding Pride symbols and marketing, the history of excluding and disbaring attorneys based on their sexuality, and estate planning challenges in a pre-*Obergefell* landscape.

Carol, a technical writer and editor in her pre-law school life, founded the *Lambda Ledger* and served as its managing editor. The publication is a credit to her commitment to write for writing’s sake – and not solely in furtherance of an IRAC-style exam.

But this is not the only excellent written work produced by Carol.

She is a managing editor of *IDEA: The Law Review of the Franklin Pierce Center*

for *Intellectual Property*, where her work was selected for publication in Volume 67.

During her 2L fall, Carol also argued her motion for summary judgment before Chief Judge Samantha Elliott in the United States District Court for the District of New Hampshire as part of the Daniel Webster Scholar Program curriculum.

In addition to her writing, Carol is passionate about intellectual property law and earned the highest grade in the Fundamentals of IP course last spring. She also possesses an uncanny knack for remembering the Federal Rules of Evidence, a skill both awe-inspiring and maddening to her classmates in Trial Advocacy.

With what remains of her free time, she serves on her local town zoning board. “I was tempted by the opportunity,” she laughed.

Recent rulings from the United States Supreme Court and legislation enacted or considered by the New Hampshire Legislature continue to foster national and statewide debate surrounding LGBTQIA+ legal issues.

These issues are debated as vigorously in the halls and classrooms of UNH Law as they are in courthouses and legis-



Carol Pickford. Courtesy photo

lative chambers.

In the midst of these debates, Carol remains unflappable – a consummate professional who is unequivocally at the top of her class.

Professor O’Grady echoed these sentiments, sharing that “the entire UNH community is so lucky to have Carol, and once she’s a lawyer, the [New Hampshire] Bar will be, too.”

Carol is booked and busy for the fall semester, taking a heavy course load and setting her sights on

postgraduation employment somewhere in New England, a region where she now feels at home.

She’ll also spend plenty of time in the car commuting to and from her residency at Troutman Pepper Locke in Boston. After graduation, she will clerk at the New Hampshire Superior Court.

Lambda welcomes participation from anyone in the New Hampshire legal community who is LGBTQIA+ or an ally. You can contact the club at lamb-da@unh.law.edu or follow Lambda on Instagram [@lambdaunh](https://www.instagram.com/lambdaunh). ♦

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



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AI Is Already Recommending Lawyers. Is Your Name on the List?

By Linda Monica

ChatGPT is now the second-most common online source people use to find a lawyer – behind only Google, according to a 2025 iLawyerMarketing.com survey of more than 1,000 US consumers. Since 2023, the share of consumers who say they would use it has more than tripled, rising from 9 percent to 28 percent. Gartner, the leading global technology research firm, projected that traditional search engine volume would decline 25 percent by 2026 as AI-based discovery accelerated. For personal injury lawyers, where competition is fierce, that shift carries particular weight.

This raises a simple but critical question: Whose name comes back from AI when someone who has been in a car accident in Concord or whose family member suffered neglect in a Manchester nursing home types “best personal injury attorney in New Hampshire” into ChatGPT? That name is likely the one they call. Most attorneys have never asked whether their name comes back, or what it would take to get there. They should.

A New Kind of Referral Source

When someone asks a generative AI tool – ChatGPT, Google Gemini, Microsoft Copilot, Perplexity – for the best attorney in a given practice area and location, the tool does not search the web in real time. It draws on a vast body of text it was trained on – legal directories, published articles, court re-

cords, media coverage, and attorney profiles – and synthesizes a response that reads like a recommendation from a knowledgeable colleague. When AI returns only a firm name with no individual attorney’s name attached, it is because no one at the firm has sufficient individual presence in those sources – a matter of visibility, not firm reputation or marketing spend.

You Cannot Buy Your Way In

Personal injury firms spend more on advertising than almost any other practice area, but the ground is shifting. Ahrefs, a leading web analytics firm, found that click-through rates on top-ranking Google results dropped by over 30 percent once AI Overviews appeared. There is no sponsored slot in ChatGPT. That visibility is earned through credibility – recognition, public work, documented expertise – which levels the playing field in a way paid search never did. An attorney with years of genuine reputation-building has a significant, underutilized advantage here.

What AI Is Looking For

AI pulls together a picture of an attorney’s expertise and returns only a small number of names per inquiry. Two of the most influential are the firm’s website and the attorney’s biography. From there, AI weighs legal directories, published writing, media coverage, and community involvement. Martindale-Hubbell’s peer ratings – which come from other lawyers and judges, not consumers – carry significant weight, while Avvo assigns most attorneys a numerical rating through its own algorithm. Do you know your rating? None of these is decisive alone, but together they build AI’s picture of you.

LinkedIn deserves special mention be-

cause most attorneys underestimate it. Its Help Center confirmed in a 2024 policy update that it uses member data to train generative AI models – meaning a LinkedIn profile is not a social media page but a data source AI is actively reading. A thin profile that only lists an attorney’s firm and law school gives AI almost nothing to work with. The gap in results between that and a substantive profile can be significant. What belongs in a strong profile varies by attorney and practice area, so attorneys should review these materials with their own audiences in mind.

What AI Gets Wrong and Why You Should Check

AI sometimes surfaces attorneys with incorrect information, pulling from outdated and inconsistent sources and attributing the wrong practice area, firm, or credentials. Every attorney should audit what AI says about them – not just whether they appear, but whether what appears is accurate. Many errors can be traced to outdated or inconsistent sources such as those previously discussed.

Is Your Name on the List?

The attorneys most visible in AI-driven client searches will be the ones who start paying attention now. The window to get ahead is still open – but not indefinitely.

Start with this test: Open ChatGPT, Google Gemini, or Perplexity and type “best personal injury lawyer in New Hampshire” – or your city, or your specific practice area. See whose names come back. Then search your own name and ask AI to tell you about your practice. The results show where you stand.

How you prioritize and execute these steps will differ by attorney, practice area, and market.

1. **Run the audit.** Search your name in all three platforms and note what is wrong or missing. That is your baseline.
2. **Fix the two sources you control.** Your website biography and your LinkedIn profile are two sources AI highlights – and they’re also the two that most attorneys update inconsistently, without ever thinking about how AI reads them.
3. **Build third-party credibility.** Where does your credibility outside your own website show up? Not all outside sources carry the same weight, so attorneys should be strategic about which professional profiles, directories, and publications they prioritize.
4. **Publish.** A single bylined article a year is among the strongest credibility signals available to any attorney.
5. **Re-check every few months.** AI’s answers change. Periodic searches catch new errors, show progress, and reveal opportunities to gain greater AI visibility.

The shift in how clients find a lawyer is not coming. It is already underway. The attorneys who take these steps now will be the ones whose names come back when a prospective client asks AI for the best personal injury attorney in New Hampshire. ♦

Linda Monica is a member of the New Hampshire and Maine Bars and has practiced for more than 40 years as a trial attorney. Her current work focuses on the intersection of law practice and artificial intelligence, including AI visibility, governance policies, and platform selection. She can be reached at lmonica@monicalaw.com.



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Material Adverse Effect Under Rule 1.16(b)(1)

Q: *I am considering whether to withdraw from representing one client in order to enable me to represent another client. I have reviewed the three Ethics Corners relating to withdrawal published in 2021. I have determined that I am not required to withdraw, but I would like to do so. Rule 1.16(b)(1) states that I can withdraw if I can do so without material adverse effect on my client, but the Ethics Corners provide no guidance on what that term means. Can you provide some guidance on that issue? Can I withdraw from representing a client to accept the representation of a different client?*

A: We addressed in a prior Ethics Corner article the general framework of withdrawal under Rule 1.16(b)(1) as described in ABA Formal Opinion 516 (Terminating a Client Representation under MRPC 1.16(b)(1): What “Material Adverse Effects” Prevent Permissive Withdrawal?). This article addresses your second question: whether and under what circumstances you can withdraw under Rule 1.16(b)(1) to accept the representation of a different client.

This phenomenon is sometimes described as the “hot potato” doctrine – where a lawyer withdraws from representing one client to work with a more lucrative client – and frequently surfaces in the context of motions to disqualify attorneys. The ABA’s Opinion on this issue generated a dissenting opinion and significant commentary among the eth-

ics bar. This issue thus requires careful analysis.

The Hot Potato Doctrine

The “hot potato” doctrine originated in *Picker Int’l, Inc. v. Varian Associates, Inc.*, 670 F. Supp. 1363 (N.D. Ohio 1987). Jones, Day, Reavis & Pogue represented Picker in over 100 patent cases. Varian was long represented by McDougall, Hersh & Scott. While Picker and Varian were engaged in litigation, Jones Day merged with McDougall Hersh. The firms contacted their respective clients, and the merged firm sought permission to continue representing Picker, which was far larger and more lucrative for the firm than Varian would be.

The merged firm promised to establish elaborate screening procedures to protect Varian’s confidences. Varian rejected the proposal. Three weeks later, McDougall Hersh withdrew from representing Varian. Varian filed a motion to disqualify the merged Jones Day/McDougall Hersh law firm.

The Court granted the motion. The Court found that the only legitimate choice was for the newly merged Jones Day to withdraw. The Court found that “[a] firm may not drop a client like a hot potato, especially if it is in order to keep happy a far more lucrative client.” *Id.* at 1365.

Picker expressly cited the public perception of disloyalty. *Id.* at 1367 (quoting *Harte Biltmore, Ltd. v. First*

Pennsylvania Bank, 655 F. Supp. 419, 421 (S.D. Fla. 1987)).

The ABA Rejects the Hot Potato Doctrine in the Context of Rule 1.16(b)(1)

ABA Formal Opinion 516 rejects the hot potato doctrine as articulated by *Picker* and its progeny. First, *Picker* was decided under Ohio’s since-superseded Ohio Code of Professional Responsibility (based on the ABA’s since-superseded Code of Professional Responsibility (the Code)), the common law duty of loyalty, and the need to preserve public confidence in the bar.

The Code contained no equivalent to Rule 1.16(b)(1). The ABA Opinion notes that under the ABA’s Rules of Professional Conduct, a lawyer may advocate against the interests of a current client with the informed consent of both clients, Rule 1.7(a)(1), and may also advocate against the interests of a former client if the matter is unrelated to the former representation and the lawyer preserves the former client’s confidences. Rule 1.9(a).

The ABA Opinion pointed out that courts applying the hot potato rule under the Rules of Professional Conduct essentially disregard the lawyer’s withdrawal and analyze the disqualification issues under Rule 1.7(a). *See Markham Concepts, Inc. v. Hasbro, Inc.*, 196 F. Supp. 3d 345 (D.R.I. 2016) (After eight years of representing Hasbro, the law firm “decided to abruptly drop Hasbro as a client only after Hasbro refused to waive the Markham conflict. If [the law firm] could convert Hasbro to its former client by quickly dropping it in the face of imminent conflict, then a law firm could avoid Rule 1.7 by simply converting a current client into a former one”) (internal quotation omitted)).

The *Markham Concepts* court stated, “This is not to say that a lawyer may never drop a client. If, for whatever reason, [the law firm] thought it best not to continue representing Hasbro, it could have sought to wind down its representation and declined to take on new matters. The issue here is that [the law firm] apparently dropped Hasbro solely to assume a conflicting representation. As detailed in this Order, this breached [the law firm’s] duty of loyalty to Hasbro in violation of Rule 1.7.” *Id.* at 349 n.1.

The ABA Opinion distinguished between disqualification decisions and the Rules of Professional Conduct. Disqualification decisions rely upon common law factors not necessarily tied directly to the Rules of Professional Conduct. The ABA Opinion noted that not every violation of a Rule of Professional Conduct necessarily results in disqualification. *E.g., Hempstead Video, Inc. v. Village of Valley Stream*, 409 F.3d 127, 132 (2d Cir. 2005). Courts are well positioned to determine whether the conflict-of-interest rules may require disqualification under a given set of circumstances. While a lawyer’s motive in seeking to withdraw remains potentially relevant to a court’s analysis of a motion to disqualify, the ABA Opinion deems motive irrelevant to analysis of ethical conduct under Rule 1.16(b)(1).

Dissenting Opinion

Two members of the ABA Standing

Committee on Ethics and Professional Responsibility dissented. They argued (1) that the opinion makes it more difficult to convince lawyers to close files and transform current clients into former clients when the representation is complete, (2) the opinion fails to consider whether terminating one client to file suit against it on behalf of another client is itself a “material adverse effect” under Rule 1.16(b)(1), (3) the opinion offers no guidance on mandatory withdrawal under Rule 1.16(a), which is necessary to place the “hot potato” doctrine in a more complete context, and (4) the opinion offers no guidance to transactional lawyers.

New Hampshire Disqualification Cases

As ABA Formal Opinion 516 touches upon the relationship between disqualification and the Rules of Professional Conduct, a brief overview of New Hampshire disqualification cases may be helpful.

The ABA Opinion suggests that disqualification relies upon common law factors not necessarily tied to specific Rules of Professional Conduct, but that does not appear to be the case in the New Hampshire decisions to date.

The Supreme Court’s core analysis in disqualification motions has adhered closely to the applicable Rules of Professional Conduct without reference to common law factors. Considerable caution is warranted, however, since the New Hampshire Supreme Court has not yet published an opinion addressing circumstances similar to those in the hot potato cases.

When the Court has referenced factors outside the scope of the Rules of Professional Conduct, they appear as *dicta*. For example, in *McElroy v. Gaffney*, 129 N.H. 382 (1987), while the Court observed that disqualification motions are frequently filed for purely strategic purposes, such motives were not a factor in its analysis. *Id.* at 391.

McElroy arose from the third lawsuit between the parties based upon their corporation. *McElroy* had been represented in all disputes related to the corporation by Attorney Jim Schulte. Gaffney sought to disqualify Schulte from representing *McElroy* on the basis that Schulte was a necessary witness under Rule 3.7. The trial court denied the motion on the basis that disqualifying Schulte would create an unreasonable hardship on *McElroy*.

The Supreme Court held that due consideration must be given to the effect disqualification would have on the lawyer’s client, including whether the lawyer’s knowledge was extensive and unique. The Court held that Schulte had extensive and detailed knowledge of the complex business and personal transactions between the parties and that his disqualification would work an unreasonable hardship on *McElroy*.

The Court noted that it was important to consider the potential for abuse inherent in the disqualification provision and that disqualification motions are often used for purely strategic purposes. *Id.* at 391.

In *Sullivan County Reg’l Refuse Disposal Dist. v. Town of Acworth*, 141 N.H. 479 (1996), the Supreme Court held that the trial court erroneously failed to disqualify the Town’s attorneys for violation

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of Rule 1.9. The Town of Acworth was a member of the Sullivan County Regional Refuse Disposal District (the District) pursuant to an agreement among several towns. The Town accused the District of violating the agreement and notified the District of its intent to withdraw. The District filed a petition for declaratory and injunctive relief in superior court. The Town was represented by Laurence Gardner. Attorney Gardner represented the District and its predecessor in drafting the agreement, provided the District with legal opinions regarding the agreement, and acted as its principal draftsman.

The District filed a motion under Rule 1.9 to disqualify Gardner from representing the Town. The trial court found that Gardner's representation was materially adverse to the District and that the current and former representations were substantially related, but declined to disqualify Gardner because he did not receive any confidential information of the District in the prior representation and the District therefore could not demonstrate prejudice. The Supreme Court reversed.

The Court held that the trial court's approach would require the District to disclose the confidences that Rule 1.9 was designed to protect. The Court held that if the elements of Rule 1.9 have been satisfied, the court must irrebuttably presume that the attorney acquired confidential information in the former representation. *Id.* at 483.

Finally, the Court rejected the Town's argument that the District had no confidentiality interest in the agreement because it was a public document. The Court held that "an attorney's duty to protect confidential information gleaned

from a client does not disappear simply because portions of that information have been included in public documents or discussed in public forums." *Id.* at 484.

In *Franklin v. Callum*, 146 N.H. 779 (2001), the New Hampshire Supreme Court was presented with motions by each party to disqualify the other party's counsel. The plaintiff was a municipal representative to the NH/VT Solid Waste Project (the Project). The plaintiff filed a Right-to-Know request to examine the Project's legal bills, which were provided to him in redacted form. The plaintiff sought access to the unredacted bills. The New Hampshire District of the Project supported the plaintiff's access to the unredacted bills. The plaintiff retained attorney Adele Fulton.

The Project filed a motion to disqualify Attorney Fulton on the basis that her law partner previously represented the Project. The plaintiff filed a motion to disqualify the Project's attorney, Brown, Olson & Wilson, because it represented both the Project and the New Hampshire District as separate entities. The trial court ordered Attorney Fulton disqualified and denied the plaintiff's motion to disqualify the Project's attorneys.

The Supreme Court reversed the trial court's denial of the motion to disqualify the Project's attorneys. The Court relied upon Rule 1.7(a) and concluded that the interests of the Project and the New Hampshire District were directly adverse. The Court held Attorney Fulton disqualified under Rules 1.9 and 1.10 because her representation of the plaintiff required her to interpret the work of her law partner.

In *State v. Van Dyck*, 149 N.H. 604 (2003), the defendant was charged with

simple assault, criminal mischief, and resisting arrest based upon events that occurred in December 2001. The victim obtained a restraining order against the defendant and alleged that he violated it on three occasions in February 2002. In March 2002, before the defendant was served with arrest warrants for the alleged February violations, the defendant's attorney and the prosecutor negotiated a disposition of the December charges.

The defendant pled guilty to resisting arrest and the other charges were nolle prossed. As he was leaving the courtroom, he was arrested on the February charges. The defendant moved to dismiss the February charges for prosecutorial misconduct for failing to disclose the arrest warrants on those charges. The defendant argued that the prosecutor violated his due process rights because he pled guilty to put all issues relating to the victim behind him.

The State moved to disqualify defense counsel because he would be a necessary witness. The trial court granted the motion because his dual roles as witness and attorney were so incompatible as to create an appearance of impropriety. *Id.* at 606. The Supreme Court reversed on the basis that the defense attorney's testimony was merely cumulative of the prosecutor's testimony and he was not the best witness to testify to the defendant's state of awareness of the February charges at the time he entered his plea. The Court wrote, "We admonish the trial court to review motions to disqualify defense counsel in criminal cases cautiously to minimize the potential for abuse of the advocate-witness rule and the risk that a criminal defendant will be deprived unnecessarily of chosen coun-

sel." *Id.* at 607-08.

The case of *Saint Anselm College Corp. v. Board of Trustees of St. Anselm College*, 2021 N.H. LEXIS 75 (2021), arose from the disqualification of a law firm from representing a litigant against its former client, the Saint Anselm College Corporation. The Supreme Court dismissed the law firm's appeal based upon lack of standing. However, the Court held that the law firm was disqualified notwithstanding the fact that it did not violate any Rule of Professional Conduct or engage in any misconduct. The Court held that the law firm was disqualified because the litigation was substantially similar to the firm's prior work for the College Corporation, because the interests of its current and former clients could be materially adverse, and because the firm had access to confidential information from the College Corporation. The Supreme Court order unfortunately fails to describe the underlying circumstances in detail, but the Court clearly held that disqualification may arise regardless of whether the attorney violates a Rule of Professional Conduct.

These cases, taken in sum, suggest that the New Hampshire Supreme Court closely analyzes the applicable Rules of Professional Conduct in disqualification matters and does not rely upon common law factors. As the Supreme Court has not yet published an opinion analyzing Rule 1.16(b)(1) in the "hot potato" (or any other) context, it remains to be seen whether it will follow ABA Opinion 516. However, the available precedent suggests that the Court will closely analyze the relevant facts and circumstances under the express language of Rule 1.16(b)(1) without extensive reference to common law factors. ♦

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BAR FOUNDATION NEWS

Bar Foundation Welcomes New IOLTA Grants Committee Member

By Cindy Roberts

The New Hampshire Bar Foundation Board of Directors is pleased to announce the election of Christine “Chrissy” M. Hanisco to the Interest on Lawyers Trust Accounts (IOLTA) Grants Committee by participating IOLTA members of the New Hampshire Bar Association (NHBA).

In 2024, Hanisco founded Life Stages Law, PLLC, a virtual boutique law firm focused on adoption, assisted reproductive law, and estate planning for young families. As a former public interest attorney, she believes strongly that members of the legal profession have a responsibility to support and serve public interest organizations.

The IOLTA Grants Committee conducts a rigorous annual review process in which applicants submit grant applications, present their requests to the commit-

tee, answer questions, and undergo committee review and voting before funding recommendations are forwarded to the New Hampshire Bar Foundation Board of Directors for final approval. Through IOLTA, interest earned on lawyers’ trust accounts that are either too nominal or held for too short a time period to warrant establishment of a separate client account is forwarded to the New Hampshire Bar Foundation to be used for charitable purposes. Attorney participation in IOLTA supports the statewide IOLTA Grants Program. IOLTA grants fund nonprofit organiza-



tions that provide free or reduced-fee civil legal services to our most disadvantaged residents and/or educational programs about the law and the courts.

Hanisco graduated from Saint Anselm College and New York Law School and is licensed in New Hampshire and Massachusetts. A former New Hampshire public defender, Hanisco began considering private practice after receiving an infertility diagnosis in 2011. In September 2015, she joined The Stein Law Firm in Concord, where she developed the firm’s adoption and assisted reproductive technology practice.

Hanisco currently serves on the NHBA’s Board of Governors, a position she has held since 2019, and is active in the Family Law, Solo-Small Firm, and Trust and Estate Law Sections. In addition, she is an active member of the New Hamp-

shire Women’s Bar Association and the American Bar Association’s Assisted Reproductive Technology Committee.

She served as a director and officer of AllPaths Family Building, formerly known as RESOLVE New England, from 2017 to 2025. A member of the Society for Ethics in Egg Donation and Surrogacy since 2016, she was a founding member of its grievance committee and served as its chair from 2017 to 2024.

Hanisco was named a New England Super Lawyer in 2024, 2025, and 2026 and was recognized by Best Lawyers in 2024. She has presented on adoption and assisted reproductive law for the NHBA and the American Bar Association, and she contributed to the MCLE New England publication *Adoption and Reproductive Technology Law in Massachusetts*, 2d ed. (2018). ♦

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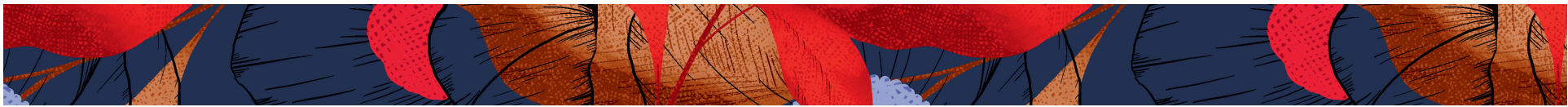
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We are pleased to announce that
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Attorney Abigail Garside practices in the areas of civil litigation, corporate and commercial real estate law, banking law, and land use.

During law school, Abby worked as a legal resident for the Manchester City Solicitor's Office, and a legal intern for the general counsel for the Massachusetts Association of Community Colleges.

Abigail graduated *cum laude* from the University of Massachusetts Lowell, and received her JD *cum laude* from the University of New Hampshire Franklin Pierce School of Law, where she was a Daniel Webster Scholar.

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We are pleased to welcome New Hampshire native Aaron Smith to the Wescott Law team. Aaron is a graduate of the nationally renowned Daniel Webster Scholar Honors Program at the University of New Hampshire Franklin Pierce School of Law.

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We are thrilled to welcome Mark Perkins back to Devine Millimet. As a member of the firm's Litigation team, Attorney Perkins will focus on matters involving Insurance Defense, Personal Injury, and Real Estate Litigation.

With more than 20 years of legal experience, Attorney Perkins brings a wealth of knowledge and insight to our clients and colleagues. We are delighted to have him rejoin the firm and look forward to the valuable contributions he will continue to make to our team and those we serve.

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Welcoming Attorney Shelby Anderson!

Shelby Anderson joins Shaheen & Gordon's workers' compensation group. She is dedicated to assisting clients through all phases of the workers' compensation process, including administrative hearings, settlement negotiations, and appeals.

After graduating magna cum laude from Vermont Law and Graduate School in 2025, Shelby returned to New Hampshire to serve the community where she was raised. Before law school, Shelby spent years as an agricultural worker before eventually owning and operating her own small-scale sustainable vegetable farm in New Hampshire's seacoast region. That experience gave her firsthand insight into the demands of physical labor and continues to inform her practical, client-centered approach to representing injured workers.

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Welcome to WADLEIGH!



Molly Lynch

Molly served as an attorney for the State of New Hampshire for more than twelve years, specializing in government and administrative law. During law school, she spent a semester interning with the Honorable Norman H. Stahl of the United States Court of Appeals for the First Circuit. Molly will be focusing on Municipal Law.



Eric Raymond

Eric previously served as a trial attorney with the New Hampshire Public Defender's Office for nineteen years, handling serious felony cases, including homicides. Before entering the legal profession, Eric worked as a registered nurse. Eric will be focusing on Medical Malpractice and Criminal Defense.

