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NEW HAMPSHIRE BAR NEWS

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# Remembering Jack Middleton: A Lawyer's Lawyer, Mentor, and Compass

**By Tom Jarvis**

Jack Middleton, a towering figure in New Hampshire's legal community whose career encompassed trial practice, judicial service, Bar leadership, and mentorship, died September 8. He was 97.

Middleton was the Granite State's oldest practicing attorney and had recently marked his 70th anniversary with McLane Middleton.

Middleton's legacy is marked by professional excellence, integrity, generosity, and an unwavering commitment to service. Generations of attorneys revered him as a mentor, colleague, and friend, and his impact cannot be measured solely by the cases he tried, the organizations he led, or the honors he received. It can also be found in the encouragement he offered, the standards he set, and the countless personal acts through which he helped others find their own places in the profession.

"There are people we meet in our lifetime, and the moment we meet them, we know we are meeting someone special – that was Jack," McLane Middleton attorney Jennifer Parent says.

Born in Philadelphia in 1929, Middleton grew up in Narberth, Pennsylvania, and graduated from Lafayette College in 1950. He served on active duty in the US Marine Corps and remained in the Marine Corps Reserve until 1959.

His connection to New Hampshire began in the White Mountains. During college, he spent three summers working for the Appalachian Mountain Club in Tuckerman Ravine. After his military service, he returned to the AMC and later spent a year as a weather observer at the summit of Mount Washington.

In 1953, Middleton entered Boston University School of Law, later serving on the *Boston University Law Review.* He graduated cum laude in 1956 and that same year joined the Manchester firm then known as McLane, Carleton, Graf, Green, and Brown. In 1962, he became a partner and would later serve as the firm's president.

Middleton developed a wide-ranging trial practice that included civil litigation, personal injury, labor and employment, education, land use, and other matters. Among his most significant cases was



*Wooley v. Maynard*, the 1977 US Supreme Court case challenging New Hampshire's requirement that motorists display the state motto, "Live Free or Die," on their license plates. Middleton served as trial counsel for George Maynard, whose objection to displaying the motto resulted in a landmark compelled-speech decision.

He also represented NEA-New Hampshire, the state's largest educator union, in early teacher, labor, and school-funding cases and served for 24 years as a part-time New Hampshire district court judge.

Retired New Hampshire Supreme Court Justice Carol Ann Conboy joined McLane in 1979 and worked with Middleton on litigated cases for 13 years before leaving the firm for the bench. She describes him as "truly a master of the profession."

"His commitment was first and foremost to excellence," Conboy says. "Such excellence included an exquisite sensitivity to the ethical obligations that all lawyers vow to uphold. In demanding the highest level of performance from himself, he conveyed that demand to his associates and partners alike."

Conboy recalls that Middleton worked well into the night preparing for the next day of trial, yet somehow made the work appear effortless.

MIDDLETON *continued on page 16*

# MacDonald Resigns as Chief Justice After Admitting Judicial Conduct Violations

**By Tom Jarvis**



Photo by AJ Kierstead

Gordon J. MacDonald resigned as chief justice and as a justice of the New Hampshire Supreme Court on September 15 after admitting that his handling of a Judicial Branch personnel matter violated three provisions of the Code of Judicial Conduct.

The resignation took effect immediately after a specially assigned panel approved a stipulation between MacDonald and the New Hampshire Judicial Conduct Committee (JCC). The agreement ended an inquiry that began in November 2025 and concerned MacDonald's actions involving Dianne Martin, a senior Judicial Branch employee.

In a letter to Governor Kelly Ayotte, MacDonald wrote that he believed resigning was in the best interests of the Judicial Branch.

"I accept responsibility and accountability for my conduct," MacDonald wrote. "It has been an honor to serve the people of New Hampshire."