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Peyton joins the firm after serving as a Judicial Intern to the Honorable Andrea K. Johnstone of the United States District Court for the District of New Hampshire and as a Judicial Intern with the New Hampshire 9th Circuit Court. She is admitted to practice in New Hampshire and before the U.S. District Court for the District of New Hampshire.



Danielle L. Mello

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BUSINESS LITIGATION PARALEGAL

Danielle joins the firm from Brady Sullivan Properties, where she handled various litigation, landlord tenant, and insurance matters. She also served as a paralegal at the Attorney General's office, where she worked on Tobacco Diligent Enforcement and trial preparation.

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We the People Workshop Strengthens Civics Education

By Megan Koerber

The New Hampshire Bar Association's Civics and Law Outreach Program held a We the People (WTP) professional development workshop for Granite State educators titled "America at 250: America's Attempts at Making 'A More Perfect Union'" at the Osher Lifelong Learning Institute in Lebanon on August 4–5. The workshop featured presentations by Dr. Lester Brooks and Dr. Francene Engel, national scholars with the Center for Civic Education, and David Alcox, an award-winning retired New Hampshire educator and longtime coach of several WTP teams that won state championships.

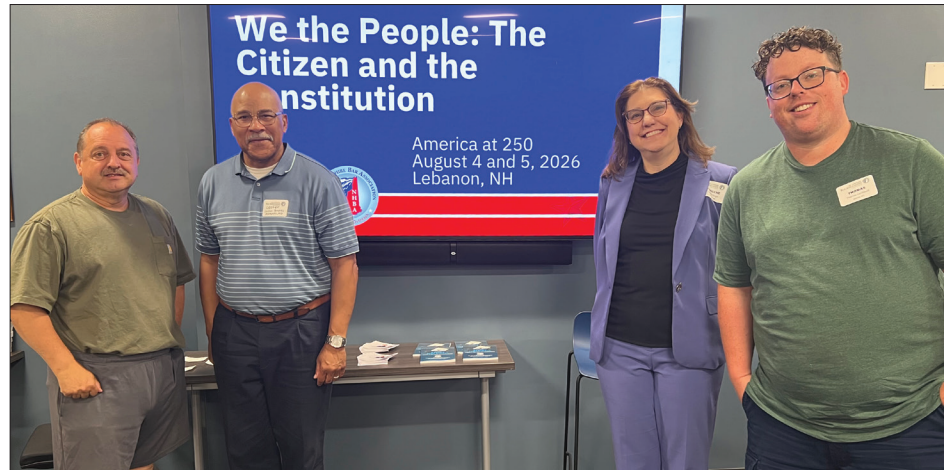
The primary goal of WTP is to promote civic competence and responsibility among the nation's elementary and high school students.

Brooks has worked with the program for more than 25 years.

"We the People is significant," Brooks says, "because it provides experts who have knowledge on American history and government to share their understanding with middle and high school teachers who desire to improve the quality of information they give to their students."

Engel has been with the Center for Civic Education for over two decades.

"One of the most rewarding parts of this workshop has been working with teachers who are deeply committed to strengthening civic education," she says. "Every teacher



America at 250 presenters, from left: David Alcox, Dr. Lester Brooks, Dr. Francene Engel, and Thomas Lundstedt. Photo by Martha Madsen

who leaves with a deeper understanding of the Constitution will influence hundreds – perhaps thousands – of students over the course of a career."

During the two-day workshop, participants explored the core units of the WTP curriculum while examining effective strategies for teaching constitutional principles in the classroom. Teachers also explored instructional approaches, including the popular Candy Bar Hearings, which simulate congressional hearings and encourage students to use reasoning, persuasive speaking, and civil discourse while debating which candy bar best represents America.

"The program is wonderful because

it breaks down a number of important issues, events, and documents that make it easy for the students to understand," says Alcox. "The mock hearing allows students to process information, work together, offer alternative arguments, and apply content to support their arguments."

Day two highlighted the impact of the WTP program through a virtual panel featuring student alumni, who reflected on their experiences with the program. The workshop concluded with mock congressional hearings, with support from volunteer attorneys James Steiner and Keri O'Shea. Together, the sessions provided both content knowledge and practical tools educators can

bring back to their classrooms.

"It's always good to have knowledgeable attorneys and judges be part of the program," says Alcox. "They give great feedback to the students, give them guidance on tricky issues, and shepherd them through difficult questions."

Engel and Brooks agree.

"[Attorneys and judges] demonstrate that respectful constitutional dialogue is one of the strengths of our constitutional system," says Engel.

Brooks adds, "collaborating with attorneys and judges allows students to engage with experts on constitutional history."

For Alcox, the program's value is clear. "The We The People program is, without a doubt, the best civics program I have ever been involved with, and I can tell you without hesitation that this is the best program a teacher could use in the classroom," he says.

Engel adds, "One of the greatest strengths of the We the People program is that it doesn't simply teach students about the Constitution – it teaches them how to think constitutionally."

By exploring constitutional principles, participating in mock congressional hearings, and receiving feedback from legal professionals, attendees left better equipped to help students develop a deeper understanding of the Constitution, strengthen their critical-thinking skills, and become more active participants in civic life. ♦

Professional Announcements

JacksonLewis



Welcome to the Firm! Michael Merrill

Jackson Lewis is pleased to welcome Michael Merrill to the firm. Michael is an Associate in the Portsmouth, New Hampshire, office. His practice focuses on representing employers in workplace law matters, including litigation, preventive advice and counseling.

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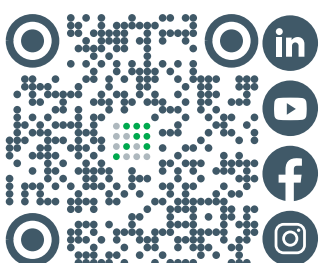
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New Hampshire Bar Association Budget for Fiscal Year 2026-2027

NHBA Board Approves 2026–2027 Budget

The 2026–2027 fiscal year budget for the New Hampshire Bar Association (NHBA) was presented to and approved by the NHBA Board of Governors at its May 2026 meeting.

The NHBA budget projects a decrease of less than one percent in revenue and an increase of less than one percent in expenses compared to the prior year’s budget, after accounting for the reclassification of certain revenues and expenses.

The NHBA supports affiliates that share the Bar Center offices, including the New Hampshire Bar Foundation – the charitable arm of the NHBA – and New Hampshire Minimum Continuing Legal Education (New Hampshire Supreme Court Rule 53). In addition, NHBA staff support the Public Protection Fund Committee through administration of New Hampshire Supreme Court Rule 55. Staff also assist with the administration of New Hampshire Supreme Court

Rule 50-A through the filing process for annual Trust Account Compliance Forms.

In addition, the NHBA assists the Attorney Discipline Office and the New Hampshire Lawyer Assistance Program with collection and disbursement of annual assessment fees.

Budget Highlights

The NHBA budget totals \$4.315 million in revenues and \$4.312 million in expenses with an estimated surplus of \$3,349.

Revenue Breakdown

- 48.1 percent – Membership dues and fees (\$2,074,295) increased from fiscal year 2026.
- 38 percent – Registration and Fees, of which the majority is Continuing Legal Education revenue (\$1,250,567), Annual Meeting and Midyear Meeting revenue (\$87,515), and Lawyer Referral Service

Panel fees and percentage-fee revenue (\$297,200) due to the implementation of a new Lawyer Referral Service software, Qase, which will allow the NHBA to generate revenue from referrals of members of the public to participating attorneys.

- 6.7 percent – Publications and Merchandise Sales, which includes *New Hampshire Bar News* advertising and subscriptions (\$290,280).
- 2.3 percent – Substantive Law Section Membership Revenue (\$97,320).
- 3.2 percent – Other, which includes investment income and other miscellaneous revenue (\$139,745).
- 1.7 percent – Grant (\$50,000) and other funding (\$22,800) for NHBA programs.

Expense Breakdown

- Program Expenses constitute 20 percent

of the total expenditure budget and relate to member and public programming and services (\$873,515).

- Overhead costs constitute 26 percent of the total expenditure budget, with one of the largest portions of this expense being occupancy costs for the owned office condominium at 2 Pillsbury Street (\$1,119,672). The increase in this account compared to last year is due to the budgeting of consultants to assist with the planning and implementation of a new Association Management Software (\$50,000) and the estimated costs of the software budgeted for six months (\$33,600). Also included are \$297,982 in InReach processing fees are incurred due to website support and hosting for NHBA CLE programs and amount to approximately 30 percent of budgeted CLE sales. Credit card processing fees, which were included under miscellaneous Pro-

New Hampshire Bar Association

	APPROVED BUDGET May 31, 2027	APPROVED BUDGET May 31, 2026	Change
REVENUE			
Membership Dues & Fees	2,074,295	2,043,390	30,905
Substantive Law Sections	97,320	101,880	(4,560)
Registrations & Fees	1,640,232	1,663,270	(23,038)
Publications & Merchandise Sales	291,280	310,920	(19,640)
Grant & Funding Revenue	72,800	61,800	11,000
Other Revenue	139,745	138,258	1,487
General Support to Affiliates	-	-	-
TOTAL REVENUE	4,315,671	4,319,518	(3,847)
EXPENDITURES			
Personnel Expenses	2,319,135	2,320,130	(995)
Program Expenses	873,515	754,565	118,950
Overhead Expenses	1,119,672	1,221,141	(101,469)
TOTAL EXPENDITURES	4,312,322	4,295,836	16,486
Net Asset Contribution	-	-	-
EXCESS OF REVENUE OVER EXPENSES	3,349	23,682	(20,333)

New Hampshire Bar Association Explanation of Largest Expenditure - Personnel Costs

Department	Budget Year Ended, May 31, 2027				Budget Year Ended, May 31, 2026			
	Personnel Costs	Full Time Staff Equivalent (FTE)	Positions All or Partially Funded	% Expense of Total Budget	Personnel Costs	Full Time Staff Equivalent (FTE)	Positions All or Partially Funded	% Expense of Total Budget
Executive	586,211	5.000		13.59%	497,593	4.900		11.58%
Business Operations	521,612	6.683		12.10%	632,898	8.583		14.73%
Professional Development	463,349	4.800		10.74%	474,566	5.700		11.05%
Marketing & Strategic Communications	434,000	4.500		10.06%	406,311	4.500		9.46%
Lawyer Referral Service - Full Fee	119,284	1.800	1.800	2.77%	119,806	1.800	1.800	2.79%
Modest Means Referral Service	119,284	1.800	1.800	2.77%	119,806	1.800	1.800	2.79%
Law Related Education	75,395	0.800	0.800	1.75%	69,150	0.800	0.800	1.61%
Total Personnel Costs	2,319,135	25.383		53.78%	2,320,130	28.083		54.01%

New Hampshire Bar Association Budget for Fiscal Year 2026-2027

gram Expenses in the fiscal year 2026 budget, are budgeted separately under Overhead Expenses in fiscal year 2027 at \$54,763; miscellaneous Program Expenses are budgeted at \$21,150.

- Personnel costs are the largest expense for most service-intensive organizations (salary, wages, and benefits). Virtually all activities at the Bar Center are service-related; hence the single largest expense in the budget is staffing to provide programs and services. These costs account for 54 percent of the total expenditure budget (\$2,319,135). ♦

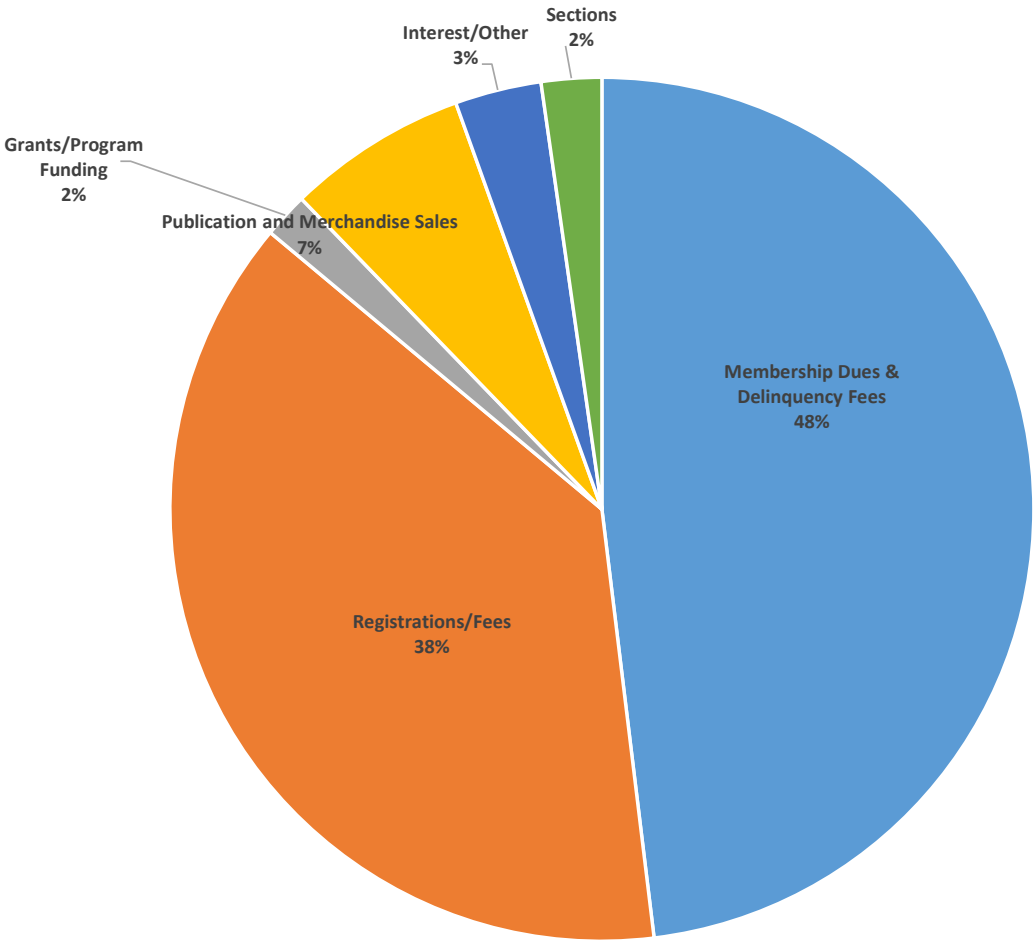
Notice of Budget Information Session

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All Members Welcome

Please attend the Budget Information Session on Monday, September 14, at 3 pm, either in person at the New Hampshire Bar Association, 2 Pillsbury Street, Suite 3, Concord, NH 03301, or virtually. The session will provide an opportunity for questions and discussion regarding the fiscal year's budget. Please RSVP to info@nhbar.org if you plan to attend. You can submit questions or comments in advance of the meeting by emailing NHBA Controller Jennifer McManus at jmcmanus@nhbar.org.

New Hampshire Bar Association 2026-2027 Budgeted Revenue Sources



New Hampshire Bar Association Largest Expenditures, Excluding Personnel Costs

Largest Expenditures are budget line items \$30,000 and above

	Budget Year Ended, May 31, 2027			Budget Year Ended, May 31, 2026		
	Budgeted Cost	Expense Funded by Grant or Award	% Expense of Budget	Budgeted Cost	Expense Funded by Grant or Award	% Expense of Budget
Overhead Expenses						
InReach Processing Fees	297,982		6.91%	-		0.00%
Occupancy (mortgage interest, CAM, maintenance)	271,419		6.29%	266,239		6.20%
Information Services/Data Processing	196,911		4.57%	147,439		3.43%
Professional Fees (includes annual financial audit)	138,475		3.21%	119,923		2.79%
Depreciation	83,080		1.93%	77,000		1.79%
Credit Card Fees	54,763		1.27%	-		0.00%
Insurance	11,528		0.27%	35,975		0.84%
Equipment Rental & Maintenance	5,186		0.12%	37,672		0.88%
Program Expenses						
Midyear Meeting Expenses	107,294		2.49%	98,100		2.28%
Practical Skills Member Workshops	65,000		1.51%	47,000		1.09%
Civics and Outreach Programs	64,179		1.49%	37,809		0.88%
Annual Meeting	64,090		1.49%	32,697		0.76%
Committee Expenses	55,805		1.29%	20,680		0.48%
Postage	55,200		1.28%	61,440		1.43%
Printing & Materials (includes CLE materials for members)	47,000		1.09%	54,227		1.26%
Facilities & Meals	46,938		1.09%	54,000		1.26%
Legal Research Platform (Formerly Member Services Affinity)	46,839		1.09%	54,300		1.26%
Officer & ABA Delegate Allowance	46,235		1.07%	31,970		0.74%
Legislation Program	38,600		0.90%	36,600		0.85%
Special Projects	37,870		0.88%	25,270		0.59%
Contract Labor	36,756		0.85%	10,780		0.25%
Program Development & Training	26,572		0.62%	34,478		0.80%
Miscellaneous (includes credit card processing fees)	21,150		0.49%	92,139		2.14%
Total Percentage of Budget			42%			32%

Rapid AI Adoption, Uneven Governance: Shadow AI and the New Confidentiality Risk for Law Firms

By Chris Toppin

Walk into a law firm today, and AI is probably already at work. An associate may use ChatGPT to summarize a deposition, a paralegal may ask Copilot to refine contract language, or a partner may paste meeting notes into



a tool that promises to save an hour before the next client call. The benefits are clear: AI can help legal professionals manage workloads, analyze information, and complete routine tasks more efficiently. The concern is that adoption may be moving faster than governance.

“Shadow AI” refers to the use of AI tools, models, plugins, or extensions outside the systems and processes a firm has approved. In a legal setting, it may result in confidential or privileged information entering a system the firm has not evaluated, contracted with, configured, or monitored.

According to the 8am™ 2026 Legal Industry Report, 69 percent of legal professionals use general-purpose AI tools at work, and 61 percent say those tools save them time each week. Those figures raise a critical question: Do firm leaders know which tools are being used, for what purposes, and with whose information?

Adoption Moved Faster Than Governance

Technology adoption rarely begins with a strategy meeting. More often, it begins with someone trying to solve an immediate problem: a long document, a full inbox, a research assignment, or a deadline that suddenly moved up. Generative AI tools require no firm-wide deployment or budget approval. They are easy to access, useful immediately, and often free.

Firm guidance has not kept pace. The 8am™ report found that 54 percent of firms offered no AI training and 43 percent had no formal AI policy. Litify’s State of AI in Legal research found a similar gap between widespread use and organizational maturity.

Without clear guidance, firms leave decisions about confidentiality, vendor risk, and data handling to individuals

working under pressure. When the approved path is unclear, slow, or unavailable, people create their own.

The Most Serious Risk May Be Invisible

Early conversations about legal AI often focused on hallucinations: fabricated citations, inaccurate summaries, and confident-sounding but incorrect outputs. Those risks remain, and lawyers must verify AI-generated work before relying on it. But another risk arises before the tool produces an answer: the information entered into it.

An associate may upload a privileged email thread for summarization. A staff member may install a browser extension that promises to organize documents. A lawyer may submit draft transaction language to a free contract-analysis service. Each action may feel minor, but together they can create data flows the firm does not know exist.

OneAdvanced’s analysis of shadow AI in law firms highlights the compliance and security problems that arise when employees use tools outside approved systems. The firm may not know where information is stored, whether it is retained, whether it can be used to train a model, or who can access it. AI adoption may be personal, but confidentiality is institutional. An individual may choose the tool, yet the consequences belong to the client and the firm.

Client Trust Is the Standard

Law firms hold information clients cannot safely disclose elsewhere: litigation strategy, health records, financial details, trade secrets, acquisition plans, and family disputes. That is why AI governance cannot be reduced to a list of prohibited applications.

A better standard is whether the firm can explain how a tool handles client information, what safeguards apply, and who is accountable if something goes wrong. If a firm cannot identify where client information travels, which outside systems process it, or whether it is retained, it has a visibility problem before it has a technology problem.

Professional organizations and legal-industry authorities, including the North Carolina Bar Association and the Law Society of England and Wales, have emphasized that AI use must remain connected

to lawyers’ existing duties of competence, confidentiality, privilege, and client service. Avoiding AI is unrealistic. The goal should be deliberate, secure, and defensible use.

A Practical Governance Model

Firms can begin by identifying the tools attorneys and staff already use, including browser extensions and AI features embedded in existing applications. The objective is not to punish experimentation, but to understand how work is actually being done.

They should classify information as public, internal, confidential, or privileged and define which categories may be used with approved tools. AI providers should be evaluated like any other vendor handling sensitive information, with questions about data storage, prompt retention, model training, access controls, and contractual protections.

Policies must also be paired with monitoring and practical training. Firms need visibility across cloud applications, browser extensions, identities, endpoints, and data flows. Attorneys and staff need clear answers to everyday questions: Can I summarize this client’s email? Can I use an AI-generated meeting transcript? What is acceptable in an approved enterprise tool but prohibited in a consumer application?

Guidance from Wolters Kluwer and Sikich reinforces that information security is not solely an IT responsibility. It is part of the firm’s obligation to protect client information, manage risk, and maintain trust.

Culture Is the Strongest Control

Even the best policy will fail if a firm’s culture suggests that speed matters more than process. Associates and staff notice how partners use technology. When leaders work around controls or treat reviews as optional, they establish the firm’s real policy, regardless of what the written policy says.

When leadership treats AI governance as part of client service, secure use becomes a way to improve efficiency without compromising trust. Governance becomes an expression of professional judgment, not a barrier to innovation.

Govern AI Before It Governs the Firm

The firms best positioned for the next phase of legal technology will neither ban every new tool nor allow every person to decide independently. They will understand how AI is already being used, establish clear boundaries around sensitive information, and provide secure ways for employees to realize its benefits.

The first step is straightforward: Determine how AI is actually being used inside the firm. Until leaders have that visibility, they cannot confidently explain how their clients’ most sensitive information is being protected. ♦

Chris Toppin is chief innovation and AI officer at Mainstay Technologies, where he leads technical support services for businesses across New Hampshire and beyond.

LawLine

The New Hampshire Bar Association thanks Spencer Beck, Steve Coppolo, Geoffrey Gallagher, Elizabeth Hurley, Clara Lyons, Christopher Morris, and Chris Poulin of Poulin Hurley Makris & Lyons, as well as attorneys Barbra Black, Charles Dobens, Alex Farmer, Vincent Marconi, Ariana McQuarrie, Joseph Prieto, Thomas Rogers, and Pranesh Vittal for volunteering during the July 8 LawLine event.

Volunteer attorneys made 81 calls to residents across the state, providing brief legal guidance on a wide range of topics, including eviction, divorce, insurance, and education.

LawLine connects members of the public with volunteer attorneys who provide brief legal guidance by telephone. Individuals submit an online application in advance, and NHBA staff match eligible applicants with attorneys who have experience in the relevant practice areas.

LawLine is held on the second Wednesday of each month from 6 to 8 pm. Attorneys interested in volunteering for a future session may contact NHBA Member Services Manager Misty Griffith at mgriffith@nhbar.org. ♦



Vincent Marconi talking to a LawLine participant. Courtesy photo



Christopher Morris, Christopher Poulin, Spencer Beck, Stephen Coppolo, Elizabeth Hurley, Geoffrey Gallagher. Not pictured: Clara Lyons. Courtesy photo

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SEPTEMBER 2026

THU, SEP 17 – 9:00 a.m. – 4:00 p.m.
New Hampshire Evidence at Trial
• 345 NHCLE min.
• Concord-NHBA Seminar Room/Webcast

WED, SEP 23 – 9:00 a.m. – 4:30 p.m.
Municipal Law, Land Use, & Zoning in New Hampshire
• 380 NHCLE min., incl. 60 ethics min.
• Concord-NHBA Seminar Room/Webcast

THU, SEP 24 – 9:00 a.m. – 4:30 p.m.
The 2026 Employment Law 360° Forum
• 400 NHCLE min., incl. 60 ethics min.
• Concord-NHBA Seminar Room/Webcast

OCTOBER 2026

WED, OCT 7 – 9:00 a.m. – 4:15 p.m.
Solo & Small Firm Conference 2026: Building the Modern Law Practice
• 365 NHCLE min., incl. 120 ethics min.
• Concord-NHBA Seminar Room/Webcast

WED, OCT 21 – 9:00 a.m. – 4:15 p.m.
Intellectual Property for Business Lawyers & Litigators
• 360 NHCLE min.
• Concord-NHBA Seminar Room/Webcast

THU, OCT 22 – 9:00 a.m. – 4:30 p.m.
Immigration Law Now: Fundamentals, Current Developments, & Pathways to Pro Bono Service
• 360 NHCLE min.
• Concord-NHBA Seminar Room/Webcast

FRI, OCT 30 – 9:00 a.m. – 4:30 p.m.
Developments in the Law 2026
• 360 NHCLE min., incl. 60 ethics min.
• Manchester – DoubleTree by Hilton

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Register online at

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(if you missed any of the previously held programs,
they are now available ON-DEMAND)

NOVEMBER 2026

WED, NOV 4 – Save the Date
Basics of Family Law
• Concord-NHBA Seminar Room/Webcast

FRI, NOV 6 – 9:00 a.m. – 4:15 p.m.
School Law 2026
• 360 NHCLE min.
• Concord-NHBA Seminar Room/Webcast

FRI, NOV 13 – Save the Date
Wills & Trusts Essentials: The Basics of Estate Planning in NH
• Concord-NHBA Seminar Room/Webcast

DECEMBER 2026

WED, DEC 9 – 8:30 a.m. – 4:45 p.m.
Practical Skills for New Admittees – Day 1
• Concord – Grappone Conference Center

WED, DEC 10 – 8:30 a.m. – 12:00 p.m.
Practical Skills for New Admittees – Day 2
• Concord – Grappone Conference Center

WED, DEC 16 – 9:00 a.m. – 4:30 p.m.
Best Practices & Procedures for Fiduciaries in Trust & Estate Planning
• 375 NHCLE min.
• Concord-NHBA Seminar Room/Webcast

FEBRUARY 2027

FRI, FEB 19
Midyear Meeting 2027
• Manchester – DoubleTree by Hilton

MARCH 2027

WED, MAR 3 – Save the Date
Landlord/Tenant Law
• Concord-NHBA Seminar Room/Webcast

APRIL 2027

THU, APR 1 – Save the Date
Sexual Abuse Litigation in NH
• Concord-NHBA Seminar Room/Webcast

New Hampshire Evidence at Trial

Thursday, September 17, 2026

9:00 a.m. – 4:00 p.m.

345 NHCLE min.

NHBA Seminar Room/Webcast

This practical, New Hampshire-focused program brings together experienced trial lawyers and judges for a fast-paced examination of the rules and courtroom realities that govern evidentiary decisions. From relevance, Rule 403, character evidence, privileges, impeachment, authentication, and hearsay to real-time objections and appellate preservation, faculty will focus on the issues lawyers encounter most often in trial practice. The day concludes with an outstanding judicial panel sharing candid perspectives on what helps—and hurts—advocates in the courtroom. As an added benefit, every attendee will receive the **First Edition of the New Hampshire Rules of Evidence Summary Guide: Trial Objections & Evidence Basics**—a concise, practical reference designed for use at counsel table, in chambers, or in trial preparation.

Faculty

Nicole Fontaine Dooley, Program Co-Chair/CLE Committee Member, Welts, White & Fontaine, PC, Nashua

Jesse J. O'Neill, Program Co-Chair/CLE Committee Member, McLane Middleton Professional Association, Manchester

Hon. Melissa B. Countway, NH Supreme Court, Concord

Meghan C. Hagaman, Merrimack County Attorney's Office, Concord

Hon. David D. King, NH Circuit Court, Concord

Sean R. Locke, NH Attorney General's Office, Concord

Rory J. Parnell, Parnell, Michels & McKay, PLLC, Londonderry

Lauren E. Prusiner, NH Public Defender, Stratham

Patrick J. Queenan, Sheehan, Phinney, Bass & Green, Manchester

Hon. Charles S. Temple, NH Superior Court (ret.)

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

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

Municipal Law, Land Use, & Zoning in NH

Co-sponsored by the NHBA's Municipal & Governmental Law Section

Wednesday, September 23, 2026

9:00 a.m. – 4:30 p.m.

380 NHCLE min., incl. 60 ethics min.

NHBA Seminar Room/Webcast

Master the fundamentals, stay current on developments, and sharpen your municipal and land use practice with guidance from New Hampshire's leading zoning and planning practitioners. This program brings together some of New Hampshire's leading land use practitioners for a comprehensive review of the laws, procedures, and practical realities shaping development and municipal decision-making today. From zoning ordinance adoption and amendment procedures to variances, special exceptions, equitable waivers, planning board approvals, and the latest developments in New Hampshire land use law, this program offers essential guidance for attorneys representing municipalities, developers, property owners, and boards. Faculty will share practical insights, strategic considerations, and real-world lessons drawn from years of experience before zoning boards, planning boards, and the courts. The day concludes with discussions of conflicts of interest and ethical issues frequently encountered in municipal and land use practice.

Members of the NHBA's Municipal & Governmental Law Section will receive a discount on their registration fee.

Faculty

Eric A. Maher, Program Chair, Donahue, Tucker & Ciandella, PLLC, Exeter

C. Christine Johnston, NH Municipal Association, Concord

Cordell A. Johnston, Attorney at Law, Henniker

Ari B. Pollack, Gallagher, Callahan & Gartrell, PC, Concord

Laura Spector-Morgan, Mitchell Municipal Group, Laconia

Solo & Small Firm Conference 2026: Building the Modern Law Practice

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

Wednesday, October 7, 2026

9:00 a.m. – 4:15 p.m.

365 NHCLE min., incl. 120 ethics min.

NHBA Seminar Room/Webcast

Join New Hampshire attorneys, judges, and practice management experts for a full day devoted to the real-world challenges and opportunities facing solo and small firm lawyers. From practical strategies for aligning people, processes, and technology, to the effective and ethical use of artificial intelligence, sustainable business models, risk management, leadership, and lawyer well-being, this conference delivers actionable guidance that can be implemented immediately. Whether you are launching a new practice, growing an established firm, or planning for the future of legal services in New Hampshire, you'll leave with practical tools, proven strategies, and a clearer vision for long-term success.

If you attend in person, join your colleagues for a reception after the program.

Members of the Solo & Small Firm Law Section will receive a discount on their fee.

Faculty

Aaron A. Archambault, Program Co-Chair, A.A. Archambault, PLLC, Hopkinton

Marcia A. Brown, Program Co-Chair, NH Brown Law, PLLC, Somersworth

Amy M. Cann, Program Co-Chair, Cann Law, PC, Portsmouth

Stephanie K. Burnham, Burnham Legal, PLLC, Manchester

Danielle Hall, Affinity Consulting Group, Columbus, OH

Alec Harrison, CEO, VisualBoston, Norwood, MA

Justin C. Richardson, NH Water Law, Portsmouth

Cassandra O. Rodgers, Sheehan, Phinney, Bass & Green, PA, Portsmouth

2026 Employment Law 360° Forum: Developments & Strategy from Every Side of the Bar

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

Thursday, September 24, 2026

9:00 a.m. – 4:30 p.m.

400 NHCLE min., incl. 60 ethics min.

NHBA Seminar Room/Webcast

This seminar brings together a balanced faculty to examine the most important developments shaping employment law practice today. Designed for New Hampshire practitioners representing employers, employees, and institutions alike, this program offers a comprehensive, real-world look at evolving legal standards, emerging risks, and strategic decision-making across core practice areas. Through focused analysis and practical insight, attendees will gain a clearer understanding of how current trends are playing out on all sides of the bar—and how to respond effectively in their own practice.

Members of the NHBA's Labor & Employment Law Section will receive a discount on their registration fee.

Faculty

Beth A. Deragon, Program Chair, ClarkDeragon Law, PLLC, Concord

Brian J. Bouchard, Sheehan, Phinney, Bass & Green, PA, Portsmouth

Kathleen A. Broderick, Manchester City Solicitor's Office, Manchester

Heather M. Burns, Upton & Hatfield, LLP, Concord

Amy M. Cann, Cann Law, PC, Portsmouth

Susannah Chance, Leddy Group, Dover

Anna B. Cole, Drummond Woodsum, Manchester

Donna M. Daneke, Manchester

Geoffrey M. Gallagher, Poulin, Hurley, Makris & Lyons, PA, Manchester

Chad T. Hansen, Maine Employee Rights Group, LLC, Portland, ME

Shiva Karimi, McLane Middleton Professional Association, Boston, MA

Benjamin T. King, Douglas, Leonard & Garvey, PC, Concord

John S. Krupski, Krupski & Beaudoin, PLLC, Concord

Meredith M. Lasna, Pastori | Krans, PLLC, Concord

Katie K. Marble, Focus Financial Partners, Portsmouth

J. Daniel Marr, Hamblett & Kerrigan, PA, Nashua

Marie S. McKean, Saint Anselm College, Manchester

Enrique F. Mesa, Jr., Mesa Law, Manchester

Margaret A. O'Brien, McLane Middleton Professional Association, Manchester

Brittani L. Pelissier, Shaheen & Gordon, PA, Nashua

James P. Reidy, Phinney, Bass & Green, PA, Manchester

John E. Rich, Jr., McLane Middleton Professional Association, Manchester

Cassandra O. Rodgers, Sheehan, Phinney, Bass & Green, PA, Manchester

Andrea B. Saglimbene, Devine, Millimet & Branch, PA, Manchester

K. Joshua Scott, Jackson Lewis, PC, Portsmouth

Abby Tucker, Wadleigh, Starr & Peters, PLLC, Manchester



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Intellectual Property for Business Lawyers & Litigators: Spotting Issues, Managing Risk, & Protecting Innovation

Co-sponsored by the NHBA's Intellectual Property Law Section

Wednesday, October 21, 2026

9:00 a.m. – 4:15 p.m.

360 NHCLE min.

NHBA Seminar Room/Webcast

This seminar will provide a clear foundation in core IP concepts, including patents, copyrights, trade secrets, technology-driven transactions, PTAB and TTAB appeals, patentable subject matter, and patent litigation fundamentals. The program will also explore developing trends, including the fast-moving intersection of artificial intelligence and intellectual property, with guidance from experienced practitioners on issue-spotting, client counseling, and knowing when specialized IP support may be needed.

Members of the NHBA's Intellectual Property Law Section will receive a discount on their registration fee.

Faculty

David A. Thibodeau, Jr., Program Chair, VLP Law Group, Manchester

Sally N. Baraka, Solversa Legal Solutions, PLLC, Portsmouth

Aaron S. Jacobs, Prince Lobel, Boston, MA

Cassandra C. LaRae-Perez, LaRae Perez Law Firm, PLLC, Manchester

Michael Matuson, Mechanicus, PLLC

Sean M. Michalski, Patent Attorney, Bedford

Willow Murphy, Genpact

Sarita L. Pickett, Patent Negotiator, PLLC, Manchester

Zvi S. Rosen, UNH Franklin Pierce School of Law, Concord

Daniel Skempton, Lincoln

Todd A. Sullivan, Hayes Soloway, Manchester

Immigration Law Now: Fundamentals, Current Developments, & Pathways to Pro Bono Service

Thursday, October 22, 2026

9:00 a.m. – 4:30 p.m.

360 NHCLE min.

NHBA Seminar Room/Webcast

Designed for both immigration practitioners and attorneys with little or no prior experience, this full-day program combines foundational instruction with current legal developments, practical litigation strategies, and real-world guidance from experienced practitioners representing private firms, nonprofit organizations, and advocacy groups. Through engaging presentations, practical demonstrations, and a mock immigration bond hearing, participants will gain a deeper understanding of the legal issues affecting immigrants today while discovering concrete ways to provide effective pro bono representation.

Faculty

Shiva Karimi, Program Co-Chair, McLane Middleton Professional Association, Boston, MA

Branden S. Ladebush, Program Co-Chair, The Law Office of Branden S. Ladebush, PLLC, Dover

Ronald L. Abramson, Shaheen & Gordon, PA, Manchester

Maggie Fogarty, American Friends Service Committee-NH, Concord

SangYeob Kim, American Civil Liberties Union-NH, Concord

Tania M. Martinez, Gomez & Martinez, LLC, Lawrence, MA

Laura K. Putnam, NH Legal Assistance, Manchester

Michelle Shepard, Fragomen, Del Rey, Bernsen, & Loewy, LLP, Boston, MA

Christina R. Simpson, Drummund Woodsum, Attorneys at Law, Manchester

Petronila Veras-Rizwan, Gomez & Martinez, LLC, Lawrence, MA

Developments in the Law 2026

Friday, October 30, 2026

9:00 a.m. – 4:30 p.m.

360 NHCLE min., incl. 60 ethics min.

DoubleTree by Hilton, Manchester

This comprehensive program brings together leading legal minds to deliver fast-paced, practical updates across a wide spectrum of practice areas. Whether you're a solo practitioner, firm attorney, or in-house counsel, this CLE offers high-value takeaways that will keep your practice current and compliant. Timely updates from the New Hampshire Supreme Court and focused sessions on municipal, employment, and bankruptcy law ensure you're equipped for the year ahead. With informative panels and excellent networking opportunities, this is a must-attend event for any New Hampshire attorney.

Faculty

Sara B. Crisp, Program Chair/CLE Committee, The Crisp Law Firm, PLLC, Concord

Simon R. Brown, Preti, Flaherty, Beliveau & Pachios, LLP, Concord

Thomas M. Closson, Thomas M. Closson Attorney at Law, PLLC, Nashua

Tracey Goyette Cote, Shaheen & Gordon, PA, Concord

Amy M. Feliciano, Hillsborough County Superior Court-South, Nashua

Edmond J. Ford, Ford, McDonald & Borden, PA, Manchester

Alyssa Graham Garrigan, Ansell & Anderson, PA, Bedford

Timothy A. Gudas, Clerk, NH Supreme Court, Concord

Stephanie C. Hausman, NH Appellate Defender Program, Concord

Heather S. Kulp, NH Trial Court Center, Concord

Thomas J. Pappas, Primmer, Piper, Eggleston & Cramer, PC, Manchester

Laura Spector-Morgan, Mitchell Municipal Group, PA, Laconia

Roy W. Tilsley, Jr., Bernstein, Shur, Sawyer & Nelson, PA, Manchester

School Law 2026

Friday, November 6, 2026

9:00 a.m. – 4:15 p.m.

360 NHCLE min.

NHBA Seminar Room/Webcast

School Law 2026 brings together leading New Hampshire practitioners for a timely examination of the legal issues shaping today's educational landscape. Beginning with a comprehensive review of the year's most significant school law decisions, the program then explores the evolving legal framework governing special education and school funding before turning to one of the most dynamic areas of modern practice—the intersection of free speech, public education, and social media. Through practical analysis, real-world examples, and a faculty panel examining emerging challenges facing students, employees, administrators, and school districts, attendees will gain the insight needed to navigate today's increasingly complex educational environment with confidence. Whether you represent school districts, educational institutions, municipalities, public employers, or individuals interacting with New Hampshire's schools, this program delivers current law, practical guidance, and forward-looking perspectives from experienced practitioners on the issues that matter most.

If you attend in person, join your colleagues for a reception after the program.

Faculty

James A. O'Shaughnessy, Program Chair, Drummond Woodsum, Attorneys at Law, Manchester

Anna B. Cole, Drummond Woodsum, Attorneys at Law, Manchester

Kathryn Cox Pelletier, Upton & Hatfield, LLP, Concord

Karen E. Hewes, EdLaw New England, PLLC, Bedford

Callan E. Sullivan, NEA-NH, Concord

Milliana R. Zonarich, Drummond Woodsum, Attorneys at Law, Manchester

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the class.”

The first named plaintiff, identified by the pseudonym Barbara, was a Honduran citizen living in New Hampshire with a pending asylum application.

SangYeob Kim, director of the ACLU-NH Immigrants’ Rights Project, explains why the case was filed in the Granite State.

“We filed this lawsuit in New Hampshire because there are many people in our Granite State communities who would have been affected by the executive order,” Kim says. “The ACLU-NH Immigrants’ Rights Project has been working for more than eight years using targeted impact litigation, advocacy, and public outreach to protect the rights and liberties of immigrant and refugee Granite Staters.”

He adds, “From this work, we know the people and the families that would be devastated by this attack on birthright citizenship, and because of our deep relationships and trust we have built with them, we were able to bring this case from New Hampshire. We are thankful to all of our brave clients who brought this lawsuit.”

Kim also addresses the timing of the

filing.

“The class action strategy was considered at an early stage, and so we, our legal partners, and new class representatives were prepared when the *CASA* decision was ultimately released,” he says. “Filing the class action case was important, as we could not take any chances with so much at stake.”

On July 10, 2025, US District Court Judge Joseph Laplante provisionally certified a nationwide class of children covered by the executive order and preliminarily enjoined its enforcement against the class. His ruling relied in part on his analysis in the earlier *New Hampshire Indonesian Community Support* case.

The administration sought Supreme Court review before the First Circuit ruled on the appeal. The justices granted certiorari before judgment on December 5, 2025, and heard arguments on April 1, 2026.

Trump attended part of the oral argument, becoming the first sitting president to attend an oral argument before the US Supreme Court. Solicitor General D. John Sauer argued for the administration, and Cecillia Wang of the ACLU argued for Barbara and the other plaintiffs.

In its Supreme Court brief, the Justice Department argued that the Citizenship

Clause requires complete “political jurisdiction,” meaning “direct and immediate allegiance” to the United States, and that the children covered by the executive order did not satisfy that requirement. The department did not respond to a request for comment for this article.

The Federation for American Immigration Reform (FAIR) submitted an amicus brief supporting the administration. It argued that American citizenship rests on “mutual consent between the individual and the nation” and that birth in the United States alone did not satisfy the clause’s jurisdictional requirement. FAIR did not respond to a request for comment.

Chief Justice John Roberts wrote the opinion of the Court, joined by Justices Sonia Sotomayor, Elena Kagan, Amy Coney Barrett, and Ketanji Brown Jackson. The five-justice majority concluded that children covered by the order are subject to US jurisdiction and that the Court’s 1898 decision in *United States v. Wong Kim Ark* confirmed that interpretation.

Justice Brett Kavanaugh concurred in the judgment and dissented in part. He agreed that the District Court’s order should be affirmed but concluded that the executive order violated the federal citizenship statute rather than the Constitution. He wrote that Congress could amend the statute or enact new legislation establishing exceptions. Justices Clarence Thomas, Samuel Alito, and Neil Gorsuch dissented from the judgment.

O’Grady cautions that the 6–3 disposition does not mean six justices agreed that the executive order violated the 14th Amendment.

“Given Kavanaugh’s opinion, the decision means that four members of the Su-

preme Court think that the executive order was constitutional – that is, that the Constitution does not guarantee birthright citizenship,” she says. “The notion that the 14th Amendment does not mean what it says was a fringe legal theory not too long ago.”

Trump responded to the decision in a Truth Social post:

“The Supreme Court upheld Birthright Citizenship, which is too bad for our Country, but we can easily make it up in Congress through Legislation, with the support of the President, that has now been determined during this process. No long and unwieldy Constitutional Amendment is necessary! Congress should start TODAY to work on ending expensive and unfair to our Country, Birthright Citizenship. They will have my Complete and Total Support!”

O’Grady says Kavanaugh’s separate opinion appears to offer the administration “a road map for overturning birthright citizenship legislatively.” Trump’s assertion that Congress could act without a constitutional amendment was consistent with Kavanaugh’s opinion, but not with the five-justice opinion written by Chief Justice Roberts. Because the majority held that the 14th Amendment itself guarantees citizenship to the children covered by the order, ordinary legislation could not override that constitutional holding unless the Court later departed from its decision.

Kim also addresses the ruling’s broader implications.

“It is difficult to overstate the significance of this decision: it is about what it means to be an American under our Constitution,” he says. “The Supreme Court’s unwavering opinion makes clear that if you are born here, you are a citizen.” ♦

Sections Election Results for 2026-2027

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Chair Dana K. Smith
Vice Chair Justin R. Veiga
Clerk Gordon J. Unzen

■ KULP *from page 5*

stitutional and statutory duties the best that they can in service of the public?”

Her work has helped simplify divorce and parenting case materials, create instructional videos and visual guides for litigants, and launch the Court Navigator program, which provides hands-on assistance to people filing court documents electronically.

Former Circuit Court Administrative Judge David King says Kulp never lost sight of the mission.

“Heather’s people and management skills are second to none,” King says. “No matter how difficult the task, she rolls up her sleeves and finds a way to get the job done.”

“Heather never lost sight of the mission and didn’t get distracted by outside forces,” he adds. “She has the respect of all of the judges and staff in the Circuit Court.”

Now director of court operations, Kulp

oversees operational improvements across both the Circuit and Superior Courts while helping implement the Judicial Branch’s first statewide strategic plan. She also continues teaching negotiation courses at Vermont Law School, introducing students to a field that once changed her own career.

Outside the courthouse, Kulp finds clarity on hiking trails. A solo backpacker who completed Vermont’s Long Trail, she often keeps a hiking pack in her car so she can stop for a quick hike between courthouse visits.

“The first 45 minutes is generally huff-and-puff mode,” she says. “Then you get into this flow. It’s really soul-reviving for me.”

It’s often there, she says, that solutions emerge to problems she’s been wrestling with for weeks.

“That’s where creative juices run for me. I can be chewing on a sticky court problem for months and then all of a sudden I’m on a hike and the solution then feels pretty simple.” ♦

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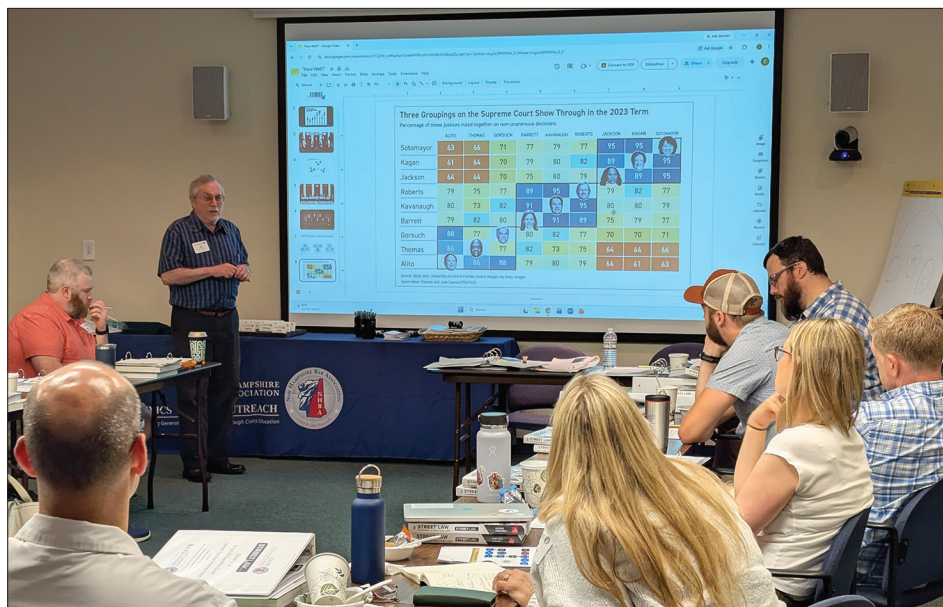
Supreme Court and constitutional law.

“We know from that program and from surveying teachers in New Hampshire that there is interest in learning about the Court, its history, processes, and cases among secondary school social studies teachers in New Hampshire,” Arbetman says.

The New Hampshire workshop was designed to build on that interest. In addition to strengthening teachers’ understanding of the Court and Constitution, the program introduced participants to instructional strategies that can make legal concepts more accessible to students. Teachers were also given the opportunity to network with volunteer attorneys who will visit classrooms and assist with learning activities during the 2026–27 school year.

During the first day, participants explored the inner workings of the US Supreme Court through sessions led by Arbetman and Ruffing. Topics included the Court’s annual cycle, the certiorari process, and how justices analyze and decide cases. Teachers also participated in a deliberation exercise based on *Mahanoy Area School District v. B.L.*

Later that afternoon, participants took part in a moot court simulation based on *Wolford v. Lopez*. Working in teams, educators assumed the roles of Supreme Court justices, petitioners, and respondents. The simulation was supported by New Hampshire attorneys, including retired UNH Franklin Pierce School of Law Professor John Greabe, who coached the justices; Ted Lothstein of Lothstein Guerriero, who coached the petitioners; and New Hampshire Assistant Attorney Gen-



Street Law consultant and senior fellow Lee Arbetman discusses the US Supreme Court with 15 New Hampshire educators at the New Hampshire Bar Center. Photo by Megan Koerber

eral Sam Gonyea, who coached the respondents.

The first day concluded with planning sessions between teachers and volunteer attorneys, followed by a reception sponsored by the New Hampshire Bar Foundation.

At the reception, New Hampshire Supreme Court Chief Justice Gordon MacDonald spoke about his work with Pamala Custer, an educator at Hanover High School. Through that partnership, students in Custer’s Constitutional Law and Street Law classes spend a day observing oral arguments at the New Hampshire Supreme Court and ask the justices questions afterward about their roles and how the Court functions.

After the success of this initiative, Custer asked whether Chief Justice Mac-

Donald would consider hosting high school student interns. That effort also proved successful, and the Court currently hosts two interns: one from Souhegan High School and one from Nashua High School South.

Chief Justice MacDonald also noted that the legal profession faces significant challenges, including the access-to-justice gap and declining public trust in institutions such as the courts. He observed that teachers are ideally suited to partner with lawyers and judges in addressing these challenges. Emphasizing that civics education can help rebuild public trust and inspire hope for the future, he drew on his own experience to encourage lawyer-teacher partnerships aimed at strengthening civic understanding and improving confidence in public institutions.

On the second day, educators continued practicing strategies they can use with students. Sessions examined the use of case studies in the classroom, including activities centered on *Trump v. Barbara* and *Case v. Montana*. Participants also explored Street Law’s extensive collection of free educational resources, including classroom guides for mock trials and moot courts, legal timelines, and landmark case materials.

The moot court simulation was one of the workshop’s highlights and offered teachers firsthand experience with legal reasoning and judicial decision-making. Teacher evaluations completed after the workshop reflected the exercise’s impact. More than 85 percent of participants reported they were very likely to use a moot court activity in their classrooms, while 94 percent said the experience increased their understanding of the US Supreme Court. Several teachers expressed newfound confidence in bringing the strategy back to their students, and participants repeatedly highlighted the value of working with practicing attorneys during the simulation.