The personnel matter involved Mar-

MacDONALD *continued on page 17*

# HB 1267 Becomes Law After Legislature Overrides Ayotte Veto

**By Megan Koerber**

House Bill 1267 became law after the New Hampshire Legislature overwhelmingly voted to override a veto by Governor Kelly Ayotte. The measure requires school districts and charter schools to establish policies prohibiting the questioning of students by any individual who is not a school employee without prior written consent from a parent or guardian. Supporters say the bill promotes parental involvement and transparency, while opponents raise concerns about its effect on student-welfare investigations and about implementation and accountability.

The bill was introduced on January 7 and received favorable committee recommendations in both chambers before passing the House and Senate in voice votes. It was sent to Governor Ayotte on May 14 and vetoed on May 28.

In a press release explaining her veto, Ayotte said, "I appreciate the Legislature's attention to protecting children and respecting parental rights. However, I also have concerns about the scope and unintended impacts of this legislation as drafted. After consulting with the Attorney General's Office, this bill could both impede criminal investigations and negatively impact public safety."

The House voted 311-6 and the Senate 24-0, and on August 20, HB 1267 was enacted without the governor's signature. It will take effect January 1, 2027.

Representative Vanessa Sheehan (R) was the lead sponsor of the bill. Her testimony detailed an incident that happened at Milford Middle School, in which students were to be questioned by school district attorneys. While the parents were notified of the intent to question the students and expressed a desire to be present for the questioning, the attorneys "needed to move forward" and conducted the questioning without the parents present.

"My constituent, who has children in the school, reached out to me and asked if there was anything I could do to prevent

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# Much to Live Up To

**President's Perspective**



**By Robert R. Lucic**
Sheehan Phinney
Manchester, NH

*It should be the highest ambition of every American to extend his views beyond himself, and to bear in mind that his conduct will affect himself, his country, and the world for ages yet unborn.*

– George Washington, on his New England tour in 1789

For 97 years, Jack Middleton was the personification of Washington's inspiring admonition to us all. Jack's dedication to the greater world is legendary and is the subject of words from his colleagues at McLane Middleton that are far more eloquent than any I could offer.

As Bar president, I find myself reflecting when a giant of our profession passes away, especially a giant who previously held this job and did it far better and with more grace than I ever could. All I can do is share my personal observations of Jack.

I never worked for Jack, but that never mattered. When I first met him at an Annual Meeting at the Balsams well into the previous century, I was nobody, an associate at a rival firm. I sat with Jack at dinner and he immediately made me feel like I was the most important person he had ever met. He asked questions and never forgot the answers (I was always glad I wasn't an opposing witness).

In the decades that followed, that attentiveness never faltered. He always made time to get to know the young lawyers, remembered their families, asked after their kids, and never lost that wonderful talent for making other people feel important.

Over the years, I got to know Jack better. We would attend Bar functions and social events together. I saw in his colleagues at McLane Middleton, my contemporaries, the effect that Jack had on them. They emulate him in all the best ways. They give their time to our profession and always respond when they are asked to help out. He instilled in them the sense of responsibility he himself embodied. Jack always told me how lucky he was to have such great colleagues. The lawyers at McLane Middleton know how lucky they are to have had Jack.

Things we take for granted, like the IOLTA program, are part of our legal landscape in large measure due to Jack's leadership. Jack never stopped being involved, never stopped caring. He reached out, participated, volunteered, and took a keen interest in helping young lawyers succeed.

Dave Nixon, Kim Zachos, and Jack got together regularly just to talk. They didn't lament the passing of the old days. They talked about how to make this place, this profession *better*. That is why I am thrilled that the New Hampshire Bar Foundation has renamed the Nixon Zachos Award the Nixon Zachos Middleton Award, given to lawyers in recognition of their service to their communities. The new name recognizes the lasting impact Dave Nixon, Kim Zachos, and Jack Middleton had on their communities. The three of them understood Washington's admonition that their conduct affected themselves, their country, and the world for ages yet unborn.