“This was the most topical, useful, and best professional development I may have ever had in 29 years of teaching,” one participant wrote in his evaluation.

The two-day program demonstrated the potential for stronger and longer-term partnerships between teachers and legal professionals. By bringing teachers and legal professionals together to explore constitutional issues, courtroom processes, and civic engagement, the Street Law Professional Development workshop not only expanded educators’ knowledge of the Supreme Court but also laid the groundwork for lasting partnerships that will benefit students across New Hampshire. ♦



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■ DELEGATION *from page 1*

nia, and Tanzania, traveled to the United States through the US Department of State's International Visitor Leadership Program (IVLP). The delegation's project, "Freedom 250: The US Constitution's Enduring Global Legacy," was designed to examine the Constitution's development and durability, the relationship between federal and state constitutions, and the ways constitutional principles are interpreted and applied in the United States and other countries.

The World Affairs Council of New Hampshire coordinated the New Hampshire portion of the visit. Anise Jasman-Sayers, the council's International Visitor Program director, says the original plan called for separate meetings with the University of New Hampshire Franklin Pierce School of Law (UNH Law) and the Warren B. Rudman Center for Justice, Leadership & Public Policy (Rudman Center). As planning continued, those meetings developed into a single courthouse roundtable involving representatives from several parts of New Hampshire's legal system.

"For an exchange focused on the enduring legacy of the US Constitution, there was no better setting than an active courthouse where those constitutional principles are applied every day," Jasman-Sayers says.

Supervisory Judge N. William Delker hosted the delegation. He was joined by Assistant Hillsborough County Attorney Patrick Ives; Andrea Bonito, managing attorney of the New Hampshire Public Defender's Manchester office; public defender Jordan Strand; and Bry-

an Rome, a third-year student at UNH Law.

Judge Delker says the visit reflected his belief that courts should help the public understand their work.

"Transparency in the judicial process is key to maintaining confidence and integrity in what we do," he says. "The delegation from the World Affairs Council provided a rare opportunity to educate lawyers from other countries about how our Constitution works in practice."

The discussion began with an overview of New Hampshire's court system, its relationship with the federal courts, and the intersection of the US and New Hampshire constitutions. Rome discussed how constitutional law is taught in law school. Ives, Bonito, and Strand then explained how a criminal case progresses from arrest through trial and, if there is a conviction, through appeal.

Jasman-Sayers says the visitors asked about judicial appointments, prosecutorial discretion, public defense, plea agreements, access to justice, and how judicial independence is maintained. The roundtable format allowed them to hear several perspectives on those issues in a single discussion.

"One of the things that stood out most was how quickly the conversation became one among peers," Jasman-Sayers says. "Judges spoke with judges, attorneys with attorneys, and legal professionals exchanged experiences about challenges they face regardless of country."

For Judge Delker and Romanian Judge Mihnea Stoicescu of the Bucharest Tribunal, the discussion centered heavily on the difference between New Hampshire's adversarial criminal justice sys-

tem and Romania's inquisitorial system.

Judge Delker says the discussion highlighted a fundamental distinction between the two systems: who bears responsibility for developing the factual record.

"In our system, judges play a more detached and neutral role in evaluating the evidence," he says. "That allows for greater objectivity, but the judge's decision may not take into account important information because the parties have not given that information to the court in their presentation of the case."

Judge Stoicescu describes a model in which the court has considerably more authority to shape the evidentiary process.

"In my system, the judge has a legal obligation to find out the truth," he says, adding that Romanian judges may request or order new evidence and question witnesses during the trial. "I get to be much more involved in the case, but not in order to reach a certain decision, just in order to establish the truth."

The exchange also revealed differences not only in procedure but also in professional culture.

"I was pleased to see a very natural, respectful, and cordial relationship between the professionals at the meeting," Judge Stoicescu says. "We lack these interactions in Romania, and I think they are useful in order to understand each other's work."

The two systems also differ in how judges enter the profession. Judge Stoicescu says Romanian judges are generally recruited through examinations often taken by younger lawyers.

"In your system, becoming a judge is like crowning a long legal career – the fulfillment of a career," he says.

He also expresses reservations about placing factual decisions in the hands of juries, something he has not encountered professionally in Romania.

In criminal cases, he says, Romanian prosecutors lose much of their control over a case after it is sent to court. A prosecutor cannot independently drop charges during trial and may recommend an acquittal, but the decision remains with the judge.

"I will not say which system is better because, during our talks, we found issues

on both sides," Judge Stoicescu says.

Temur Tsindeliani, a prosecutor and international law enforcement cooperation specialist with the Prosecution Service of Georgia, focuses on the professional standards that guide prosecutors under both systems.

"Although our legal systems differ in many procedural aspects, I found that the fundamental mission of prosecutors is remarkably similar," Tsindeliani says.

He says prosecutors in both Georgia and New Hampshire are expected to seek justice, present evidence objectively, protect victims' rights, and respect defendants' rights. The discussion also addressed how those responsibilities interact with the roles of judges and defense attorneys at different stages of a criminal case.

"Before the visit, I was familiar with the constitutional principles underlying the US criminal justice system," Tsindeliani says. "However, hearing directly from practitioners provided a much deeper appreciation of how those principles function in practice."

Jasman-Sayers says the visitors appreciated the willingness of the New Hampshire participants to speak candidly about both the strengths of the American judicial system and its continuing challenges.

"They especially valued hearing multiple perspectives in the same discussion rather than receiving a single point of view," she says. "That openness is something many visitors consistently tell us they appreciate throughout their IVLP experience."

The exchange also gave the New Hampshire participants an opportunity to learn how other legal systems approach similar issues.

"Many of our hosts tell us they walk away having learned just as much from the visitors as the visitors learned from them," Jasman-Sayers says.

Judge Delker says the exchange encouraged the New Hampshire participants to consider their own practices from a different perspective.

"We should always be testing our assumptions that we have the only fair system," he says. "Being open to new ideas can improve how we deliver justice in New Hampshire." ♦

Mediation



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■ DEMING *from page 4*

and commitment he brings to his work and the high standards he sets for himself and his colleagues. I imagine that's what makes him such an effective lawyer."

Another fellow actor, Mitch Fortier, met Deming in 2007 when both appeared in a Nashua production, and the two quickly became friends.

"Since then, we've done award-winning shows and films together, supporting each other as aspiring actors," Fortier says. "We've also had a professional relationship as I have been his IT guy, and he has been my attorney. I cannot say enough good things about Len. The one 'bad thing' is his insufferable ability to memorize lines faster than anyone I have ever known."

But his admirers are not limited to fellow actors.

Donna Dailey, owner of New England Career Services next door to Deming's Nashua office, has known him for more than 20 years.

"I have always admired his honesty, compassion, and unwavering dedication to

helping others," she says. "He is not only an exceptional attorney but also someone of outstanding character whom I trust and respect wholeheartedly."

Deming has also directed plays and looks forward to directing more productions. When not working or acting, he is an avid golfer and remains a skilled sharpshooter.

Deming is a self-described "Shakespeare-phile" who has been heavily involved with the Shakespeare Oxford Society, now known as the Shakespeare Oxford Fellowship. He is nevertheless a "Shakespeare heretic" who has concluded that "the William Shakespeare of Stratford-upon-Avon did not write, indeed could not have written the works of William Shakespeare. I am actually quite certain of this."

His candidate for the authorship is Edward de Vere, the 17th Earl of Oxford – an opinion shared by many notable "Oxfordian" theorists.

But that doesn't detract from his love of acting.

"It's been an important part of my life," Deming says. "I'm glad my wife got me back into it." ♦

Workers' Compensation & Personal Injury Law

A Dangerous Time to Be Aging

By Anthony Carr

New Hampshire's population is aging at a faster pace than nearly every other state in the nation. In 2010, 13.5 percent of New Hampshire's 1.3 million residents were 65 years or older. The most recent data from 2024 show that, in just 14 years, that percentage increased to almost 22 percent. Today, New Hampshire has the second-oldest population in the country, behind only Maine. This trend is not slowing; it is estimated that nearly 30 percent of New Hampshire's population will be over the age of 65 by 2050.

There is a rather basic explanation for New Hampshire's (and Maine's) uniquely old populations. Around the turn of the 21st century, the population stopped growing rather abruptly. For a variety of reasons, fewer families were moving into the state than in previous generations. More families and young people, including college students and recent graduates, began leaving for opportunities out of state. Because the older baby boomer population has remained in New Hampshire throughout these changes, its share of the population has greatly increased. Additionally, medical advances are helping older adults live longer.

Today, the fastest-growing segment of America's population consists of those aged 85 and older. There were 5.8 million people in the country aged 85 or older in 2010. By 2050, it is projected that there will be 19 million people aged 85 or older.

This ongoing demographic shift – often referred to as the “silver tsunami” – is just one of several factors causing a notable increase in elder abuse incidents.

“Elder abuse” is a broad term that encompasses several different forms of neglect, abuse, and exploitation of an older person. In New Hampshire, elder abuse is defined by RSA 161-F, the Adult Protection Law. Broadly speaking, elder abuse is any act or omission that results or could result in harm to a person age 60 or older. The most common types of elder abuse are neglect, physical abuse, sexual abuse, emotional abuse,



and financial exploitation.

There are hundreds of thousands of victims of elder abuse across America every year, and unfortunately the problem is growing. Before the pandemic, it was estimated that approximately 10 percent of elders had experienced some form of abuse. A more recent post-pandemic study found that nearly 20 percent of older adults had experienced some form of abuse. In 2023, the New Hampshire Department of Justice reported a 71 percent increase in elder abuse cases over the last five years.

Another reason that cases of elder abuse are on the rise in New Hampshire is that – while our population is experiencing a silver tsunami – we are also experiencing a decline in qualified healthcare workers entering the workforce. Nurses, who now account for more than half of the healthcare workforce, are being hit the hardest. Jobs requiring LPNs are presently experiencing about a 20 percent shortage in the available workforce, with RNs coming in closer to a 10 percent shortage. In sum, there are almost half a million unfilled positions for LPNs and RNs across the country. This is creating significant healthcare strain and contributing to a decline in the quality of care in long-term care settings such as nursing homes and assisted living facilities. As a result, LPNs and RNs employed at long-term care facilities are overworked and stretched thin, which often causes a significant decrease in the quality of care provided to the elderly residents.

Another factor contributing to a rise in elder abuse is the influx of private equity into the long-term care industry. Private equity investments in healthcare have substantially increased seemingly overnight, from about \$5 billion in 2000 to more than \$100 billion

in 2024. Today, it is estimated that private equity firms own almost 15 percent of all nursing homes in the country. This influx of private equity money to the long-term care space has had a significant and negative impact on the quality of care provided and patient safety in these facilities. This is due to private equity companies inappropriately cutting costs, understaffing their facilities, failing to adequately train their staff, and setting goals and metrics that prioritize financial gain over resident safety or care.

Insurers are also now going to even greater lengths to cut costs and boost profits at the expense of the safety of elderly people. UnitedHealth, via its Optum line of business, has been accused of a significant conflict of interest in which it is providing financial re-

wards to nursing homes for decreasing how often its residents are transferred to hospitals. Essentially, nursing homes are being paid extra for keeping medically compromised residents at their facilities, regardless of whether a higher level of medical care is required. Whistleblowers and investigations have found that this downward financial pressure resulted in necessary medical care being delayed or denied, with specific examples of residents experiencing preventable harm or even death.

In sum, a variety of social and financial factors are causing incidents of elder abuse to be more prevalent than ever. Between our state's aging population, the shortage of nurses, the influx of private equity money into long-term care, and insurers putting profit over resident safety – it has never been more dangerous for an older New Hampshire resident to live in a long-term care facility than it is today. ♦

Anthony M. Carr is a partner at Shaheen & Gordon, PA, with a practice focused on complex personal injury litigation, including nursing home neglect, sexual assault, municipal liability, Section 1983 litigation, product liability, crashworthiness liability, and toxic torts such as asbestos. He also leads Shaheen & Gordon's YDC Victim Compensation Group.



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Who Cross-Examines the Algorithm?

By Scott Harris

AI is the shiny new tool in every trial lawyer's toolbox. It can accomplish in minutes research that once consumed nights and weekends. As always, lawyers must verify the results to avoid presenting hallucinated information as fact. That concern is nothing new. What is more interesting, and potentially game-changing, is AI's ability to provide "expert opinion" without a human sponsor. How courts handle AI's expert opinions from an evidentiary perspective is a work in progress.

An example of the value of AI's expertise is illustrated by our recent evaluation of a wrongful death case involving a collision between a pedestrian and a car. Within hours of the tragedy, the state police had three video feeds from nearby security cameras capturing the collision from three separate perspectives. Enter Claude. We took those videos and uploaded them to Claude with some limited instructions about what we were hoping it could tell us. (Notice I said "it" despite my first instinct being to say "he.") Claude processed the videos and produced a frame-by-frame breakdown that we could flip through like



an animation.

At 10 frames to a second, we could see the disaster unfold one frame at a time – always irrationally hoping somehow the result would change. Claude then analyzed the data to provide information on the vehicle speed at various points leading to the crash. It also calculated estimated stopping distances, reaction times, and other key data points given several different assumptions. When prompted, Claude explained its analysis and provided a list of follow-up tasks and potential defenses.

Accident reconstruction is just the tip of the iceberg when it comes to AI's potential for expert opinion. Categories of potential AI-generated expert evidence

include:

1. **Forensic identification and comparison** – probabilistic genotyping (TrueAllele, STRmix) producing DNA likelihood ratios; facial recognition matches; latent print and firearm/toolmark comparison; voice/speaker identification; gunshot detection classification and localization; disputed-document examination, including handwriting and signature comparison.
2. **Financial and economic analysis** – AI forensic accounting and fund tracing; anti-money-laundering detection; damages and lost profits models; and algorithmic business or asset valuation.

3. **Medical and scientific opinion** – AI reads of diagnostic imaging (radiology, pathology); prognostic models; and algorithmic causation assessments in toxic tort and product liability matters.
4. **Accident reconstruction and engineering** – physics-based collision simulations; structural-failure modeling; and 3D reconstructions or animations embodying an expert conclusion.
5. **Risk and behavioral prediction** – recidivism/risk scores (e.g., COMPAS) at bail or sentencing; and dangerousness predictions.
6. **Document and authorship analysis** – stylometry/authorship attribution; deepfake detection outputs; and source code similarity in trade secret or copyright disputes.
7. **Language and data interpretation** – machine translation offered for meaning; sentiment analysis; transcription with speaker attribution; and large-scale pattern extraction.
8. **Cybersecurity and technical attribution** – malware attribution; and intrusion and network forensic conclusions.
9. **Digital forensics and geolocation** – AI-assisted cell-site and GPS location analysis; device-extraction and data-recovery conclusions; and call-detail-record mapping.
10. **Generative LLM outputs** – For example, the model's characterization of

ALGORITHM *continued on page 31*

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Premises Liability Case Tips

By David Gottesman

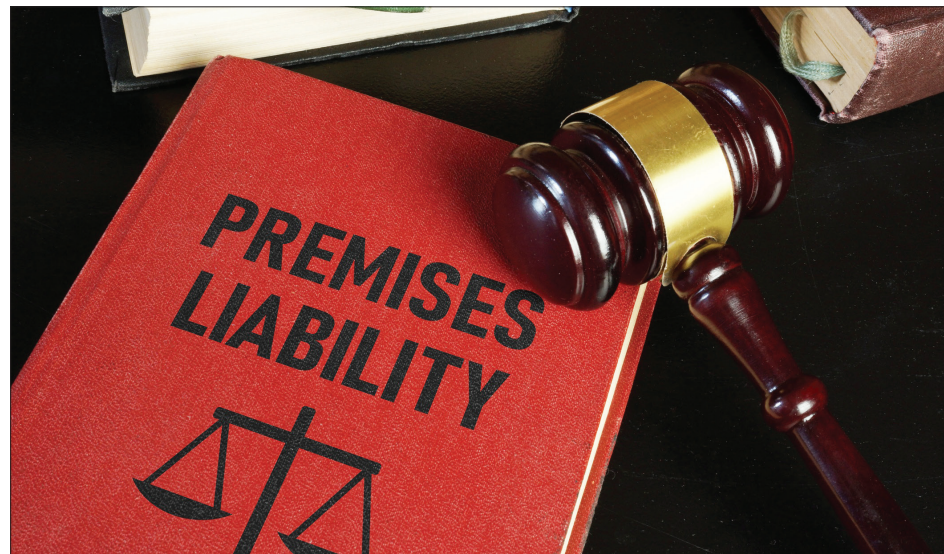
I am not quite sure how it started, but slip-and-fall cases, trip-and-fall cases, and store-negligence cases were not my area of focus in the early years of my law practice. Somewhere along the way, after a couple of successful settlements, the word got out to the public that these were cases that I was handling. I thought it might be helpful to share some techniques I have found surprisingly useful in handling these cases.



Are There Cameras?

The first thing I like to discover is whether or not there are cameras on the property that captured video or still images of what happened. If you go into almost any grocery or retail store and look up, you will see bubbles in the ceiling that conceal cameras. In many store locations, multiple camera angles show the plaintiff's activities from the time the plaintiff enters the store.

In a recent case we had, the store could track the individual's movements from entry to departure due to the sophisticated camera system. The primary reason I want that video is to determine whether



I am wasting my time by taking the case. Unfortunately, many of the big-box stores will not provide the videos unless you file suit first. In several cases, after reviewing the video, we declined the case. You might want to put a provision in your contingency fee agreement that you are accepting the case provisionally, subject to your review of the video provided by the store.

Are There Witnesses?

One of the hardest tasks is finding witnesses who may have seen the incident that your client is complaining about. Your client is injured and is certain that the store is at fault, but how do you prove it? In most cases, passersby will stop to see if the in-

jured plaintiff needs help getting up or even an ambulance, but that is where the participation normally ends. Once store managers or assistant managers show up, people seem to scatter to finish their shopping, never to be seen again.

Sometimes you have to rely on witnesses who work for the store to tell what they saw or heard. Most of the time, these witnesses are hard to track down and the store offers little cooperation in identifying one of its employees. In one case we had, a store employee walked right past the hazard that caused the plaintiff to fall, but kept on walking, never notifying anyone of the hazard. It took a motion to compel the store's cooperation in identifying the em-

ployee shown in the video to force the store to find the employee and give up his name.

Is There a Safety Committee?

Does the store have a safety committee? Imagine my surprise when I found out that some stores actually have safety committees that are supposed to review the safety precautions for the store and are also supposed to make recommendations for improvement. Further, these committees are generally supposed to meet quarterly and are composed of employees at different levels within each store. It is no surprise that the meetings are hardly ever held or that detailed minutes are rarely kept. Forget the fact that incidents similar to the one involving your plaintiff are rarely mentioned in those minutes. In some of the chain stores, these minutes are kept in the store with a copy being transmitted electronically to the mother ship of the chain.

Did the Weather Have Anything to Do with It?

Many of these claims have weather elements involved in them. Was it raining or snowing at the time the person entered the store? Was water or ice being tracked into the store by the customers? Were employees bringing wet shopping carts back into the store? Were there warning cones out so that the customers could see them and prepare for slippery floors? Did the store put out appropriate weather mats and dry-

TIPS *continued on page 31*

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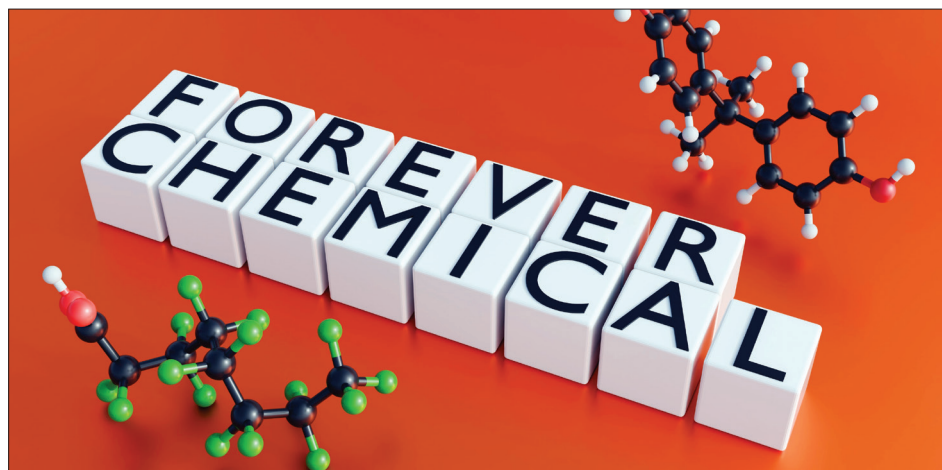
PFAS Funding: Are We Leaving the Sick and Injured Behind?

By Jessica Hanna

The State of New Hampshire has disbursed over \$223 million in state and federal funds to combat per- and polyfluoroalkyl substances (PFAS) contamination in recent years. Most of this money has been allocated to water testing, infrastructure, and remediation, with some going to research. However, none of the money is currently being allocated to directly assist people harmed by PFAS exposure or families of those who have died from it.

Humans can be exposed to PFAS in a variety of ways. Much of the PFAS contamination in New Hampshire stems from contaminated water, but exposure can also occur through soil, air, food, packaging, personal-care products, and manufacturing or chemical-processing facilities. PFAS have been widely used since the 1940s and are extremely difficult to break down, earning them the moniker “forever chemicals.”

The New Hampshire Legislature decided to approach the issue of blood testing for PFAS by requiring major health insurance carriers in New Hampshire to provide coverage for PFAS blood tests, provided the test is recommended by a physician. To its



credit, the New Hampshire Legislature was one of the few in the country to take this measure. However, it does not entirely close the gap. Health insurance plans that are short-term, limited-duration plans or non-major medical carriers are generally exempt from the statute. Further, a person without health insurance would have to pay out of pocket for testing costs, which are estimated to be \$300 to \$600.

Our neighbors in Maine have taken a different approach. The State of Maine has allocated more than \$1 million from its PFAS Fund to cover the cost of blood testing for impacted citizens. There are eligibility criteria for the program that require participants to have lived or worked in specific areas that the state has identified as having contaminated water or soil through testing.

Maine has taken the program a step further by proactively notifying specific residents that they are presumptively eligible for free blood testing based on their location.

In addition to Maine, six other states participate in federal grant programs that offer free testing to people who live in communities at high risk of exposure. New Mexico temporarily allocated money to allow residents in a contaminated area to access free testing, but the program has ended. New York offered a similar temporary program that ended in early 2025. It is clear that access to testing was a priority for lawmakers in New Hampshire. However, the problem has not been entirely solved with the passage of the statute requiring insurance coverage by major carriers.

Testing remains inaccessible to those with certain kinds of insurance or those who are uninsured. One way to ensure that these groups have the same access to their health information as everyone else is to provide universal access to PFAS blood testing.

Unfortunately, PFAS exposure has commonly been linked to the development of cancers in adults who have been exposed to the chemicals through groundwater. The State of New Hampshire has been active in seeking compensation from companies that have contributed to the PFAS groundwater epidemic. The State has pursued multimillion-dollar settlements from companies like 3M, BASF, and TYCO. The State has received over \$35 million in payments from these settlements to date, and additional payments are due through 2033. However, there remains concern that these funds are not going to people who have lost loved ones from PFAS exposure that caused early-onset cancers.

Personal injury actions stemming from

PFAS exposure are pending in multidistrict federal court litigation. They have been divided into categories for case management purposes. A bellwether program for the federal claims was established in May 2023 and restricted the claims to two drinking-water contamination sites at Peterson Air Force Base/Colorado Springs Municipal Airport, and Naval Air Station Joint Reserve Base Willow Grove/Naval Air Warfare Center Warminster. Later proceedings have narrowed the working pool through the tiered selection process, and a kidney cancer bellwether trial was scheduled for October 20, 2025.

The trial date was vacated after the court became aware of a large number of unfiled cases, many of which may not be vetted. This federal order required all Plaintiffs' Executive Committee members to file their personal injury cases alleging one or more of six “Listed Claims”: kidney cancer, testicular cancer, ulcerative colitis, thyroid disease, liver cancer, and thyroid cancer. No new trial date has been set.

The delays in the litigation and the lack of funding going directly to people who have become ill or to the families of those who have died from PFAS exposure underscore a central concern: Most funding is directed toward identifying PFAS contamination and remediating groundwater rather than assisting those harmed by exposure.

It is still not clear whether those who have been devastated by these chemicals through the development of cancer will receive any form of relief. New Hampshire expanded the statute of limitations on these cases under RSA 458-H:12 when a person discovers, or should have reasonably discovered, they were injured by PFAS chemicals.

Given the devastating consequences of PFAS exposure, plaintiffs may receive limited or no relief despite being exposed to these forever chemicals. The hope is that, through this litigation, plaintiffs can seek justice for the impact these forever chemicals have had on them and their families, but questions remain about whether they will obtain meaningful relief. ♦

Jessica Hanna is an associate at Parnell, Michels & McKay. Her focus areas include personal injury, wrongful death, workers' compensation, landlord-tenant, and general litigation matters. She is a member of the NHBA's Workers' Compensation Section, as well as the New Hampshire Association for Justice.



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Navigating the Intersection of Workers' Compensation and Social Security Disability Claims

By Gordon Unzen

New Hampshire workers' compensation claimants may be entitled to Social Security disability benefits that can help bridge the financial gap left by workers' compensation benefits alone. Social Security disability benefits can specifically provide additional monthly compensation and access to healthcare through Medicare and Medicaid. However, the overlap between Social Security disability and workers' compensation law creates unique issues and traps for the unwary. This article discusses the intersection of these claims and how to identify several key issues.



between SSDI and SSI is important, SSDI is more likely to be encountered during workers' compensation (WC) claims and is the focus here.

Different Standards of Disability

The first issue is that SSA uses a stricter standard of disability than WC. SSA defines disability as (1) the presence of a medically determinable physical or psychological impairment; (2) an impairment that has lasted or is expected to last at least 12 months; and (3) an impairment that prevents the claimant from engaging in substantial gainful activity (SGA). 42 U.S.C. § 423(d)(1). SGA is a term of art representing an inflation-adjusted earning capacity. In 2026, the amount is \$1,690 in gross monthly income for non-self-

employed workers. A successful SSDI application must prove an inability to earn at least \$1,690 a month for 12 consecutive months.

Because disability is defined in relation to earning capacity, SSDI claims are evaluated under an "any occupation" standard. SSA may deny an application by showing that a claimant can perform some work that exists in significant numbers in the national economy and earn at least \$1,690. 20 C.F.R. § 404.1566(a). This is different from the standard applied to determine WC total disability benefit eligibility. While WC does not adopt a pure "prior occupation" standard, disability is still defined relative to gainful employment using factors such as the claimant's age, education, training, and prior earnings. RSA

281-A:2, X-a. A WC claimant could be capable of earning \$1,690 a month in an unfamiliar occupation and yet be eligible for total disability benefits. For SSDI benefits, this would often be disqualifying. A finding of disability in the WC context does not guarantee success before SSA.

Managing Offsets

The second issue is that SSA may apply an offset (reduction) in SSDI benefits on account of WC benefits received for the same period. A claimant's SSDI and WC benefits cannot together exceed 80 percent of their average current earnings (ACE). 42 U.S.C. § 424a(a). The ACE is calculated using one of two primary methods depending on which yields the higher benefit. The first option is to use the highest-earning year in the five calendar years preceding the onset date of disability. 20 C.F.R. § 404.408(c)(3)(i)(A). The second option is to use the average earnings from the highest five consecutive years in the claimant's earnings history.

Consider the following example. Alice is a recently injured worker who receives WC disability benefits and would like to apply for SSDI. Her highest-earning year was the year before her injury, when she earned \$60,000. Because no five-year average would exceed that amount, her ACE is calculated using the \$60,000 figure.

Dividing Alice's annual income by

CLAIMS *continued on page 31*

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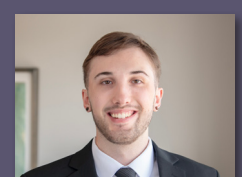
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When an Objection Fails to Object

By Dana Smith

Permanent impairments can be simple, right? The claimant suffers a work-related injury, reaches maximum medical improvement (MMI) after a period of treatment, and a doctor assigns an impairment rating based on the fifth edition of the *AMA Guides to the Evaluation of Permanent Impairment*.

The claimant discloses the evaluation and, from there, it's just a math problem – the number of weeks assigned to the body part under RSA 281-A:32, multiplied by the percentage assigned by the doctor and the compensation rate. The *Memo of Permanent Impairment Award* is filed by the carrier, approved by the Department of Labor, and the injured worker is paid the award.

But it's rarely that easy. For a variety of reasons, whether because of a dispute over causation, an error in the calculations, a disagreement over the percentage, or a misapplication of the *AMA Guides*, the carrier may object to the percentage of loss claimed. And while an objection is a pleading almost every lawyer has filed, there are several potential pitfalls worth reviewing in the context of permanent impairments under RSA 281-A:32.

First is the timeframe. RSA 281-A:32,



XI makes it clear that any objection must be filed no later than 15 days following the claimant's disclosure. In practice, the carrier submits a cover letter noting that the carrier objects to the extent of the loss claimed by the injured worker and a hearing is scheduled under RSA 281-A:32. And when they don't, the Department of Labor has traditionally been steadfast in granting administrative orders requiring carriers to submit a *Memo of Permanent Impairment Award* based on the disclosed report.

While there are other requirements under RSA 281-A:32, from experience, that bright-line rule about granting administrative orders starts and stops at the 15-day requirement for filing objections. However, a review of the workers' compensation statute and the companion Lab Rules suggests that such an order could be expanded to other requirements.

More specifically, RSA 281-A:32, XI also requires that, if the carrier "objects

to the extent of the loss" claimed by the claimant, it "shall have 30 days to arrange for a medical examination, pursuant to RSA 281-A:38, and request a hearing and determination by the commissioner."

These same requirements are echoed by Lab 506.02(l), which notes that if "upon receipt of the permanent impairment award evaluation, the carrier ... objects to the percentage of loss given by the treating or referred physician, they shall: (1) Notify the Department of Labor within 15 days of receipt ... (2) Arrange for an independent medical examination in accordance with RSA 281-A:32, XI and RSA 281-A:38 within 30 days of their objection ...; and (3) Request a hearing on the matter."

Lab 506.02(m) further notes that if "upon receipt of the permanent impairment award evaluation, an objection is not filed with the Department of Labor pursuant to Lab 506.02(l) above, the carrier shall: (1) Accept the rating filed by the treating or referred physician; (2) Complete and file the 'Memo of Permanent Impairment Award' ... and (3) Pay the award."

Given that Lab 506.02(m) requires carriers to comply with all three steps under Lab 506.02(l), by willfully choosing not to schedule a medical examination, the carrier has failed to properly object to Dr. Wilkening's January 28, 2026 rating. As a result, Lab Rule 506.02(m) requires the carrier to accept Dr. Wilkening's rating, file the *Memo of Permanent Impairment Award*, and pay the applicable award.

For what it's worth, as referenced specifically in their initial objection, the carrier intends to rely entirely upon a record review from and a subsequent addendum issued by Terrance Doorly, MD. While Dr. Wilkening's report, on its face, appears to properly comply with RSA 281-A:32, XIV, it is anticipated that the carrier will attempt to use Dr. Doorly's report to argue against it. However, Dr. Doorly's reports also fail

to comply with the Workers' Compensation statute.

More specifically, RSA 281-A:32, XIV notes that "[i]n order to reduce litigation and establish more certainty and uniformity in the rating of permanent impairment, the commissioner shall adopt rules, under RSA 541-A, incorporating by reference the fifth edition of the American Medical Association's (*AMA Guides to the Evaluation of Permanent Impairment*) to determine the degree of permanent impairment and on which to base awards under this chapter."

Put simply, in addition to not complying with RSA 281-A:32, Dr. Doorly's medical record reviews also fail to comply with the fifth edition of the *AMA Guides*. Chapter 1.2, "Impairment, Disability, and Handicap" (p. 2), of the *Guides* specifically notes that "determining whether an injury or illness results in a permanent impairment requires a medical assessment performed by a physician." In the underlying matter, Dr. Doorly has not performed an evaluation and has never seen, met, or spoken with the claimant in any capacity. As a result, the *Guides* indicate that Dr. Doorly has failed to meet the requirements to even make a determination on permanent impairment.

Lastly, it's worth noting the provisions of RSA 281-A:39. While these provisions generally apply to the claimant, the same maxims should apply to insurance carriers who refuse to submit the claimant to a required medical examination. More specifically, RSA 281-A:39 notes that an employee who refuses to submit to a medical examination can have their right to weekly benefit checks, their right to request a hearing suspended, or both.

In the present matter, the carrier has essentially done almost the same thing. Despite RSA 281-A:32, XI and Lab 506.02(l) requiring the carrier to send the claimant to a medical evaluation, the carrier has refused to do so in defiance of the statute. As a result, like a claimant who refuses to submit to a medical examination, the carrier should be precluded from relying on the same statute with which it failed to comply. ♦

Dana K. Smith is a partner at Ward Law Group, PLLC in Manchester. He's the current chairman of the New Hampshire Bar Association's Workers' Compensation Section and focuses his practice solely on representing injured workers in New Hampshire.

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■ ALGORITHM *from page 26*

whether a contract term is consistent with industry standards.

The question is: Can I put Claude's opinion into evidence? That question is the subject of a proposed change in the Federal Rules of Evidence to include new Rule 707, which states:

"Where machine-generated evidence is offered without an expert witness and would be subject to Rule 702 if testified to by a witness, the court may admit the evidence only if it satisfies the requirements of Rule 702(a)-(d). This rule does not apply to the output of simple scientific instruments."

In other words, where you don't have a human expert, you might still meet your burden if you can offer the same expert opinion generated by AI. The rule contemplates applying to machine-generated opinions the same reliability criteria that apply when those opinions are offered by a human expert subject to Rule 702 and the court's gatekeeping function.

Without an expert to defend the methodology or face cross-examination, courts have been left to consider the AI evidence under the general rules pertaining to relevance and authenticity set forth at Rules 401, 402, 403, and 901. (Note that a separate proposed amendment, Rule 901(c), addresses authentication of potentially AI-fabricated depictions, *i.e.*, deepfakes.)

In criminal cases, a further constitutional hurdle may await. The Sixth Amendment's Confrontation Clause guarantees the accused the right to confront the witnesses against them, yet you cannot cross-examine an algorithm. Whether a machine-generated opinion can be confronted at all (and whether testimony from a human who

sponsors or explains the model cures the defect) remains an open and consequential question.

If Rule 707 is adopted (or even before its adoption when used as a framework to test the admissibility of AI-generated opinions whether offered directly or sponsored by a human expert witness), counsel should be prepared to consider questions like: Was AI's forensic identification based on proprietary source code that the other side wants to examine and that you don't have and cannot get? In the absence of a human expert witness, how can you establish reliability or secure judicial notice of reliability? Because LLMs are probabilistic and a prompt may yield different outputs on different runs, is that uncertainty disqualifying, or is some degree of uncertainty permissible under the reliability standard? What body of data was the generative AI model trained on, and what algorithm was used to process that data? And is the output even hearsay or, because no human declarant made a statement, does it fall outside Rule 801 altogether, leaving reliability rather than confrontation or cross-examination as the principal battleground?

In summary, AI has the potential to reduce the cost of trial work, improve efficiency, and produce fairer results. That promise has not yet been realized and will require a lot more thought and judicial deliberation, part of which will be focused on the admissibility of AI opinions like the one Claude prepared for us. ♦

Scott Harris is a director in McLane Middleton's Litigation Department. His practice involves representing companies and executives in litigation and at trial in a range of commercial disputes including tax matters, trade secret and restrictive employment covenant litigation, contract claims, shareholder rights, land use, and other business disputes. He can be reached at scott.harris@mclane.com.

■ TIPS *from page 27*

ing fans so that customers would not fall upon stepping on wet linoleum? What sort of footwear was the plaintiff wearing?

Defense counsel often use what might be called the "flip-flop defense," arguing that no one should enter a store wearing flip-flops – even though some larger stores sell millions of pairs of them each year.

Were There Prior Incidents?

The question of whether prior incidents have occurred that caused similar injuries is always deflected by the defense. However, if the fish freezer leaked and never got fixed, if the blueberries always spilled on the floor and got smashed, or if containers frequently broke in the detergent aisle, leaving slippery soap on the floor, all should matter. Ask about these conditions because they may have occurred before and, if so, see if the safety committee ever explored it. The likelihood is that they did not, which brings up whether they had a duty to do so.

Videotape Depositions of Store Witnesses

I highly recommend having depositions of store employees and managers recorded on video by a qualified video

grapher. This has proved invaluable in our cases. People forget what they saw or heard, people move away, and sometimes people are caught in inconsistencies that just do not show up on paper. Watching the testimony of a witness who is not credible gives a jury the opportunity to punish a store for not telling the truth about what happened. In a case where the witness moved out of the jurisdiction just before trial, we were able to play the video for the jury in a case that yielded a verdict for an 86-year-old woman who had been knocked over by a store employee pushing a pallet on a pallet jack.

Conclusion

Premises-liability cases can be worth pursuing. One must understand the obstacles involved and address them directly. Pushing back on obstructive answers to interrogatories while remaining focused during discovery depositions is key to obtaining the information that you need to win your case at trial or to obtain a satisfactory result at mediation. Take the time, make the effort, and you and your client will be rewarded with full, fair, and adequate compensation. ♦

David Gottesman is an attorney at Gottesman & Hollis, Professional Association in Nashua, New Hampshire.

■ CLAIMS *from page 29*

12 produces average monthly earnings of \$5,000. The combined-benefit limit is 80 percent of that amount, or \$4,000 per month.

Assuming Alice's earnings did not fluctuate significantly from week to week, her average weekly wage can be estimated by dividing \$60,000 by 52, resulting in an AWW of \$1,153.84. Her weekly total disability benefit, calculated at 60 percent of her AWW, would therefore be approximately \$692.31.

Multiplying the weekly benefit by 52 and dividing the result by 12 produces an estimated monthly WC benefit of \$3,000. Because Alice's combined WC and SSDI benefits cannot exceed \$4,000 per month, she may receive no more than \$1,000 per month in SSDI benefits while receiving WC benefits. If her otherwise payable SSDI benefit exceeds \$1,000, the excess is subject to the offset. Only when Alice settles her WC claim can she receive her full SSDI benefit.

When Applying for SSDI Is Harmful

The third issue is that the offset can create a tax situation in which applying for SSDI benefits harms the WC claimant. WC benefits are not taxable. 26 U.S.C. § 104(a)(1). SSDI benefits are taxable over certain thresholds. 26 U.S.C. § 86. Consider the following scenario. Bob has an earnings history averaging around \$30,000 a year. His highest-earning year occurred two years ago when he made \$32,000. He spent most of the year unemployed but was

recently hired full time at \$60 an hour.

Bob then suffered a workplace injury during his first week and is disabled from work. Given the short duration of Bob's employment, his AWW should be calculated under RSA 281-A:15, II(c), using the rate in his employment contract, yielding a monthly WC benefit of \$6,240. Due to Bob's historically lower earnings and limited tenure in the new job, 80 percent of his ACE is \$2,133.33. Bob's WC benefits are higher than the limit, and his SSDI benefits would be completely offset.

If his income is over the taxable threshold, however, Bob could be taxed on the pre-offset SSDI benefits he never received. See IRS Publication 915. Bob now nets less than he did before applying for SSDI. Bob should wait until after settling his WC claim to apply for SSDI benefits.

Conclusion

It can be tricky to navigate Social Security disability benefits in the context of workers' compensation claims. This article discussed several key issues, including the different standards of disability, offsets, and a scenario in which applying for SSDI benefits harms the client. By spotting these issues, counsel for workers' compensation claimants can more effectively assist their clients at the intersection of the disability benefit systems. ♦

Gordon Unzen is an associate attorney with Shaheen & Gordon, PA. His practice sits at the intersection of disability and employment law with a particular focus on workers' compensation and Social Security disability claims.

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July 2026

Constitutional Law

Wisarat Manutsom, Trustee of the Farley Road Realty Trust v. Town of Hollis,
Case No. 2025-0019

July 17, 2026

Affirmed in part, reversed in part, and remanded

- Whether the trial court erred in granting summary judgment to the Defendant and holding that notices regarding a 2016 and 2018 tax lien and a 2016 tax deed comported with the Plaintiff's due process rights under the Fourteenth Amendment?

Plaintiff's trust owned real property in Hollis since 2008. The trustee notified Defendant that she frequently traveled and provided contact information for authorized agents to act on Plaintiff's behalf regarding property taxes. In 2017, Plaintiff asked Defendant to send notices about the property to an address in Maine. Defendant sent various certified notices about delinquent taxes to Plaintiff between 2016 and 2018 to the addresses provided by Plaintiff. Plaintiff's agent signed for one of the letters, but the rest were returned as undelivered. In 2017, the trustee emailed Defendant regarding paying all outstanding taxes for 2013 through 2016. The parties discussed the delinquent balance, and Plaintiff ultimately paid the 2013-2015 taxes.

In 2017, Defendant sent certified notice of a 2016 tax lien to a California address, which was returned as undeliverable. No further notice was sent. In 2019, Defendant mailed a certified notice of impending tax lien

for 2018 taxes to the agent's and the Maine addresses; three days later, it sent a certified notice of impending tax deed for 2016 taxes to the same two addresses. All notices came back undelivered. The following month, Defendant deeded the property to the town for the unpaid 2016 taxes. A week later, Defendant sent regular mail notices of the taking to the agent's and Maine addresses. In 2022, after confirming the proper address with the trustee, Defendant mailed additional certified letters to the agent's address and the Maine address. The agent signed for the letter sent to him. Over the next year, Defendant and Plaintiff's agent communicated about auctioning the property. In April 2024, Defendant agreed to sell the property to a third party; a month later, Plaintiff offered to pay the outstanding taxes and penalties to repurchase the property, but Defendant rejected the offer.

Plaintiff sued, alleging notice of the 2016 and 2018 tax liens and 2016 tax deed was insufficient and violated its due process rights under the Fourteenth Amendment. Both parties moved for summary judgment, and the trial court granted summary judgment in favor of Defendant. Plaintiff moved for reconsideration, which was denied. Plaintiff appealed.

On appeal, Plaintiff argued that once the original notices came back as undeliverable, Defendant should have taken additional steps to notify it. Under *Jones v. Flowers*, a 2006 US Supreme Court case, Defendant had an obligation to take subsequent steps if it learned, prior to taking the property, its notice attempts failed. Despite sending no further notices before taking the property, Defendant argued it satisfied its *Jones* obligations because Plaintiff became aware of

At a Glance Contributor



Ryan M. Borden

Bankruptcy and Commercial Litigation Attorney with over 12 years of experience representing Chapter 7 trustees, creditors, debtors, and court-appointed receivers in insolvency and commercial disputes throughout New Hampshire and Maine.

the tax deed within the statutory redemption period, and Defendant had sent additional notices (by regular and certified mail and email) after taking the property. The Court found, however, that *Jones* requires the subsequent notices to be sent before taking the property by tax deed.

Defendant argued that Plaintiff knew the taking was imminent based upon the emails from 2017. The Court stated that those discussions were insufficiently concrete to put Plaintiff on notice, and the taking occurred nearly two years later. The Court reversed summary judgment as to the adequacy of the tax deed notice and remanded for further proceedings on the appropriate remedy.

The Court found that Defendant's mailing of the 2016 tax lien to a California address was insufficient, since all mail sent there was returned undeliverable, and reversed summary judgment on that issue.

The Court found that despite return of some of the mail sent to the agent's and Maine addresses, use of those addresses for the 2018 tax liens was sufficient under the circumstances and affirmed summary judgment on that issue.

Alfano Law Office, Concord (John F. Hayes on the brief), for the Plaintiff. Cronin, Bisson & Zalinsky, Manchester (Christopher B. Drescher, on the brief), for the Defendant.

Insurance

Susan D. Royce v. State Farm Fire and Casualty Company, Case No. 2025-0330

July 24, 2026

Reversed and remanded

- Whether the trial court erred in granting summary judgment to Insurance Company Defendant and declining to find uninsured/underinsured motorist coverage under an umbrella insurance policy where the applicant had originally checked a box declining such coverage in 2000 but had subsequently sought an increase in the coverage limits without checking the box declining such coverage.

Plaintiff's sister applied for and obtained an umbrella insurance policy with a \$1 million limit from the Defendant in 2000 and declined uninsured/underinsured motorist coverage (UIM). The application stated that the rejection would apply to all future renewals and replacement policies unless the applicant made a written request to add UIM coverage. The operative statute in effect at that time was the 1991 version of RSA 264:15, I. The policy renewed in October 2021, and a month later, the sister obtained an increase in coverage to \$5 million. The sister did not check the box rejecting UIM coverage with respect to the increased coverage. RSA 264:15, I provided that, to the extent an insured elects to procure insurance above the minimum amount required by RSA 259:61, UIM shall automatically be equal to the liability coverage elected, including umbrella

or excess policies (unless rejected by the applicant).

In 2021, Plaintiff suffered significant injuries while riding as a passenger in her sister's insured vehicle. Plaintiff settled with the underinsured driver and sought UIM coverage from Defendant. Defendant denied coverage based on the sister's rejection of UIM coverage in the 2000 application. Plaintiff sued, the parties filed cross-motions for summary judgment, and the trial court ruled in favor of the Defendant. This appeal followed.

On appeal, Plaintiff argued that her sister's declination of UIM coverage in October 2020 did not apply to the renewal or additional, increased coverage. The Court rejected Defendant's argument that the statute did not apply to umbrella policies, noting that the cited case was based on an old version of the statute that the legislature subsequently amended to its 1991 version. The Court held that by obtaining an increase in coverage, Plaintiff's sister made a deliberate choice to obtain more insurance and therefore "purchased" insurance worth \$4 million. Because she did not check the box rejecting UIM coverage, the additional \$4 million in coverage also included UIM coverage. The Court also rejected Defendant's argument that it should follow the holding of O'Donnell, a case interpreting a post-1991 version of RSA 265:15, I that included language stating that UIM rejection applies to all future renewals or amendments, because the 1991 version of the statute contained no reference to renewals or policy amendments.

The Court held that the renewal of the original \$1 million in coverage did not include UIM coverage, however, because renewal was merely an administrative task that required no deliberate or intentional act to "purchase" new insurance by Plaintiff's sister.

Bussiere & Bussiere, Manchester (Emile R. Bussiere, Jr. on the brief and orally), for the Plaintiff. Primmer Piper Eggleston & Cramer, Manchester (Doreen F. Connor, on the brief and, orally), for the Defendant.

Parental Rights

In re H.H.; In re B.H., Case No. 2025-0594

July 28, 2026

Affirmed

- Whether the trial court erred in finding that (1) Respondent failed to correct conditions of child neglect within 12 months, (2) DCYF made reasonable efforts at reunification, and (3) termination of parental rights was in the child's best interest.

In 2023, DCYF received a report that the children's legal guardians, their paternal great-grandparents, were neglecting them. A certified peer support worker investigated the home, observed a handprint mark on a child's back, and saw that the children's father, Respondent, was living in the basement, surrounded by empty bottles of alcohol, jugs of urine, an empty Suboxone container, and other detritus. DCYF initiated neglect and abuse proceedings and obtained a temporary order removing the children. At the adjudicatory hearing, Respondent admitted the guardians struck the children; the trial court found Respondent had neglected the children.

At the dispositional hearing, the trial court ordered Respondent to take numerous steps to correct the conditions of neglect. DCYF referred Respondent to numerous programs to help him meet these goals. At each of the three-, six-, and nine-month review hearings, Respondent was in sub-



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stantial compliance with all goals except locating safe and adequate housing. At the permanency hearing, Respondent still demonstrated substantial compliance with all but the housing requirement. He reported he had purchased a trailer in rural Vermont, but it lacked permanent water, sewage, and electrical systems, and did not have an address issued by the town. DCYF had instructed Respondent to fix these issues and commenced the Interstate Compact on Placement of Children (ICPC) process with Vermont. DCYF recommended a 90-day extension to permit him to fully comply, which was granted.

During the 90-day period, Respondent failed to comply with the housing requirement and regressed on his other goals. During this period, DCYF terminated the ICPC process with Vermont without court approval and recommended termination of parental rights. The trial court found that Respondent had not corrected the conditions of neglect and termination would be in the children's best interest so they could be adopted by foster parents. Parental rights were terminated pursuant to RSA 170-C:5, III. This appeal followed.

The Court found that the three statutory conditions listed in RSA 170-C:5, III had been satisfied: first, Respondent did not dispute that there had been a finding of neglect. He disputed the trial court's ruling that he had not corrected the conditions of neglect within 12 months, because the court unlawfully considered his regression during the 90-day extension at the second permanency hearing. The Court disagreed, construing the statute as a whole, finding the extension period simply gave the Respondent more time to comply, and his regression was not compliance, as evidenced by his alcohol and substance use, cancelled visitation, failure to fix the housing issues, and failure to communicate with DCYF.

Respondent also argued that DCYF's unilateral decision to cancel the ICPC process with Vermont meant that it did not make reasonable efforts for reunification; had the ICPC home study occurred, Respondent argued that he would have solved his housing issue and come into full compliance. The Court held that even if DCYF required a court order to cancel the process, the trial court's failure to consider DCYF's conduct was harmless error. DCYF submitted a plethora of other evidence demonstrating Respondent's lack of compliance with other provisions of the dispositional order. Furthermore, Respondent had not contested that DCYF made reasonable efforts during the first 12-month period to assist him, or that it continued to do so during the 90-day extension period.

The Court found that the record sufficiently supported the finding that termination was in the children's best interest and affirmed termination of Respondent's parental rights.

The Young Law Firm, Conway (Robert Young on the brief), for the Respondent. John M. Formella, Attorney General, and Anthony J. Galdieri, Solicitor General (Mary A. Trickett, senior assistant attorney general, on the memorandum of law), for DCYF.