We have much to live up to. Thanks, Jack. ♦

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# NHBA Welcomes Jordan Ostrowski as Sections Coordinator

The New Hampshire Bar Association is pleased to welcome Jordan Ostrowski as its new sections coordinator.

Ostrowski holds a bachelor's degree in piano performance and music pedagogy from Plymouth State University, where he completed studies begun at Virginia Commonwealth University in Richmond, Virginia. He most recently spent five years as the performing arts teacher at Kreiva Academy in Manchester, teaching courses including electronic music production, ukulele, choir, piano, bucket drumming, acting, and musical theater.



Before joining Kreiva Academy, Ostrowski worked in professional and commercial musical theater around the country as a music director and conductor. He collaborated with Tony, Grammy, and Emmy Award-winning actors, directors, designers, and artists. In 2018, he received the New Hampshire Theatre Alliance Award for Best Director of Music in the professional category.

Ostrowski has also taught private piano students, served as an adjudicator for the Piano Gold Cup Festival, and coached students who earned first-place honors at the New England Music Festival and pursued further music education at leading conservatories.

"I'm excited to make a big pivot in my life with the Bar Association," Ostrowski says. "I consider myself a continuous learner with ever-evolving interests." ♦

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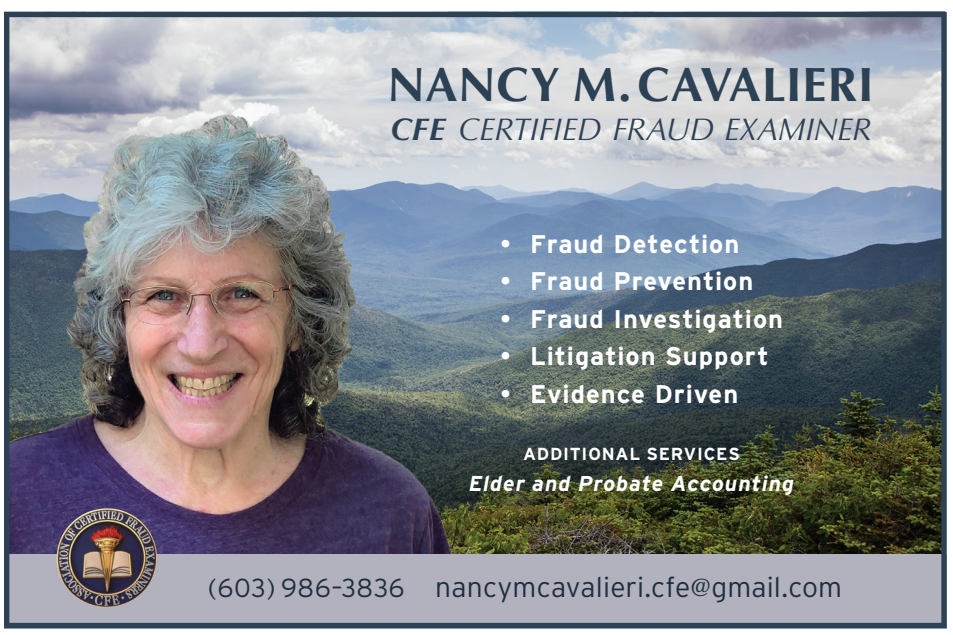
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# Study Spurs Focus on Next Generation of Appellate Advocates

**By Megan Koerber**

A report titled "Women in Appellate Practice Before the New Hampshire Supreme Court" will be the topic of a panel discussion hosted by the New Hampshire Women's Bar Association (NHWBA) on November 17 at the University of New Hampshire Franklin Pierce School of Law (UNH Law).

The data was compiled by retired Supreme Court Justice James Bassett with the help of Dartmouth College interns. Bassett began the project after noticing disparities in who appeared before the Court and in what types of cases. The data collection began in real time in 2018 and was later supplemented with historical data going back to 2013. The full report will be available to read on the NHWBA website prior to the panel discussion.

An overall gap of approximately eight percentage points between women's share of Bar membership and their participation in appellate advocacy from 2013 to 2024 was noted in the report. On average during that time period, women were listed on 28 percent of briefs and presented 28 percent of oral arguments before the court, while making up 36 percent of active bar members in New Hampshire.

Attorneys were not asked to self-identify their gender. The report classified attorneys as male or female based on first name and/or appearance and notes that, as a result, nonbinary or gender-nonconforming attorneys were not identified and some attorneys may have been incorrectly classified.

Bassett wasn't surprised by what the report found.

"It confirmed my perception from the bench as to the number of women arguing cases before the Supreme Court and writing briefs filed in our court," he says. "It also confirmed my perception as to the areas where women are overrepresented and areas where they are underrepresented."

NHWBA President Lyndsay Robinson also wasn't surprised at the overrepresentation of women in certain practice areas.

"The majority of female advocates are in the family or domestic relations type matters," says Robinson, "which I think is fairly consistent with what areas of law females may find themselves in."

When broken down by case type throughout the period studied, on average women appeared most often in family law, juvenile, probate, and other cases, with women listed on 40 percent on the briefs and presenting 41 percent of oral arguments. Women appeared least frequently in civil cases, where they were listed on 23 percent of briefs and presented 21 percent of oral arguments.

The 2024 data showed higher participation rates: women represented 38.5 percent of active members of the New Hampshire Bar, accounted for 38.1 percent of brief authors, and presented 41.5 percent of oral arguments.

"What I hope lawyers and judges take away from this report," says Bassett, "is that we have some work to do to get younger members of the Bar actively practicing at the highest court in our state – and that necessarily would involve women. The incoming classes of the Bar have a much higher proportion of women than the classes of

STUDY *continued on page 17*

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# Phil Runyon's Career Blends Law and Community Service

**By Kathie Ragsdale**

L. Phillips "Phil" Runyon III's contributions to his profession and to his adopted town of Peterborough range from the highly public to the little-known.

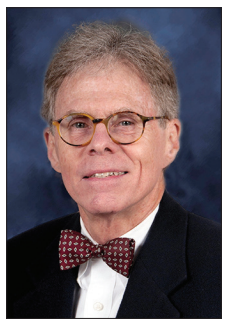
An estate planning and probate attorney and former judge, Runyon has answered nearly 700 questions through the New Hampshire Bar Association's Free Legal Answers online service – more than any other respondent – quietly providing behind-the-scenes help to people who cannot afford a lawyer.

As a judge of the Jaffrey-Peterborough District Court (now the 8th Circuit – District Division – Jaffrey), he presided over an immigration case that drew reporters from around the world – and landed him in a photo on the front page of the *Los Angeles Times*.

His work for many community and nonprofit organizations – including the Peterborough Players, Dublin School, Sharon Arts Center, and Monadnock Chorus – earned him and his wife, Cathie, honors as 1993 Peterborough Citizens of the Year.

He has served for some 20 years as the town moderator in Peterborough – a sometimes challenging position in any community – and regularly counsels and commiserates with other town moderators about keeping New Hampshire elections fair and free of fraud.

He is renowned for his bow ties – "it's practical and you can't spill anything on them," he says – and has been known to



assist funeral directors who weren't sure how to put a bow tie on a customer by providing written instructions.

Raised in North Carolina and New Jersey, Runyon was drawn to the law by his grandmother, who lived in Abraham Lincoln territory in southern Illinois and whose own grandparents had memories of seeing the lawyer Lincoln riding the circuit on horseback from one place to another.

"I was probably a young teen, 12 to 14," remembers Runyon, who has a large collection of books on Lincoln. "That got me thinking about law and it turned out to be a good choice."

After receiving a bachelor's degree in business administration from Washington and Lee University, Runyon went on to the University of Virginia School of Law (UVA Law), where his contract law professor was one Antonin Scalia, later to be a United States Supreme Court justice.