Securities

Appeal of Advent Medical Products, Inc., Case No. 2024-0720
July 31, 2026

Affirmed in part, reversed in part, vacated in part, and remanded

- Whether the Bureau of Securities Regulation (Bureau) erred in holding respondents liable for certain violations of New Hampshire securities laws and ordering them to pay monetary penalties, rescind the chal-

lenged securities sales, and permanently cease and desist from offering or selling securities in New Hampshire.

Advent developed and manufactured manual defibrillators and automatic external defibrillators (AEDs). Advent was headquartered in Massachusetts, where its president, Randall Fincke, resided at all relevant times. Prior to marketing its defibrillators, Advent received regulatory approval to market them under the FDA's 510(k) process. Advent then solicited investments. Fincke's brother, Gary, led those efforts in New Hampshire. Gary often worked from his home in New Hampshire. Gary met with multiple investors in person and communicated with many via phone and email. The investors who testified at the administrative hearing each purchased a promissory note and call and put options. Advent did not register these securities with the Bureau.

Advent hit a rough patch due to production delays, changes in the FDA approval requirements for AEDs, defects with batteries, a securities enforcement proceeding in Massachusetts, and the COVID-19 pandemic. In 2023, the Bureau filed a staff petition alleging Advent had violated securities law by selling unregistered securities to thirteen individuals in New Hampshire and misrepresenting material facts to investors. The director ruled in the Bureau's favor, finding the respondents jointly and severally liable, rescinding the challenged investments totaling \$480,000, ordering them to pay a fine of \$345,000 for 138 violations and pay the Bureau's legal fees and costs totaling \$60,000, and permanently enjoining them from selling securities. This appeal followed.

The Bureau alleged Advent misled investors by (1) touting Fincke's general biography in support of the offering while omitting reference to two specific lawsuits Fincke had been a party to, one for theft of trade secrets, and one for securities fraud, and (2) by stating the defibrillators were "close to market." The Court noted that when voluntarily disclosing information, half-truths rendering statements untrue are actionable as misrepresentations, but complete omissions are not, and that statements cannot be misleading when the words spoken and facts omitted operate on different levels of generality. The Court found that the nondisclosure of the lawsuits did not render Fincke's biography so incomplete as to mislead. The Court also found that at the time Fincke made his statements about the defibrillator's time to market, those statements were true and reversed the director's finding of liability under RSA 421-B:3, I(b) and 421-B:5-501(a)(2).

Respondents argued that the sales of securities were exempt. First, they asserted the securities were exempt as isolated sales. The Court agreed with Respondents that the director had incorrectly calculated the number of sales under RSA 421-B:17, II(a)(2)(A) by counting sales that occurred "subsequent" to the challenged sales and therefore had not qualified as isolated sales. The court said an offending sale must bring the total over the numerical threshold; the law does not look to the total sales during any particular 12-month period, but the 12-month period leading up to the challenged sale. The Court reversed and remanded for further factual findings as to whether the challenged sales otherwise qualified for the isolated sales exemption.

Respondents asserted that the pre-2016 sales qualified under the existing security holder exemption. Because the director had made no factual findings as to whether Gary received commission or other remuneration, one of the factors in RSA 421-B:17, II(p)(1), it vacated the director's ruling that none of the pre-2016 sales qualified under this exemption and remanded for further factual findings.

The Court also ruled that one sale to an investor who resided outside the state was not covered by New Hampshire's securities laws and did not require registration.

Respondents also challenged the number of fines – \$2,500 for each promissory note and call and put option sold to each investor. The Court found that the statute specifically referenced calls and puts and that each could qualify as a violation. In light of the remand to determine whether each sale qualified for exemptions, the Court ordered the director to assess the number of violations and amount of the fine.

Fincke challenged his joint and several liability. The Court found that the statute permits each "person" who commits a violation to be fined, and that the record demonstrated Fincke had participated in his personal capacity and thus affirmed.

Respondents challenged the penalties' constitutionality. While the Court found that the director considered all factors necessary to exercise his discretion, in light of reversing the finding of misrepresentations, which "significantly altered the calculus of the severity of punishment appropriate to balance 'the gravity of the offense' at hand," it vacated the fines, rescission of sales, and injunction, and remanded for the director to determine, in the first instance, the appropriate penalties.

Respondents challenged the director's award of \$60,000 in attorneys' fees. The Court found that "because the Act includes the actual costs associated with 'an authoritative inquiry into certain facts' and the 'procedural means for seeking redress' at a 'hearing' before an 'official body,' these definitions contemplate the 'Attorney's Fees' the Bureau requested, and affirmed the award.

John M. Formella, Attorney General, and Anthony J. Galdieri, Solicitor General

(James H. Holl, attorney, on the brief and orally), for the New Hampshire Bureau of Securities Regulation. Orr & Reno, Concord (Lisa Snow Wade and Meredith Farrell Goldstein, on the brief, and Lisa Snow Wade, orally), for Advent Medical Products and Randall Fincke. Cleveland, Waters & Bass, Concord (Jeffrey C. Christensen, on the brief) and Dylan White, Washington, DC, on the brief, for North American Securities Administrators Association, as amicus curiae.

Wills, Trusts, and Estates

Nathaniel Moffat, Trustee of the Pamela Dawson Moffatt Revocable Trust v. Sarah Srebro, et al, Case No. 2025-0048
July 7, 2026
Affirmed

- Whether the trial court erred when it (1) awarded certain real property to Sarah, (2) ordered Nathaniel to personally reimburse the trust its attorney's fees and costs as a remedy for his breach of fiduciary duty
- Whether the trial court properly exercised jurisdiction over Sarah's counterclaims.

The parties' mother died in 2021, and through her will gave tangible personal property equally to her three children, with the residual passing to her revocable trust. The trust, in turn, called for equal distributions of the trust property to the three siblings. One appellant, Nathaniel, was named as the executor of their mother's estate and trustee of her trust. In June 2023, he filed a petition for partition of trust real estate in Hancock – a house with 20 acres of land and an adjacent five-acre parcel with a garage and barn (34 Kings Way), and a house on a six-acre lot (33 Kings

AT A GLANCE continued on page 34



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Way). Nathaniel, as Trustee, purchased 33 Kings Way while the mother was still alive, with the apparent intention of renovating it so he, his wife, and parents could reside there. Before and after the mother's death, Nathaniel used trust money to fund significant renovations of 33 Kings Way.

Nathaniel wanted 33 Kings Way to be awarded to him, and 34 Kings Way sold and the proceeds distributed to the siblings. Sarah moved to dismiss the partition action and asserted three counterclaims, including breach of fiduciary duties; she subsequently sought to have 34 Kings Way awarded to her. Nathaniel moved to dismiss the counterclaims. The trial court denied both motions and held a four-day trial. The court awarded Nathaniel 33 Kings Way and awarded Sarah 34 Kings Way. The trial court found that Nathaniel breached his fiduciary duties by refusing, without justification, to distribute 34 Kings Way to Sarah and by residing in 33 Kings Way without paying rent. The trial court ordered Nathaniel to personally repay the Trust for the cost and expenses, including attorney's fees, to the extent trust funds had been used to fund the litigation. Nathaniel and Matthew appealed.

The appellants first argued that the trial court erred by awarding Sarah 34 Kings Way because it failed to consider "special circumstances" of the "longstanding and deep-rooted animosity between Nathaniel and Sarah," and due to the properties' proximity to one another, the trial court practically guaranteed continued conflict and litigation.

The Court found that the trial court adequately addressed the parties' relationship; the two brothers did not want 34 Kings Way, it had been owned by the family for over 100 years, Sarah had a strong connection to that property, and the trust had sufficient assets to offset the apportionment of 34 Kings Way to Sarah, and the trial court's decision was consistent with the statutory preference for distribution over sale.

Matthew argued that the partition order dismissed his one-third interest by falsely asserting he had renounced his share; the Court disagreed that the trial court had said that, because it was implicit in the partition ruling that the trustee must account for the awards of real property when distributing the remaining trust assets, including Matthew's share.

Finding that the trial court had subject matter jurisdiction to determine Sarah's counterclaims, it held that Matthew had waived his claims that Nathaniel had breached his fiduciary duties and had to repay the Trust from his personal assets, as those claims were not sufficiently developed at trial. Nathaniel had not challenged those rulings; he argued that the trial court erred by not segregating attorney's fees and costs for claims Sarah did not prevail on at trial and ordering him to repay all costs and attorney's fees incurred. The Court found that Nathaniel failed to preserve this argument because he did not raise it at any time before the trial court's order or on reconsideration and thus affirmed the trial court's ruling.

Devine, Millimet & Branch, Manchester (Thomas Quarles and Joseph Dolciotto on the brief, and Thomas Quarles orally), for the Petitioner. Newkirk Law, Bedford (Pamela J. Newkirk, on the brief and, orally), for Sarah Srebro. Matthew J. Moffat (self-represented, on the brief and orally).

Zoning

**Appeal of Christine Murray, Case No. 2025-0019
July 15, 2026**

Reversed and remanded

- Whether the Housing Appeals Board (HAB) erred in affirming the Hampstead Zoning Board of Adjustment's (ZBA) grant of a special exemption permitting a second-floor addition to a lakefront cottage across the road from the abutter appellant's home.

Respondents owned a lakefront cottage in Hampstead, which was non-conforming due to its size and lack of frontage. Respondents sought to remodel the cottage and add a second story, which required a special exemption under Hampstead's zoning ordinance. Respondents applied for the special exemption, and at the ZBA hearing, testified the addition would raise the cottage's height by ten feet, but presented no evidence on whether the addition would affect abutting property values or whether the project was consistent with the spirit and intent of the zoning ordinance.

Appellant objected to the special exemption request, testifying that the project would obstruct her view of the lake, was contrary to the spirit and intent of the zoning ordinance, and would adversely affect her property value. She submitted photographs showing the same. Respondents offered no rebuttal evidence.

The ZBA granted Respondent's application but did not include specific written findings of fact supporting the decision; it said only that the request met the requirements of the ordinance. Appellant requested a rehearing. While the request was pending, Respondents completed some of the work. The ZBA denied the rehearing, and Appellant appealed to the HAB. The HAB dismissed the appeal, finding the ZBA's decision was not unreasonable or unlawful. This appeal followed.

On appeal, Appellant argued that Respondents failed to meet their burden to prove the special exemption criteria were satisfied, and therefore the HAB erred in affirming the ZBA's decision. Respondents countered that Appellant's photographs supported the ZBA's implicit findings that the appellant's property value was not diminished by their work, and therefore the HAB's decision should be affirmed.

The Court found that under the Hampstead zoning ordinance, Respondents had the burden of establishing that the proposed work was within the spirit and intent of the ordinance and that it would not diminish abutting property values. The Court stated that Respondents submitted no evidence regarding those factors and did not satisfy the requirements for a special exemption. Appellant had testified that the project was contrary to the spirit and intent of the ordinance, and would adversely affect her property's value, and Respondents offered no rebuttal evidence.

Respondents argued that the ZBA's language that the project "met the requirements of the zoning ordinance" was broad enough to establish the project satisfied the special exemption requirements, but the Court held that RSA 676:3, I's requirement for "specific written findings of fact supporting the decision" was not satisfied. The Court found that the ZBA had no basis to grant the special exemption, and the HAB therefore erred in affirming the ZBA's decision.

The Court remanded the decision to the HAB with instructions to reverse the ZBA's decision.

Yasenska Law, Portsmouth (Kristin M. Yasenska on the brief and orally), and MacMillan Law Offices, Bradford, Massachusetts (Thomas K. MacMillan, on the brief), for the Petitioner. Beaumont & Campbell, Salem (Bernard H. Campbell, on the brief and, orally), for the Respondents.

NH Supreme Court Orders

LD-2026-0009, *In the Matter of Gerald D. Neiman, Esquire*

On June 30, 2026, the Attorney Discipline Office (ADO) filed a petition for the summary interim suspension of the respondent, Gerald D. Neiman, Esq., from the practice of law. The petition relies primarily on Supreme Court Rule 37(9-B)(a) as authority for the summary suspension.

Rule 37(9-B)(a)(1) authorizes the court to suspend an attorney summarily when the ADO alleges that the attorney has "engaged in serious misconduct which poses an immediate and substantial threat of serious harm to the public or the integrity of the legal profession." "Serious misconduct" is any misconduct "involving (1) mishandling or misappropriation of client or third party property or funds or (2) any other misconduct which by itself could result in a suspension or disbarment." Rule 37(9-B)(b). Rule 37(9-B)(a)(2) authorizes the court to suspend an attorney summarily when the ADO alleges that the attorney has "failed to respond to requests for information from the attorney discipline office made in the course of investigating a docketed matter." An attorney who is suspended summarily without a hearing is entitled, upon request, to a prompt post-suspension hearing. See Rule 37(9-B)(f).

As to Rule 37(9-B)(a)(1), the petition alleges the following facts. Attorney Neiman has misappropriated funds from two clients. In addition, he ceased communication with various clients, failed to respond to the Chapter 13 Bankruptcy Trustee (Trustee) in matters in which Attorney Neiman represented bankruptcy clients, and failed to file final pleadings for at least seven of his bankruptcy clients that would finally discharge them in bankruptcy, despite notices from the Trustee — thereby risking dismissal of those bankruptcies for clients who have made timely payments for years pursuant to Chapter 13 plans.

As to Rule 37(9-B)(a)(2), the petition alleges that Attorney Neiman, over the course of multiple months, has failed to provide a substantive response to the ADO's requests for information, even after the ADO's Disciplinary Counsel complied with the formalities of notice and service required by Rule 37(9-B)(d).

The petition alleges that Attorney Neiman violated the following Rules of Professional Conduct: Rule 1.1, which requires a lawyer to provide competent representation to a client; Rule 1.3, which requires a lawyer to act with reasonable diligence and promptness in representing a client; Rule 1.4, which requires, among other things, that a lawyer keep the client reasonably informed about the status of the matter and promptly comply with the client's reasonable requests for information; Rule 1.15, which prohibits a lawyer from misappropriating client funds; Rule 8.1, which prohibits a lawyer from "knowingly fail[ing] to respond to a lawful demand for information from an admissions or disciplinary authority"; and Rule 8.4(c), which makes it professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

The court determines that the ADO has alleged sufficient grounds against Attorney Neiman to support a finding of "serious misconduct" in the form of his misappropriating client funds and engaging in other misconduct which by itself could result in a suspension or disbarment, as well as sufficient grounds to support a finding of a knowing failure by Attorney Neiman to respond to requests for information from the

ADO made in the course of investigating docketed matters. The court further determines that the alleged "serious misconduct" poses an immediate and substantial threat of serious harm to the public or the integrity of the legal profession. Accordingly, it is hereby ordered:

(1) In accordance with Rule 37(9-B), Attorney Gerald D. Neiman is summarily suspended from the practice of law in New Hampshire on an interim basis pending further order of this court.

(2) A copy of the ADO's petition and this order shall be served on Attorney Neiman by first-class and certified mail at the latest address that Attorney Neiman provided to the New Hampshire Bar Association.

(3) Attorney Neiman is enjoined from further use of his IOLTA and operating accounts, along with any other accounts into which he has deposited client funds. He is further enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.

(4) On or before July 15, 2026, Attorney Neiman may request a hearing on the issue of whether the summary suspension should be lifted. See Rule 37(9-B)(f). The hearing will be promptly scheduled.

(5) On or before July 23, 2026, Attorney Neiman shall inform his clients in writing of his suspension from the practice of law and of his inability to act as an attorney and shall advise them to seek other counsel. See Rule 37(13). Attorney Neiman shall file an affidavit on or before July 23, 2026, stating that he has complied with this requirement. A copy of the affidavit shall be sent to the ADO.

Pursuant to Rule 37(17), the court appoints Attorney Ryan M. Borden to take immediate possession of the client files and operating, trust and other fiduciary accounts of Attorney Neiman, and to take the following actions:

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

(2) Attorney Borden shall, to the extent that he deems necessary, notify Attorney Neiman's clients of his suspension, advise them to obtain the services of other lawyers of their choice, and advise them how they or their new attorneys may obtain their files.

(3) Attorney Borden shall prepare an inventory of Attorney Neiman's client files and shall file a copy of the inventory with this court on or before August 24, 2026, together with a report of his actions taken under this order and recommendations as to what further actions should be taken.

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

Attorney Neiman is ordered to cooperate with Attorney Borden in performing the tasks as directed by the court.

The expenses of Attorney Borden shall be paid in the first instance from the funds of the attorney discipline system, which may seek reimbursement from Attorney Neiman.

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

DATE: July 9, 2026
ATTEST: Timothy A. Gudas, Clerk
New Hampshire Supreme Court

Classifieds

POSITIONS AVAILABLE

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

ASSISTANT COUNTY ATTORNEY – The Cheshire County Attorney's Office has an opening for a full-time Assistant County Attorney. This position involves prosecuting felony criminal cases in the Cheshire County Superior Court. Experience preferred, but recent law school graduates are encouraged to apply. Salary is commensurate with experience. NH Bar membership required. Please submit a cover letter and resume to Chris McLaughlin, Cheshire County Attorney, attention Kim May, 12 Court Street, Keene, NH 03431.

LANDLORD/TENANT PARALEGAL – Busy Manchester law firm seeks a Legal Assistant with 5+ years' experience to support the firm's attorneys. This position will also involve supporting the firm's representation of landlords and learning the eviction process with the goal of performing more paralegal related work in future. Must be detail-oriented, self-motivated, and proficient in Microsoft Office 365. Compensation commensurate with experience. Please forward resume to jgibson@bkwlawyers.com.

OFFICE SHARING

ATTORNEY seeks office-share arrangement with law firm in the Nashua or Salem area. Contact Dan Cohen at 617-935-3230; dcohen@hammondre.com.

REFERRALS

LAWYER REFERRAL SERVICE – FULL FEE PROGRAM – Even when your practice is thriving, you need a steady stream of leads to keep it that way. Join NHBA Lawyer Referral Service. To learn more or sign up visit <https://www.nhbar.org/join-lawyer-referral-service> or contact LRS at (603) 715-3235 or email lrsreferral@nhbar.org.

ADMINISTRATIVE PROSECUTOR

The State of New Hampshire Office of Professional Licensure and Certification (OPLC), Division of Enforcement seeks full-time Administrative Prosecutor.

The Administrative Prosecutor will be responsible for prosecuting administrative cases against licensees, preparing legal documents, and collaborating with investigators. Day-to-day tasks include conducting legal research, drafting pleadings and motions, presenting cases at hearings, and ensuring compliance with relevant laws and regulations.

The ideal candidate will have a Juris Doctorate from an accredited law school and at least 4 years' experience in the active practice of law.

Candidate must be an active member of the New Hampshire Bar Association and in Good Standing.

Please send cover letter and resume to Office of Professional Licensure and Certification, 7 Eagle Square, Concord NH 03301, Attn: Sharda Rao, HR Administrator or via email at Sharda.B.Rao1@oplcnh.gov.

For a full job description, please visit the State of NH's job posting and search for Job ID # 52682, <http://das.nh.gov/jobsearch/Employment.aspx>

Immigration Staff Attorney

New Hampshire Legal Assistance (NHLA) seeks a Staff Attorney to work in our immigration law practice.



The Staff Attorney will have a comprehensive immigration law practice including screening, in-depth consultations, pro se assistance, and full representation; collaboration with other legal services providers and community support organizations; and outreach and community education.

Full position details and how to apply here: <https://www.nhla.org/support/jobs>

BEAUPRELAW
Trusts & Estates

\$85K - \$100K
+ production bonus
Associate Attorney - Dover, NH

**Be a great lawyer.
Not a great timekeeper.**

Our growing Seacoast trusts & estates boutique is hiring an Associate Attorney (1-2+ years estate planning, probate). You'll lead client consultations, design trust- and will-based estate plans, guide signings, and handle probate administration matters – with paralegal support and direct mentorship from the owner. We're a flat-fee, systems-driven firm that embraces technology to sharpen attorney efficiency and improve the client experience. Most firms aren't ready for what's coming. We built for it. **Come do your best legal work here.**

Tell us about the work you're most proud of → work@beauprelaw.com

PASTORI | KRANS
ATTORNEYS AT LAW

LITIGATION ATTORNEY
CONCORD, NEW HAMPSHIRE

Pastori | Krans, PLLC, an established downtown Concord law firm, seeks a New Hampshire attorney to join its growing litigation practice.

We are looking for a motivated attorney who enjoys working directly with clients, developing practical legal solutions, and handling meaningful matters from start to finish. Attorneys with experience in litigation, employment law, family law, or a related practice area are encouraged to apply. We welcome candidates ranging from developing associates to experienced practitioners.

At Pastori | Krans, you will join a collaborative, supportive team that values professionalism, mentorship, work-life balance, and career development. We are committed to fostering an environment where attorneys can build rewarding careers.

We offer competitive compensation, performance-based bonuses, comprehensive benefits, generous PTO, a 401(k) match, and ongoing professional development. If you are seeking sophisticated, challenging work, a collegial culture, and a firm invested in your long-term success, we welcome a confidential conversation.

Please submit cover letter and resume to blandry@pastorikrans.com.

CHISHOLM PERSSON & BALL, PC
ATTORNEYS AT LAW

Real Estate & Commercial Transactions Attorney

Chisholm Persson & Ball, P.C., a well-established Laconia law firm whose real estate practice has been consistently recognized by the Best of the Lakes Region awards, seeks an associate attorney to join its real estate, commercial transactions, commercial lending, and business law practice.

This is an opportunity for an attorney who is interested in sophisticated transactional work, meaningful client contact, direct mentorship, and a rewarding and sustainable long-term practice in the Lakes Region. Flexible work hours and remote work are available.

The ideal candidate will have 2 to 5 years of law firm experience, strong writing and communication skills, sound judgment, attention to detail, and an interest in developing and maintaining client relationships. Experience in real estate and/or commercial transactions is required. Experience in commercial lending, title matters, mergers and acquisitions, business sales, succession planning, or related transactional work is desirable. Ties to the Lakes Region are strongly preferred.

The successful candidate will work directly with Attorney Michael J. Persson, with the potential to develop into a long-term succession role within an established Lakes Region practice.

All inquiries confidential.

Send cover letter and resume to:
Michael J. Persson, President
Chisholm Persson & Ball, P.C.
mike@laconialaw.com



Flexible Glidepath for “Seasoned Attorney”

Are you thinking about winding down, still enjoying the work, but cannot quite see the next step? Alfano Law is seeking seasoned litigation and real estate attorneys who want to continue practicing without the burden of running a firm.

Alfano Law is a well-established New Hampshire firm representing businesses and individuals in real estate matters, with a primary focus on roads, easements, title issues, planning and zoning, transactions, and property tax. You will retain meaningful control over your practice while we handle infrastructure and operations.

Feeling overwhelmed by technology and AI? We take that burden off your plate. Our firm actively selects, manages, and maintains tools that improve efficiency and move matters along smoothly from initial client contact through file closure. You can focus on practicing law while we handle the systems. You also will work with experienced paralegals as part of a coordinated team structure.

Candidates must have spent most of their careers practicing in New Hampshire. The position may be hybrid or fully remote and may be full or part-time. Full-time attorneys are eligible for health, dental, and 401(k) benefits.

If you would like to have a confidential conversation, please contact Paul Alfano at palfano@alfanolaw.com.

ASSISTANT COUNTY ATTORNEY

The Cheshire County Attorney’s Office has an opening for a full-time Assistant County Attorney.

This position involves prosecuting criminal cases for the Keene Police Department in the 8th Circuit Court – Keene District Division, and the attorney is stationed at the Keene Police Department.

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 commensurate with experience. 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.



**PRIMMER PIPER
EGGLESTON &
CRAMER PC**

Our firm is always searching for talented attorneys, legal staff, and management personnel who are looking to help build an even more successful environment. We operate in six offices across three states: Vermont, New Hampshire and Washington, DC. We function as a unified firm offering the opportunities and benefits of a large law firm, without sacrificing the camaraderie and efficiency of a smaller firm.

Ideal candidates value the challenge of developing a sophisticated practice and enhancing personal expertise while working as part of a team with other attorneys and staff. We’re a firm always looking forward, and experiencing immense growth. Whether you are just beginning your career, or are well-established, we’d love to hear from you. You might be a fit for our legal support team, our business and operations team, or you might be an attorney who will fit perfectly into one of our 28+ different practice areas. Are you an attorney looking to make a lateral move? Possibly from out-of-state? Great! Contact us and let us tell you why a career at Primmer is the best move you’ll ever make!

We offer competitive compensation and comprehensive benefits for all positions. For further information, or to inquire about a particular position, please email us at careers@primmer.com.

Senior Attorney - Strategic Litigation

Conservation Law Foundation (CLF) is seeking a Senior Attorney. Senior Attorney will work with CLF’s Strategic Litigation team on groundbreaking environmental law cases, currently including climate-change liability claims against the world’s largest oil and gas producers and cases that will reduce nutrient pollution that fuels toxic algae outbreaks.