"I was scared to death of him," Runyon acknowledges. "If you were not prepared for his class, and he seemed to have an innate ability to determine that from your demeanor, you were better off cutting the class. He took it personally that you were not respecting his class and making the commitment to be prepared."

One of his UVA Law classmates was John Broderick, a future New Hampshire Supreme Court chief justice who competed against Runyon in moot court.

The professor paired two-person teams for the event, and Broderick and a friend were on one team, with Runyon and another student on the other.

"After my partner and I argued our side of the appeal, I was feeling pretty good about our chances," Broderick says. "Even after Runyon's teammate argued, I still felt pretty confident. But during Runyon's argument and his impressively deft answers to the professor's questions, I knew we would lose. He was that good. We did lose and we should have."

Broderick says he and Runyon have laughed about that day for years.

"He was an outstanding lawyer and a highly respected and admired judge," Broderick says. "And for my money, the best oralist I have ever seen."

After law school, Runyon went on to work for an Atlanta law firm whose clients ranged from Jimmy Carter to the Atlanta Braves. Runyon once drew up a trust for Hank Aaron but, to his disappointment, never got to meet the legendary slugger.

He and his wife eventually relocated to New Hampshire, in part to be near the summer place on Lake Winnipesaukee that had been in his wife's family for 100 years, and he ended up taking a position in Peterborough with Norman Makechnie, who was looking for someone to do trust and estate work.



Phil Runyon and his wife, Cathie, enjoy some down time. Courtesy photo

"I thought he wrote a very impressive letter to us by introduction and then we met and talked with him and were very impressed," says Makechnie, who now uses Runyon as his personal lawyer. "He's bright, he's personable, and he works well with clients."

Runyon was appointed to the bench by then-Governor Judd Gregg in 1990, and Makechnie recalls being in court one Tuesday when juvenile matters were being heard.

RUNYON *continued on page 16*


# 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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|---|---|
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| $7,000,000 | Injury sustained during childbirth |
| $4,800,000 | Failure to diagnose infection results in brain damage |
| $3,000,000 | Failure to perform c-section results in newborn's brain damage |
| $2,000,000 | Failure to timely diagnose heart attack results in death |
| $2,000,000 | Birth injury resulting in severe and permanent neurological damage |
| $2,000,000 | Failure to diagnose and treat bowel blockage results in death |
| $1,900,000 | Failure to accurately interpret MRI results in brain bleed and death |
| $1,500,000 | Colon puncture during liver biopsy results in death |
| $1,000,000 | Improperly performed gallbladder surgery leads to post-op infection and reconstructive surgery |

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# Katie Broderick: A Career Built on Public Service

**By Scott Merrill**

In an age when the norms of fairness, collegiality, and respect for the Constitution can sometimes appear lacking, Kathleen "Katie" Broderick proves it is still possible to embody both the spirit and the letter of the law.

Broderick, who began her career as a prosecutor in the Strafford County Attorney's Office, has spent two decades in public service. Today, she serves as an attorney in Manchester's Solicitor's Office, where she handles a broad range of civil litigation and provides legal counsel to the city's elected officials and departments.

"She has a passion for public service," says Emily Rice, Manchester's solicitor and a former US attorney for the District of New Hampshire. "She's a very effective and persuasive lawyer. She takes her professional responsibilities very seriously and has a lot of tenacity and poise."

Broderick, who grew up in Manchester, lives in Hollis with her family. She earned a bachelor's degree in history from the University of New Hampshire and her law degree from Suffolk University Law School, graduating in 2006.

Broderick started in the Strafford County Attorney's Office, working in its domestic violence unit and prosecuting cases in district court. She moved to the Hillsborough County Attorney's Office in 2008, where she focused primarily on felony prosecutions. After a brief stint at the Injury Law Center in Nashua, she joined the Merrimack County Attorney's Office before moving to the Manchester Solicitor's Office in 2019.

"When I first started my career, I always wanted to go into public service," she says. "I was always drawn to the idea of working in a capacity that would have a positive impact on my community."

That opportunity took on a different form in Manchester. The city's Solicitor's Office is one of only two offices in New Hampshire – along with the attorney general's office – that handle both criminal and civil matters.

Broderick initially joined the office as a prosecutor in its domestic violence unit and also handled juvenile cases. Rice later promoted her to civil work, where she now handles much of the city's Superior Court litigation. Her cases range from tort and personal injury matters to appeals, Right-to-Know Law cases, collections, and disputes involving city departments.



"I enjoy the breadth of work I'm able to do here," Broderick says. "I consider myself, still, a student of the law."

Rice says Broderick's years as a prosecutor have served her well in her current role. The city is self-insured and, unlike many municipalities that rely on a risk pool for litigation and risk management, Manchester handles most of those functions itself.

"I can absolutely rely on her to figure out even the most difficult cases," Rice says. "She does her job very effectively and has received high marks from department heads."

Nicole Thorspecken, first assistant county attorney at the Hillsborough County Attorney's Office, worked with Broderick for years and remembers her as a welcoming presence when Thorspecken was a relatively new attorney.

"I always felt that I could ask her questions," Thorspecken says.

Broderick's style, she says, is "quiet but pronounced." She is diligent, thorough, and practical, with a sense of humor and an ability not to take herself too seriously, she adds.

Thorspecken also remembers Broderick handling a jury trial just weeks after the birth of her second child, while her oldest was only a year old.

"As trial attorneys, there aren't many people who go through that stage of life with small children," Thorspecken says. "She handled it with grace and determination."

For Broderick, however, public service is about more than winning cases or providing legal advice. It is about understanding the broader consequences of legal decisions.

As a civil attorney, she advises elected officials and city employees on questions that can have ramifications well beyond the immediate issue. A question involving the First Amendment, for example, can affect how a policy is ultimately interpreted throughout the community.

"The goal, from my perspective, is to help people with the decisions they're making and make sure they're constitutional and lawful," she says.

That responsibility becomes particularly important when Broderick encounters people representing themselves in court. Civil litigation frequently involves pro se litigants who may be unfamiliar with legal procedures and can arrive confused, frustrated, or angry.

Broderick sees those encounters as an opportunity to strengthen, rather than undermine, faith in the legal system.

"They don't know the legal process," she says. "And they may be upset, confused, angry. Success is when you have a pro se litigant who comes in and you can help them further through the system."

That often means meeting people where they are, actively listening to them, and explaining the process without giving legal advice.



Katie Broderick with her family. Courtesy photo

"They may not always come to an agreement," she says, "but hopefully they leave having faith in the system."

Broderick says that approach reflects what has kept her in public service over the past 20 years: the opportunity to make an impact that extends beyond any single case.

She and her husband have two children, a high school freshman and a sixth grader, and much of their family life revolves around soccer and lacrosse games and theater. She also volunteers with the Women's Bar Association's Public Service Committee and serves on the Hearing Committee for the Attorney Discipline System. Broderick has also spoken to students about constitutional law at Rivier University and, most recently, at the middle school in Hollis.

She occasionally misses being in the courtroom, but her current role offers something she values just as much: the chance to help shape decisions before they become disputes.

"On the civil side, the impacts of the decisions you make have broad impacts in our community," she says. "There are very real consequences." ♦

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# Sixth Annual Women Judges Dinner Reveals Some Surprising Stories from the Bench

**By Tom Jarvis**

Thirty-two current and retired members of New Hampshire's judiciary gathered September 30 at the Common Man in Concord for the Sixth Annual Women Judges Dinner.

Organized by Judges Susan Carbon and Tina Nadeau, the informal gathering brings together members of the bench from across the state for an evening centered on conversation, camaraderie, and the opportunity to spend time with colleagues outside the courtroom.