To apply for this exciting position, click on the link below to be directed to an online application where you may upload your application material

<https://secure6.saashr.com/ta/6181430.careers?ShowJob=688297025>



Trusts & Estates Attorney Nashua, New Hampshire

Hamblett & Kerrigan, P.A. seeks an experienced Trusts & Estates attorney with a minimum of five years of practice in estate planning, trust administration, probate, and related matters.

This is an outstanding opportunity for a lateral attorney seeking a collegial, relaxed, and professional work environment. Our Trusts & Estates department is supported by attorneys and paralegals with decades of combined experience, providing a deep bench of knowledge, mentorship, and administrative support that allows attorneys to focus on delivering exceptional client service.

We offer:

- Competitive compensation
- Health and dental insurance
- 401(k) plan with employer matching
- Experienced and collaborative support staff
- Established client base and strong community reputation
- Long-term growth opportunity in a stable practice

Qualified candidates should possess strong client counseling, drafting, and communication skills and be admitted to practice in New Hampshire. Additional admission to the Massachusetts Bar and experience in tax planning is preferred.

Interested candidates should submit a confidential résumé and cover letter to Sarah Walsh at swalsh@hamker.com



MUNICIPAL ATTORNEY

Donahue, Tucker & Ciandella, PLLC (DTC Lawyers) is a full-service New Hampshire law firm with offices in Exeter, Portsmouth, and Meredith, known for its strong community roots, collegial culture, and practical, high-quality legal services.

We are seeking an attorney with an interest in municipal and land use law to join our Municipal Practice Group, with flexibility across office locations.

This role includes advising municipalities on governance, Right-to-Know compliance, contracts, planning and zoning, land use, and related matters, and working with the firm’s real estate and litigation teams on development issues.

Candidates should have active bar membership (or anticipated) in New Hampshire, with 3 to 5 years of relevant experience preferred. Experience with planning or zoning boards is a plus. The position includes attendance at evening meetings, as needed, and offers a mix of advisory work and litigation.

TRUSTS & ESTATES ATTORNEY

Donahue, Tucker & Ciandella, PLLC (DTC Lawyers) is a full-service New Hampshire law firm with offices in Exeter, Portsmouth, and Meredith, known for its strong community roots, collegial culture, and practical, high-quality legal services.

We are seeking two attorneys to join our Trusts & Estates practice, with positions in Exeter and Meredith.

This role includes estate planning, trust and estate administration, and advising clients through all stages of planning. It offers the opportunity to join a well-established and collaborative team.

Candidates should have active bar membership (or anticipated) in New Hampshire, with 3 to 5 years of experience in estate planning and probate administration preferred. Strong drafting, communication, and organizational skills are essential. Experience with elder law, tax planning, or business succession is a plus.

Competitive compensation, comprehensive benefits, generous paid time off, and professional development support are provided.

Submit cover letter, resume, and writing sample to careers@dtclawyers.com

All inquiries remain confidential.

Associate Attorney

Brannen & Loftus, PLLC is a law firm based in Hanover, NH, representing individuals and institutional clients in complex civil litigation matters in Vermont and New Hampshire. The firm's lawyers have significant experience in professional liability, family/domestic law, and general civil litigation.

Role Description

This is a full-time position. The Associate Attorney will be responsible for handling a wide variety of cases, including professional liability matters, family/domestic law, and general civil litigation, and will provide legal advice, conduct research, negotiate, and assist with all aspects of case preparation and litigation. Pay will be commensurate with relevant experience, skill, and qualifications.

The ideal candidate will have a Juris Doctor (JD) degree from an accredited law school, strong knowledge of the law and experience in civil litigation, the ability to provide high-quality legal advice and analysis, excellent research and analytical skills, the ability to work independently and as part of a team, excellent organizational skills and high attention to detail, and excellent written and verbal communication skills. Licensure to practice law in both New Hampshire and Vermont is preferred. We will train the right candidate, and recent law school graduates are encouraged to apply.

Interested candidates should send their resume and cover letter to:
lbarth@brannen-loftus.com.



Associate Attorney - Litigation PretiFlaherty

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

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

Apply directly:
www.preti.com/careers/attorney-openings

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



Wadleigh, Starr & Peters, P.L.L.C.
has proudly served clients since 1899.
As we continue to grow, we're seeking motivated attorneys to join our team and help build upon our established, thriving practice areas.

Labor and Employment Law

Represent employers in labor and employment matters, including counseling, compliance, and litigation. Responsibilities include advising clients on employment policies and practices, negotiating collective bargaining agreements for public employers, assisting with union grievances, handling administrative proceedings, and representation in state and federal court in matters involving discrimination, wage and hour issues, wrongful termination, and related claims.

Real Estate

Represent clients in commercial real estate matters, including sales and acquisitions, financing, and leasing, and in land use matters. Responsibilities include drafting and negotiating purchase and sale agreements, leases, loan documents, and real estate holding company documentation, reviewing title and survey plans, managing closings, and advising clients on regulatory compliance and development issues. Must be NH licensed.

Estate Planning & Probate

Advise clients on estate planning strategies, including wills, trusts, and tax planning. Administer probate estates and trusts. Handle guardianships and related fiduciary matters. Build and maintain long-term client relationships. Must be NH licensed.

Workers' Compensation

Represent both claimants and employers in workers' compensation matters. Preference given to candidates with strong work ethic, proven ability to manage caseload and time factors, and experience practicing before administrative boards.

More About Us: Our firm values professionalism, commitment to our clients, long-term vision, independence and diverse perspectives, and collegiality. We offer competitive compensation, commensurate with experience, comprehensive benefits package including health insurance, 401k plan, life insurance, long term disability, employee assistance program, and paid time off. Professional development includes meaningful client contact and courtroom experience, mentorship from experienced attorneys.

To Apply: Please submit a cover letter, resume, writing sample, and references to
HR@wadleighlaw.com.

wadleighlaw.com

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



MID-SENIOR-LEVEL PATENT ATTORNEY

McLane Middleton is seeking an experienced Patent Attorney to join our growing IP practice. The ideal candidate will be a licensed Patent Attorney with 5+ years of experience, including work with domestic and international patents. Experience in other areas such as trademarks, software development and licensing agreements, trade secrets, domain name disputes, copyrights, and confidentiality agreements would be helpful. A portable book of business or existing volume of practice is strongly preferred, though not required for consideration. A broad range of technical backgrounds including electrical, computer, and mechanical are preferred. Candidates without a technical degree will also be considered, particularly those with an interest in assisting the Firm's business/corporate practice.

MID-SENIOR-LEVEL TAX ATTORNEY

McLane Middleton is seeking a talented and driven Tax Attorney to join our team. The ideal candidate will have 5+ years of tax law experience, working closely with businesses and individuals on complex tax structuring for mergers and acquisitions, partnership tax, federal income tax, and private equity transactions. Experience with federal and state and tax controversy work, ERISA and other state and federal laws relating to employee benefits and executive compensation plans is a plus. The qualified candidate will have prior private firm experience or will be transitioning from the IRS or an accounting firm.

JUNIOR-MID-LEVEL EDUCATION LAW ATTORNEY

McLane Middleton is seeking an Education Law Attorney to join our growing education law practice. 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.

MID-LEVEL EMPLOYMENT LAW ATTORNEY

McLane Middleton is seeking an Employment Law Attorney to join our growing employment law practice. The ideal candidate will have 4+ years of experience in employment law with some background in general litigation. Additional experience should include employee handbooks and related policies, wage and hours compliance, employer hiring guidance and experience with on-site employee training on harassment prevention. Prior experience with crisis response and risk management is a plus.

JUNIOR-MID-LEVEL TRUSTS & ESTATES ATTORNEY

McLane Middleton has one of the largest Trusts and Estates departments in New England and has an exciting opportunity for a Trusts and Estates Attorney. 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.

EXPERIENCED TRUSTS & ESTATES ATTORNEY

This is a unique opportunity to join 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.

For more than 107 years, McLane Middleton has supported the long-term growth of its professionals, helping them build rewarding and successful careers. We welcome dedicated self-starters who are eager to advance their careers and pursue business development opportunities.

A hybrid work schedule combining in-office and remote work is available. Qualified candidates will have strong academic credentials from an accredited law school, excellent analytical abilities, and outstanding communication and writing skills, along with a commitment to exceptional client service.

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

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, at jessica.boisvert@mcclane.com

Prime Buchholz: Corporate Paralegal

The Job

The Corporate Paralegal plays a key role in supporting the firm's legal operations, corporate governance, and various compliance activities. Working closely with the Senior Legal Counsel and cross-functional partners across the firm, you'll help ensure Prime Buchholz meets its regulatory and fiduciary obligations while supporting efficient legal and compliance processes.

In this role, you'll manage a broad range of legal operations responsibilities—from contract administration and corporate recordkeeping to due diligence, compliance filings, and other special projects. This position offers the opportunity to build deep expertise in corporate legal operations within the investment management industry while partnering with colleagues across Legal, Marketing, Technology, and other business teams. This position can be based in either Portsmouth, NH, or Boston.

What You'll Do

- Manage the client contract workflow and record retention; draft client contracts, amendments, and fee change letters
- Manage vendor contract workflow and record retention for vendor contracts
- Assist in legal due diligence for private funds, including prepare initial drafts using Generative AI tools
- Manage the Firm's state compliance program, business qualifications, and annual filings
- Maintain corporate records and Board materials and assist with annual Firm member unit acquisition and sales processes
- Assist with legal review of client-ready materials and serve as liaison with Marketing
- Coordinate the Firm's vendor due diligence verification program
- Manage non-disclosure agreement (NDA) workflow and record retention
- Perform legal research and manage other special projects as directed by Senior Legal Counsel.

What You'll Bring

- Bachelor's degree or degree in Paralegal Studies required
- 4-6 years of experience in a corporate legal department, law firm, or similar legal environment
- Strong organizational skills with exceptional attention to detail and the ability to manage multiple priorities independently

- Excellent written, verbal, research, and problem-solving skills
- Ability to build strong working relationships and collaborate effectively across departments
- Proficiency with Microsoft Office, including Excel
- Previous experience in the investment management or financial services industry is preferred

What We Offer

At Prime Buchholz, a proud B-Corp organization, we believe in aligning our success with a positive impact on the world. We also believe that great work deserves meaningful rewards.

Benefits & Perks:

- **Flexibility & Balance:** Enjoy the flexibility of working from home up to two days a week, with a weekly anchor day in the office to foster team collaboration and connection.
- **Savings:** Plan for your future with our 401(k) match and profit-sharing program, designed to help you build long-term financial security.
- **Community:** We support your commitment to giving back with matching charitable contributions and paid volunteer time for causes that matter to you.
- **Time:** Take time to recharge with our flexible time-off policy and 11 paid holidays. Plus, we offer additional time off to support you through life's major milestones, including family growth.

Compensation:

- This role is classified at grade level 6, with a starting base salary range of \$76,100 - \$97,000.
- Where you fall within this range will be based on your skills, experience, qualifications, and internal equity. We typically aim to welcome a new employee on the lower end of the given salary range to ensure room to grow as performance measures are met.
- In addition to base pay, all positions are bonus-eligible — because we believe your contributions should be recognized and rewarded.

At Prime Buchholz, we're committed to building and preserving a culture where individuals from different personal and professional backgrounds can thrive, contribute, and grow. The collective sum of our individual differences, knowledge, life experiences, and unique talents is the foundation for our accomplishments and impact.

Please send resumes to: HR@primebuchholz.com.

Assistant County Attorney Sullivan County

The Sullivan County Attorney's Office is currently seeking an innovative and creative attorney with an interest in public service and a desire to serve their community.

Essential Job Responsibilities include:

- Working with law enforcement to support the investigation of criminal cases and prosecuting criminal cases in both the 5th Circuit-District Divisions and Sullivan Superior Court.
- Works closely with the Office of Victim Witness Coordinator to ensure that all victims/witnesses are properly informed, prepared for hearings, and supported throughout the criminal process.
- Provides advice and guidance to local law enforcement during non-office hours.
- Acts as counsel for the State at hearings and addresses post-trial/conviction motions.
- Prepare and present investigations and cases to the Grand Jury.
- Communicates with news media when appropriate.

Starting Salary: \$85,000, dependent on experience.

Status: Full time/Exempt, Benefits

Submission Requirements: Employment application, resume and writing sample required.

Email Applications: sleatherberry@sullivancountynh.gov

Mail Applications: 14 Main St, Newport, NH 03773

Equal employment opportunity.



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

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

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.



Immediate Openings

Salary: \$81,723.20 - \$114,400.00 Annually

Senior /Experienced Assistant County Attorney

Nashua Office - Full-Time

Entry Level and Experienced Attorneys

Manchester Office - Full-Time

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, pre-trial 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).

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 in Nashua or for more information, please contact Office First Assistant County Attorney Thorspecken by email at nicole.thorspecken@hcnh.gov.

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

ASSISTANT COÖS COUNTY ATTORNEY

The Office of the Coös County Attorney currently has an opening for a full-time Assistant County Attorney. The Assistant County Attorney is primarily responsible for representing the State in the prosecution of felony crimes in Coös Superior Court. The position may also involve administering a federal grant, discussing legal aspects of cases with staff and police, and counseling law enforcement on legal matters. Trial or jury trial experience is preferred, and experience prosecuting criminal cases and working with victims of crime is a plus. Other responsibilities may include being available to take calls and to provide advice and guidance to local law enforcement during non-office hours.

Minimum Qualifications: Juris Doctor degree and be a member in good standing of the New Hampshire Bar Association.

Application Process: Please send a resume and cover letter to the address below.

John G. McCormick, Coös County Attorney
55 School Street, Suite 141
Lancaster, NH 03584
603-788-5560 (fax)
sue.corrow@cooscountynh.us

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Interested candidates please apply with a resume and cover letter to www.manchesternh.gov/departments/human-resources/employment

Please do not hesitate to contact or email Attorney Greg Muller, Supervising Prosecutor, gmuller@manchesternh.gov, or our Office Manager Irelynne West, iwest@manchesternh.gov. Both can be reached by telephone at 603-624-6523.



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POLICE PROSECUTOR

The Gilford Police Department has an immediate opening for a full-time Police Prosecutor. We are seeking an Attorney and member of the New Hampshire Bar Association who would be responsible for planning, organizing and directing the activities of the Legal Division at the Gilford Police Department. The candidate would provide day-to-day legal advice to officers of the department for police related matters as well as prosecute all department court cases at the District Court level. Qualified candidates will have prosecutorial discretion regarding cases brought before the District Court, in accordance with the mission of the department. The prosecutor works under the general supervision of the Chief of Police. All prosecutorial work is performed independently within established laws, policies and regulations.

Minimum qualifications for this position are: Juris Doctor of Law from accredited University, a member of the New Hampshire Bar Association, Justice of the Peace, three years of experience as a practicing

Attorney in the field of Law, the ability to meet any requirements under the Criminal Justice Information System (CJIS) guidelines needed to view or operate the State Police On-Line Telecommunication System (SPOTS), possess a valid New Hampshire driver's license, successfully pass a full background investigation to include an interview process, Psychological examination and Polygraph examination.

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Cover letters and resumes should be mailed/ emailed to: Adam VanSteenburg, Lieutenant, Gilford Police Department, 47 Cherry Valley Rd., Gilford, NH 03249. a.vansteenburg@gilfordpd.gov

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SCOPE OF POSITION:

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ESSENTIAL JOB FUNCTIONS:

- Acts as counsel for the State of New Hampshire in criminal matters.
- Works closely with Victim/Witness Coordinators to ensure that all witnesses/victims are properly informed, prepared and supported throughout the prosecution process.
- Presents investigations and cases to the Grand Jury.

REQUIRED EDUCATION AND EXPERIENCE

- Juris Doctor from accredited law school.
- Must be admitted into the New Hampshire Bar Association.

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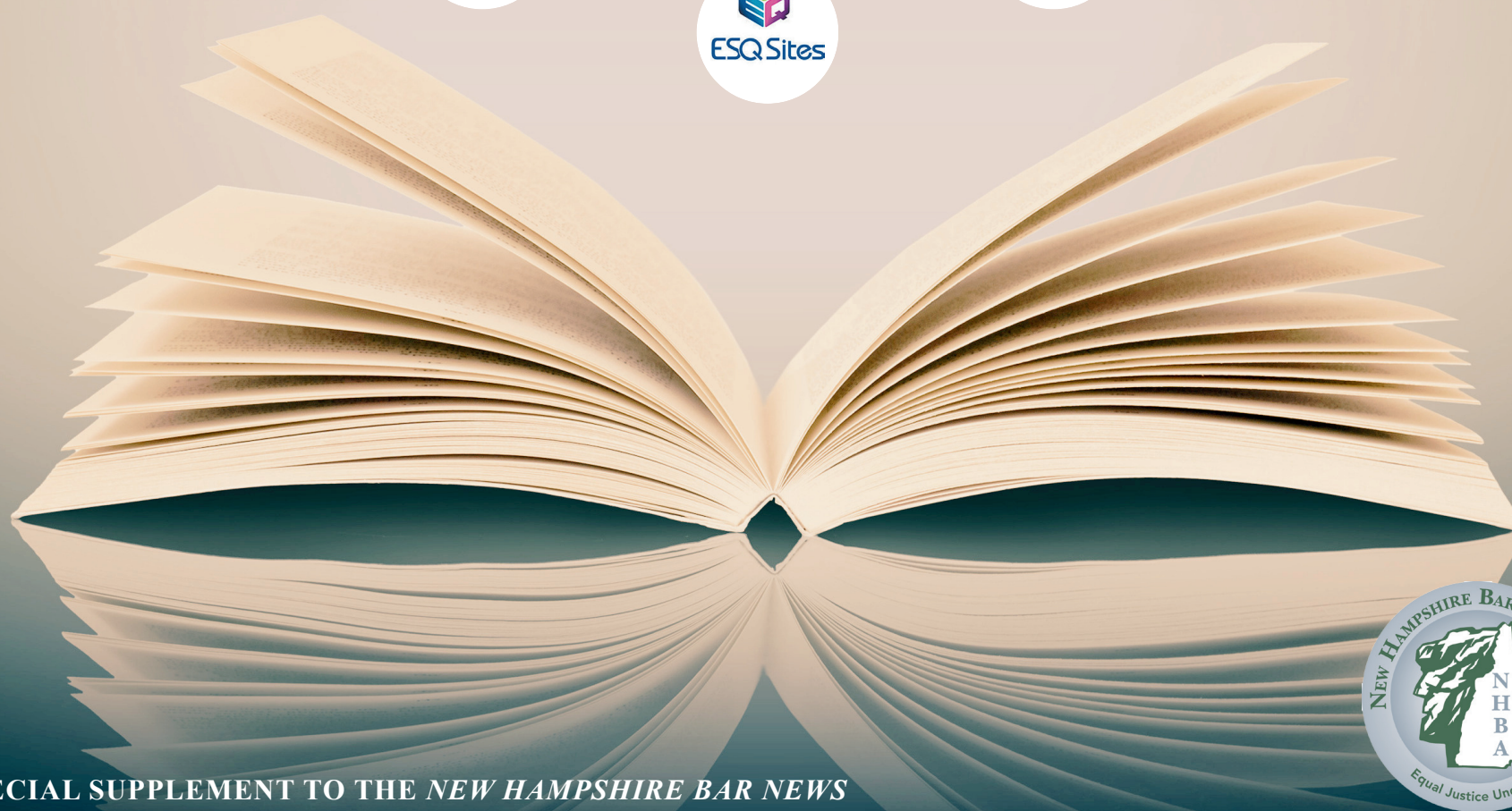
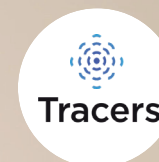
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NHBA MEMBER BENEFITS



SPECIAL SUPPLEMENT TO THE *NEW HAMPSHIRE BAR NEWS*

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Enhance Your Practice with NHBA Member Benefits

By Misty Griffith

New Hampshire Bar Association (NHBA) membership provides access to a wide variety of free benefits and member discounts designed to meet the needs of today's firms. Check out the current NHBA member benefits to see which might enhance your practice.

Free Member Benefits

One of the most popular member benefits is free access to **Decisis**. Decisis is a user-friendly legal research platform backed by a robust database of state and federal case law and statutes. It was designed to provide users with a straightforward interface, a dependable citator, and live customer support seven days a week. While the typical annual fee for Decisis is \$1,740, the NHBA provides complimentary access as a free member benefit. Join the 20 percent of NHBA members who use Decisis and save. Members will also continue to have free access to vLex/Fastcase legal research through 2026.

The New Hampshire Bar Center has several **small meeting rooms** members may reserve free of charge. These rooms are ideal for meeting with clients. Attorneys may also use the **conference rooms** for larger meetings and depositions when available. Due to the high demand, these rooms should be reserved in advance by contacting the NHBA front desk at (603) 224-6942.

Located at the Bar Center in Concord, the **NHBA Member Center** is available free of charge exclusively for members. The Member Center includes private offices and comfortable common areas. It is handy for attorneys looking for a place to get work done between meetings or hearings in Concord or before an in-person CLE. Attorneys who work from home may reserve an office in the Member Center for a change of scenery. Drop-ins are welcome.

The **NHBA Mentor Advice Program** (MAP) connects new and new-to-New Hampshire attorneys with an experienced mentor for professional and practical advice. New attorneys are matched with a mentor in a similarly sized firm who shares common areas of practice. Each year, dozens of new attorneys take advantage of this important member benefit. Applications for both new attorneys and experienced mentors are available on our website at nhbar.org.

Member Discount Providers

Founded by lawyers for lawyers in 1988, **ALPS** offers comprehensive malpractice and business insurance solutions, making it easy to protect your entire firm. The ALPS insurance application is flexible, easy, and 100 percent online. ALPS is the only malpractice insurance provider endorsed by the NHBA.

Firms of all sizes are using law practice management (LPM) software for increased efficiency. Good LPM software helps organize client information, documents, and case files, streamlines calendaring and time tracking, and facilitates more efficient billing.

Cloud-based LPM software makes it easy to access, update, manage, and maintain firm information securely from any location.

The NHBA offers members a discount on three of the highest-rated practice management software providers, **Clio**, **8am MyCase**, and **Smokeball**. Each of these providers offers a 10 percent discount to NHBA members who sign up through our website. When considering new LPM software, ask for a free trial so that you may determine which interface best fits your workflow. Be sure to let providers know that you are an NHBA member to take advantage of the member discount.

Taking credit card payments securely makes it easier to collect payments from clients. Dozens of New Hampshire firms take advantage of **8am LawPay**, which provides attorneys with a simple, secure way to accept credit cards and eCheck payments from clients. Designed specifically for the legal industry, LawPay guarantees payments comply with IOLTA guidelines. For added efficiency, LawPay integrates with Clio, MyCase, Smokeball, and many other LPM providers. NHBA members receive a free three-month trial on LawPay.

Smaller firms often do not have a dedicated receptionist, resulting in numerous missed calls. **Smith.ai** offers a practical solution to provide phone coverage. Smith.ai provides friendly, human receptionists who are available 24 hours a day to answer calls, provide intake, and schedule appointments. The round-the-clock availability of its receptionists can help firms capture leads from potential new clients at any hour. Smith.ai charges only for calls received, with no charge for spam, telemarketers, or wrong numbers. NHBA members receive a discount.

RPost offers convenient and secure electronic communications and cybersecurity products. RMail provides easy-to-use email encryption at the click of a button and requires no special software for recipients. RSign is a web-based process that provides a quick and intuitive way to prepare and send documents for electronic signature. NHBA members receive a 20 percent discount on RMail, RSign, RDocs, and other RPost software services when signing up via our website.

NHBA members receive a discount on website design packages from **ESQ Sites**, which specializes in web design, domain registration, and hosting services for solo practitioners and small firms. ESQ Sites has created web designs for numerous law firms in New Hampshire and many other states. Use promo code NHBA during the checkout process to receive a 25 percent discount on the one-time setup fee.

For more than 25 years, **Tracers** has provided law firms, paralegals, and process servers with access to an online database of over 42 billion public and private records for asset searches, social media searches, better due diligence, and more. Tracers' cloud-based investigative research software helps users discover key pieces of information available in public and private records. NHBA members receive a 10 percent discount.

Be on the lookout for future announcements as the NHBA continues to add new benefits and services to meet the growing needs of modern law practice. If you would like to learn more about any of our NHBA member benefits and services, please contact Member Services Manager Misty Griffith at mgriffith@nhbar.org or (603) 715-3227. ♦



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Insurance Coverage Issues for Lawyers in the Era of Generative AI

By Mark Bassingthwaighte

I am one who can admit when I'm wrong. A few years ago, I was convinced the metaverse was going to be a big deal, eventually even significantly impacting how lawyers would interact with their clientele. Oops. Got that one wrong. Well, at least for the time being. However, one thing I did get right was realizing how significant generative AI would become, how fast its adoption would be, and how much of its potential yet remains to be developed.

When it comes to generative AI, the future is here, and lawyers in firms of every shape and size are finding ever more creative ways to tap into its potential. Like me, these lawyers see the benefits of these technologies. Of course, as with all things tech-related, lawyers also have an ethical obligation to explore and understand the associated risks of any tech deployed in a law practice. Given what I do for a living, I believe that fully understanding the risks of deploying generative AI also requires considering the associated insurance coverage implications. Thus, the following are a few key considerations lawyers should keep in mind when integrating generative AI into their practice.

Malpractice Involving AI Output

At the time of this writing, lawyers' professional liability (LPL) policies typically do not exclude coverage for claims alleging negligence arising as a result of the use of generative AI. That said, coverage may depend on whether the conduct at issue meets the policy's definition of "professional services." Don't assume that it always will. Currently, a well-known risk with generative AI is the hallucination problem. What if an AI tool produces a fake, incorrect, or misleading response and a lawyer relies on the accuracy of the output? Yes, a negligence claim might follow, but would it be a covered claim? The answer could be no.

If this lawyer is unable to demonstrate that she exercised reasonable care and due diligence with her use of the AI tool, then an insurer could argue that no professional service was ever provided because the lawyer simply chose to blindly rely on third-party technology. No professional service means no coverage; and unfortunately, the coverage analysis doesn't stop there. If the lawyer deliberately chose to accept the output blindly as accurate, that conduct might also trigger a policy's intentional-act exclusion.

A risk management takeaway is that lawyers must always accept accountability and responsibility for all AI-generated output by validating the accuracy of outputs. Understand that a lawyer's duties of competence and diligence can never be delegated to a machine. It's as simple as that.

AI Interfacing with Clients or the General Public

If a law firm markets AI-generated content or tools (e.g., an online chatbot or a DIY legal form generator) directly to clients or the public and a malpractice claim arose out of that service, would this be a covered claim? Here again, depending upon the specifics

of the situation and the jurisdiction in which the alleged negligence occurred, the answer could well be no for two reasons. First, if firm lawyers allowed AI to make critical legal judgments without attorney oversight, this could be viewed as the unauthorized practice of law and LPL policies typically exclude coverage for the unauthorized practice of law.

Second, the lack of attorney oversight also implies that no professional services were rendered by an attorney; and as you now know, no professional service means no coverage. In short, overreliance on an AI tool, or allowing it to make legal decisions without attorney oversight, can create unintended consequences.

A risk management takeaway is to exercise caution when deploying AI tools that interact directly with the public and/or clients because a lawyer's duty to supervise and review all work remains paramount. The fact that an AI tool is a non-human member of the staff makes not one iota of difference.

Confidentiality and Data Security

Feeding sensitive or confidential client information into a generative AI tool, especially one that is cloud-based and accessible to the public or not specifically designed for secure use by legal professionals, could result in a data breach or unauthorized access to this client information, potentially giving rise to a claim. Again, would this be a covered claim? Under your malpractice policy, quite possibly no.

The reason is that most LPL policies have exclusions related to intentional acts or breaches of confidentiality that are not the result of a negligent act. That said, if your firm has purchased cyber liability insurance, coverage may be available under that policy depending upon the specific circumstances of any breach. Just be aware that here too an intentional acts exclusion could come into play.

A risk management takeaway is to use only generative AI platforms that come with strict data privacy assurances, allow users to opt out of data retention, and comply with your jurisdiction's data protection regulations. And yes, this does mean you need to read and understand the terms of service before using any generative AI platform.

I hope this information helps you in any generative AI decision-making process going forward because I do believe that generative AI offers incredible opportunities for our profession, opportunities that will enhance how legal services are delivered. While these three coverage concerns aren't the only concerns with AI, they are ones I believe every lawyer should be most aware of. As for me, I guess I'm kind of relieved the whole metaverse thing seems to have lost its steam. When I start to think about all the coverage issues with that one, it makes my head hurt. ♦

Mark Bassingthwaighte is the resident risk manager at ALPS Insurance. To learn more about how ALPS can support your solo or small firm, visit alpsinsurance.com.



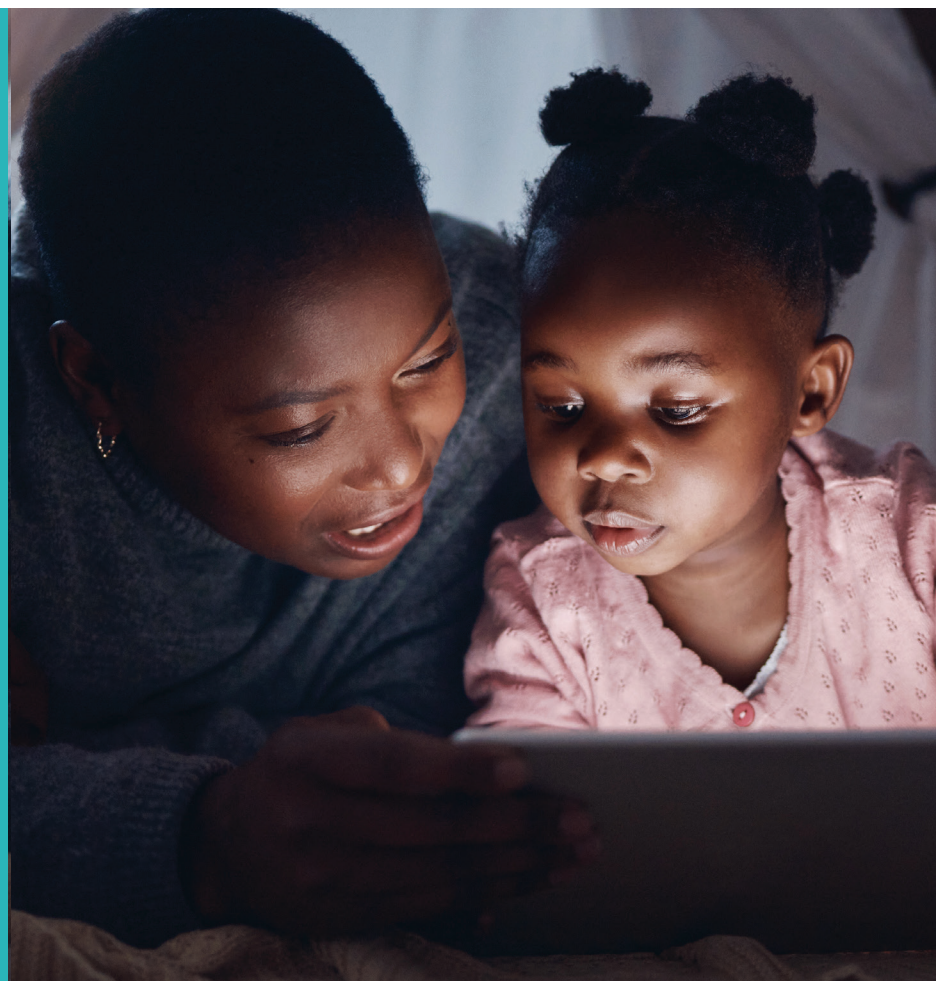
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Small Law Firms Are Growing, But Unpaid Invoices Remain a Challenge

By Rob Heidrick

Small law firms are billing more hours, collecting payments more quickly, and continuing to grow. However, cash flow challenges remain, with billions of dollars in overdue invoices still awaiting payment.

These insights come from an analysis of millions of bills issued by tens of thousands of law firms using 8am™ MyCase between 2024 and 2026, revealing trends in business growth, billing activity, and payment collections at small and medium-sized practices.

A closer look at the data highlights several key takeaways for smaller firms.



Billable Hours Are Increasing

The data suggests that many small legal practices are continuing to grow. Across all firms included in the review, billable hours increased by an average of 6.5 hours per firm per month year to date in 2026 compared with the same period in 2025.

Growth was especially strong among firms with four to 10 attorneys. On average, those firms billed 15.5 additional hours per month compared to last year, outpacing both solo practices and larger firms.

Attorney headcount, hours spent per case, and cases handled per attorney also increased during the study period, indicating that firms are expanding their capacity while continuing to serve more clients.

Collections Are Improving but Billions Remain Unpaid

The data points to encouraging progress in how quickly firms are getting paid. The share of invoices collected within 30 days increased from 58 percent in 2024 to 63 percent in 2026, reflecting stronger short-term collection performance across firms.

Even with those improvements, outstanding balances continue to present a significant challenge. More than \$7 billion in overdue receivables remain unpaid across the

firms included in the analysis, highlighting the continued importance of effective billing and collection practices.



Simplifying Payments Helps Firms Get Paid Faster

One of the clearest findings from the 8am™ report is that making it easier for clients to pay can lead to faster collections. Firms that accept online payments get paid 4.5 times faster than those relying on print billing, reducing the average time to payment from nine days to two.

Clear payment expectations made a difference as well. Invoices with defined payment terms were paid more consistently than those without them, with flat-rate invoices and Net 30 terms delivering some of the strongest collection rates in the analysis. Clearly communicating when payment is due can help reduce uncertainty for clients and encourage more timely payment.

Financing options can make larger invoices easier to collect. In the analysis, firms offering legal fee financing through Pay Later increased collection rates by five to 10 percentage points on invoices between \$5,000 and \$25,000. Pay Later allows firms to receive full payment upfront while clients repay the financing provider in installments.

Building on Positive Momentum

The data shows encouraging progress for small law firms, while also highlighting ongoing opportunities to strengthen cash flow. As firms continue to grow, modernizing and simplifying the way invoices are sent, paid, and collected can help turn more completed work into collected revenue.

To learn how 8am™ MyCase and 8am™ LawPay help firms manage cases, billing, and client payments from one connected solution, schedule a demo today. ♦

Rob Heidrick is a senior content strategist for 8am, a leading professional business platform. He covers the latest advancements in legal technology, financial wellness for law firms, and key industry trends.

Decisis: A Powerful Member Benefit for New Hampshire Bar Association Members

By Tyler Allison

As a member of the New Hampshire Bar Association (NHBA), you have access to Decisis, a comprehensive online legal research platform designed to help attorneys work more efficiently, research with confidence, and better serve their clients.

Powered by LexisNexis, Decisis provides access to one of the most trusted and up-to-date legal research collections available. Members can rely on current case law and statutory materials backed by one of the legal industry's leading providers, ensuring they have access to the latest published cases and legal developments.

Your membership includes access to case law and statutory codes from all 50 states, making it easier to research multistate issues, compare jurisdictions, or expand your practice beyond New Hampshire. Whether you're preparing for litigation, drafting a brief, or advising a client, Decisis delivers the legal authority you need in a single, easy-to-use platform.

Decisis is designed to fit the way attorneys conduct legal research. Whether you prefer natural language searching – typing a question or issue in plain English – or the precision of Terms & Connectors searching, the platform gives you the flexibility to use the search method that best fits your research style. This combination makes it easy for new users to get started while providing experienced researchers with the advanced tools they rely on for complex legal issues.

Once you've run a search, post-search filters allow you to quickly refine your results by jurisdiction, court, date, document type, and other criteria. Instead of sorting through hundreds of cases, you can narrow your results to the most relevant authorities in just a few clicks, saving valuable time and helping you focus on what matters most.

Decisis also includes a trusted citator, giving you confidence that the authorities



you rely on remain good law. Before citing a case, attorneys can quickly review its treatment and history, helping to reduce research risk and ensuring their legal arguments are supported by reliable precedent. Having this capability built directly into the research platform makes it easy to validate authority as part of your normal workflow.

One of the greatest advantages of Decisis is the value it delivers. High-quality legal research is essential to practicing law, but it can also represent one of the largest operating expenses for many firms. By providing Decisis as a member benefit, the NHBA helps members reduce overhead while giving them access to a comprehensive legal research platform. This benefit is especially valuable for solo practitioners, small firms, government attorneys, and legal aid organizations looking to maximize their resources.

The NHBA is committed to providing benefits that support members throughout every stage of their careers. Decisis is a reflection of that commitment – combining comprehensive legal content, powerful research tools, and trusted LexisNexis data to help attorneys work more efficiently and serve their clients with confidence.

If you haven't explored Decisis recently, now is the perfect time to log in and discover everything your membership includes. From case law and statutory codes from all 50 states to flexible search options, intuitive filtering tools, and a trusted citator, Decisis is designed to make legal research faster, smarter, and more reliable. ♦

Tyler Allison is the director of associations at Decisis. He is a seasoned authority in legal research dedicated to transforming complex processes into intuitive, user-friendly experiences.



The Missing Piece in Most Legal AI Tools

By Joshua Lenon

There's a growing frustration among lawyers experimenting with AI tools: The technology looks great in a demo, but in practice, it demands constant handholding, 20 minutes spent summarizing matters, uploading documents, and re-explaining context the tool should already know.

That's context loss, and for solo practitioners and small-firm lawyers already stretched thin, it's why so many AI tools keep falling short of what they promised.

How Context Improves Legal AI

Run an AI tool without context through a standard contract redlining task and the problem becomes clear. It might review an indemnification clause, find it grammatically sound and legally common, and flag it as acceptable.

When we built Clio Work with direct integration into Clio Manage, this is one of the scenarios we were designing against. Clio Work sees what a context-free tool misses: your client is a high-risk startup operating under board-mandated liability caps, and the counterparty has a documented litigation history in Delaware. The clause isn't routine; it's a strategic exposure. Clio Work flags it as such and recommends a revision aligned with how your firm handles this deal type. That's the difference between a research tool and a genuine partner.

The same principle applies to legal research. Most legal research tools return results. The harder problem is returning results that actually mean something given the specific matter, client, and jurisdiction in front of you. Clio Work provides cited, authoritative analysis drawn from a vetted legal database, and because it understands the matter behind the question, that research is actionable from the moment it lands. Without context, you just have results.

Where Context Loss Hurts

We've talked to a lot of lawyers. The complaints vary, but two categories keep showing up almost every time: getting the right documents into the analysis, and carrying the reason-

ing through to the final work product.

The first is a knowledge problem. A firm's documents are its memory: prior agreements, research memos, and work product built over years of practice. Most AI tools have no access to any of it. An AI tool that can't see those documents has no idea how your firm actually approaches a problem. Document management integrations in Clio Work address this directly, pulling a firm's existing document systems into the research and analysis workflow. Centralizing knowledge and analysis helps lawyers reach meaningful insights without the back-and-forth.

The second is a translation problem. AI-assisted analysis is only as valuable as what it produces, and in legal work, the deliverable is always a document. Clio Work's new Legal Pad feature gives lawyers a single place to take that reasoning and turn it into work product, without losing the thinking that got them there.

AI That Knows Your Matter

For solo practitioners and small-firm lawyers, time is the constraint that governs everything. Every minute spent rebuilding context for an AI tool, summarizing matters, re-uploading documents, and re-explaining timelines is a minute not spent with a client or developing strategy.

Context-aware AI built directly into a practice management system eliminates that tax. The context is already there, embedded in the system that runs your practice. That's the architectural difference between AI that assists legal work and AI that integrates with it, and it's the distinction Clio's Intelligent Work Platform was built to address.

For lawyers serious about making AI work in practice, that's the problem worth solving first. Members of the New Hampshire Bar save 10 percent. Learn more at clio.com/nhbar. ♦

Joshua Lenon is a lawyer-in-residence at Clio and a member of the New York Bar. He focuses on helping lawyers use technology effectively while ensuring legal technology reflects the profession's unique needs.



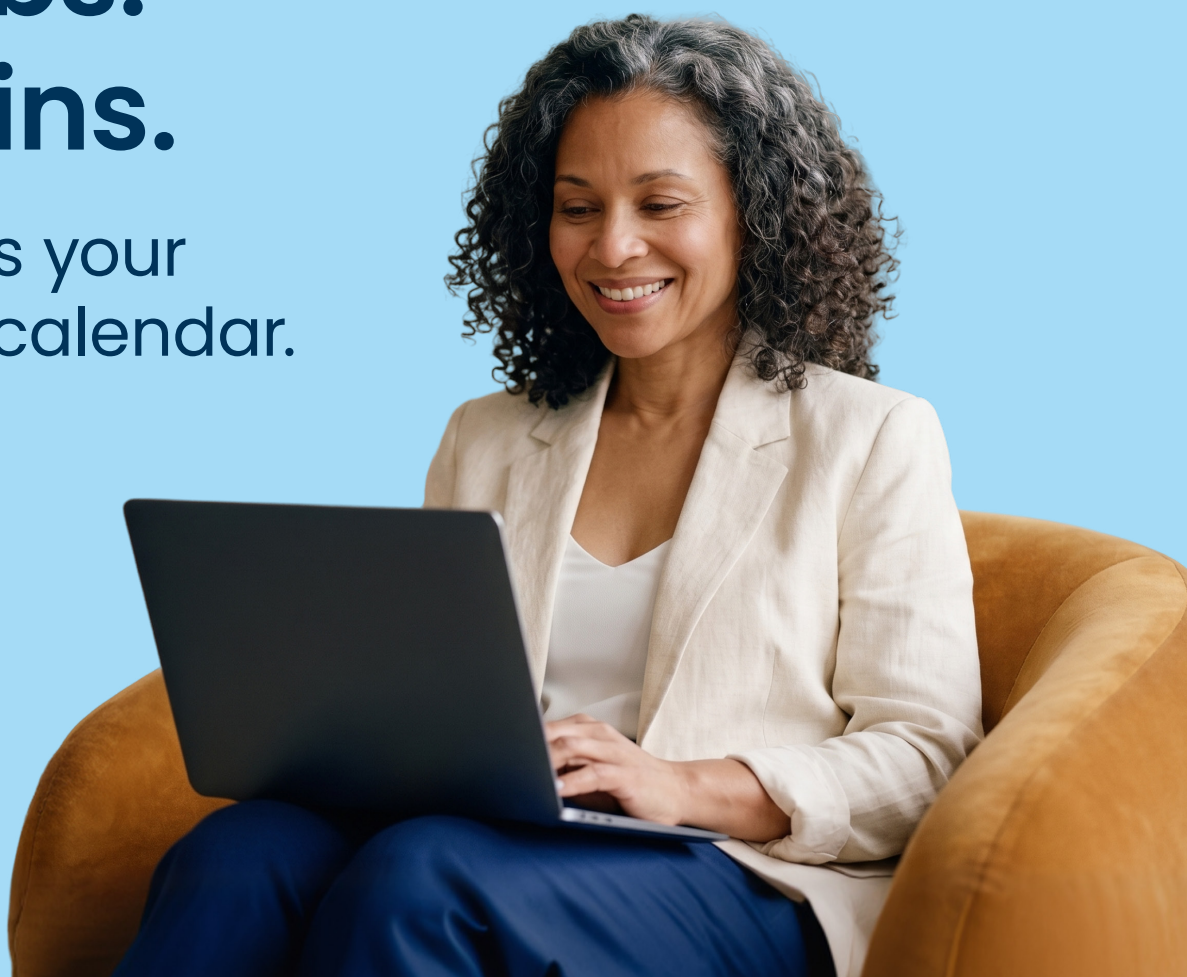
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Book a demo



Supervising Your AI Vendor

By Maddy Martin

New Hampshire attorneys don't need another reminder that artificial intelligence is reshaping the profession. The Rules of Professional Conduct weren't written with AI in mind, but the American Bar Association, in Formal Opinion 512, has already made the message clear: there's no exception for AI.

Rule 1.6 still requires protecting client confidentiality, including what you share with an AI vendor. Rule 5.3 now reaches beyond human staff to the AI tools your firm relies on: you're expected to exercise appropriate oversight of those tools, just as you would supervise a paralegal, rather than treat them as fully autonomous. The NHBA's own Special Committee on Artificial Intelligence exists because this isn't a hypothetical question anymore.

That supervision standard is a reasonable one. It's the standard Smith.ai was designed to meet, specifically for the front office of a law firm.

There's a real difference between an AI that answers your phone and an AI you can trust to complete initial intake. A lot of AI answering tools on the market today are the former: a single bot, unsupervised, doing its best to sound helpful. If it gets something wrong, gives a caller bad information, or mishandles a sensitive scenario, nobody catches it until the client complains.

Smith.ai is built differently. Every AI interaction is backed by members of our Live Agent Network – including former paralegals and court staff – who step in the moment a call needs human judgment: a distressed caller, an ambiguous legal question, a high-value lead, or anything outside routine intake. You decide where that line sits for your firm. Using Smith.ai doesn't mean handing your front office to an unsupervised bot; it means pairing AI's speed and cost efficiency with trained human backup – the same layered approach the ethics rules ask you to bring to any AI tool.



That oversight isn't a one-time setup, and it's not limited to AI calls. Every call is measured against defined quality standards, whether it's handled by AI or one of our more than 500 North American live agents. Gaps get flagged and corrected, and the system improves over time. You get the benefit of that supervision without personally reviewing every call transcript, which is the practical reality for a solo or small-firm practice without a compliance team to spare.

There's a business case underneath the ethics one, too. Growing firms use AI roughly twice as much as stable or shrinking firms, and 69 percent of firms with widely adopted AI report a positive revenue impact (Clio, 2025). The firms succeeding with AI are applying the same judgment to its use that they would apply to any other decision affecting client work.

If you're weighing whether an AI-assisted front office fits your professional obligations, the tool matters: a tool built with quality assurance and human oversight from the ground up helps carry that supervisory burden instead of leaving you to catch every mistake on your own. That's the difference Smith.ai is built around: AI for routine calls, trained live agents when it matters, and quality oversight embedded in every conversation.

Smith.ai is a proud provider of member benefits for the New Hampshire Bar Association. NHBA members save 20 percent on their first two months of Smith.ai. Use code **NHBA20OFF2** at signup. Learn more at smith.ai/partner/nhbar. ♦

Maddy Martin is the general manager of legal at Smith.ai, which gives midsize and growing law firms a launchpad for growth. Maddy has spent the last 15 years growing tech startups and is a sought-after speaker, with expertise in digital marketing, SEO, lead conversion, B2B sales, reseller programs, social media, co-marketing, and event marketing.

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For more information contact Member Services Manager
Misty Griffith at mgriffith@nhbar.org

Member Services Roundup

By Misty Griffith

Your New Hampshire Bar Association membership offers many services to support your practice and help you succeed professionally. Learn more about what the NHBA has to offer and take advantage of these resources to enhance your practice.

- **CLEs** – Our online CLE catalog offers a wide array of relevant, timely, and interesting programs to further your professional development and help you meet NHCLE requirements. CLE offerings include both New Hampshire programs and national programs.
- **The New Hampshire Bar Center** offers meeting rooms at no charge to members. Due to the high demand for this space, reservations are necessary. To make a reservation, contact the NHBA front desk at (603) 224-6942.
- **Dispute Resolution Service** – For disputes that do not rise to the level of an ethics violation, the Dispute Resolution Committee provides free neutral assistance in the resolution of attorney-client disputes, as well as disputes between attorneys.
- **Ethics Opinions and Helpline** – Ethics opinions and Ethics Corner articles are available on the NHBA website. Members may request guidance from NHBA Ethics Committee members by calling the Ethics helpline at (603) 715-3259.
- **Lawyer Referral Service (LRS)** – Join LRS to receive pre-screened referrals in practice areas that you select. LRS makes 800–1,000 referrals every month. LRS full-fee panelists choose which cases to accept and set their own fees.
- **Leadership Academy** – Participants gain valuable skills as part of this nationally recognized, nine-month program to develop future bar leaders.
- **Legal Research** – Members have free access to Decisus for online legal research, including all state and federal case law and statutes, as well as other legal content. vLex/Fastcase will continue to be available, as well, through December 2026.
- **Member Center** – This members-only space at the Bar Center includes private offices and an attorney lounge. Drop-ins are welcome; no reservation is necessary. If you wish to guarantee the availability of a private office, contact the front desk at (603) 224-6942.
- **Member Discounts** – Popular law practice management vendors, including 8am LawPay, Clio, Smokeball, 8am MyCase, and many others offer valuable savings to NHBA members. Access these discounts via nhbar.org/resources.
- **Mentor Advice Program** – New or new-to-New Hampshire attorneys are connected with experienced mentors for ethical, professional, and practical guidance. Having a mentor provides unbiased feedback, expands your network, and builds professional confidence.
- **Modest Means Program** – Help bridge the justice gap. Modest Means attorneys provide reduced-fee services for people who do not qualify for pro bono services but cannot afford an attorney's full fees. Panelists select the type of cases they are willing to consider and never have an obligation to accept a case.
- **Online Member Directory** – This convenient directory, available exclusively to members, helps you find contact information for NHBA members. You may search by first and last name, organization, city, committee, or section membership.
- **Networking Opportunities** – The NHBA offers many opportunities to expand your professional network, including the Midyear Meeting and the Annual Meeting, as well as social events sponsored by Bar committees and Sections.
- **Publications** – Stay in touch with the latest happenings in the Granite State legal community by reading the weekly *E-Bulletin* and monthly *New Hampshire Bar News*.
- **Sections** – Join one or more of 20 Sections to enhance your knowledge and connect with other attorneys in your practice area, including our new Solo-Small Firm Section.
- **Volunteer Service Opportunities** – Give back to the community by volunteering for NHBA Civics and Law Outreach programs. Help bridge the justice gap by participating in LawLine and Free Legal Answers–NH.

Be on the lookout for future announcements as the NHBA continues to add new benefits and services to meet the needs of our members.

If you have questions, suggestions, or feedback about NHBA member benefits and services, contact NHBA Member Services Manager Misty Griffith at mgriffith@nhbar.org or call (603) 715-3227. ♦



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