Male judges are also welcome, and this year's attendees included Judges Michael Klass and David Ruoff.

"What a terrific evening," says Circuit Court Administrative Judge Ellen Christo. "I was reminded once again how important it is that we make the time to gather, support one another, and celebrate the remarkable women who have served – and continue to serve – on the bench."

She says the presence of retired judges adds another dimension to the annual gathering.

"There is something especially meaningful about having our retired judges with us," Judge Christo says. "Their experience, wisdom, and friendship are an important part of our shared history. Our jobs can be demanding and isolating, which makes these opportunities to connect with colleagues even more valuable."

This year, Judge Carbon put a new spin on one of the dinner's traditions.

Ahead of the event, attendees were asked to send her one piece of information about themselves that they believed no one else in the group knew. During dinner, Judge Carbon read the submissions aloud and challenged the room to guess which fact belonged to which colleague.




Current and retired members of New Hampshire's judiciary gather at the Sixth Annual Women Judges Dinner on September 30 at the Common Man in Concord. Seated, from left: Hon. Jennifer Lemire, Hon. Ellen Christo, Hon. Tina Nadeau, Hon. Susan Carbon, Hon. Landya McCafferty, Hon. Polly Hall, Hon. Barbara Maloney. Middle row, from left: Hon. Sawako Gardner, Hon. Xiorli Bernazzani, Hon. Kimberly Chabot, Hon. Suzanne Gorman, Hon. Laura Lombardi, Hon. Andrea Johnstone, Hon. Sheri Colligan, Hon. M. Kristin Spath, Hon. Jacki Smith, Hon. Anne Edwards. Back row, from left: Hon. Patricia Quigley, Hon. Dorothy Walch, Hon. Ellen Joseph, Hon. Michael Klass, Hon. Amy Manchester, Hon. Lindsey Courtney, Hon. Betsy Paine, Hon. Susan Ashley, Hon. Sarah Christie, Hon. Erin McIntyre, Hon. Margaret-Ann Moran, Hon. Lisa English, Hon. Beth Leonard, Hon. Amy Messer, Hon. David Ruoff. Photo by Tom Jarvis

She says the first five dinners focused largely on professional matters, such as where attendees worked and how long they had been on the bench.

"But really nothing about us as people – who we are, not what we are," Judge Carbon says. "This year I wanted something personal and fun."

The exercise quickly revealed an array of unexpected experiences outside the courtroom. Among them, retired Judge Betsy Paine won the women's division of the Tuckerman Inferno in 1984. Judge Polly Hall once worked as a Spanish-speaking tour guide at Niagara Falls. Judge Tina Nadeau spent six years as a beekeeper, while Judge Amy Messer once worked as a taxi driver.

Judge Amy Manchester was once the University of Vermont's Kitty Catamount mascot – an experience that included riding the Zamboni – and Judge Jennifer Lemire is a tap dancer.

Judge David Ruoff took three semesters away from college to bicycle approximately 15,000 miles to Alaska and back, raising more than $70,000 for cystic fibrosis along the way. Judge Lisa English played conga drums in a Latin band in the early 1990s, while Judge Kimberly Chabot competed in shot put during high school.

The answers drew plenty of laughter and conversation as attendees tried to match each story with the correct colleague.

"All of the answers were truly surprising – it was a blast guessing who had what in their history," Judge Carbon says.

The evening also included a homemade touch. Judge Xiorli Bernazzani baked cookies for the gathering and packaged them individually in decorative gift boxes for each attendee, prompting enthusiastic reviews around the room.

Now in its sixth iteration, the dinner has become an opportunity for judges who may interact primarily in professional settings – and who serve in different courts around the state – to reconnect on a more personal level.

"We're colleagues, but we rarely get a chance to get together as friends," Judge Carbon says. "We're spread between courts and divisions, and across the state. We have so much in common professionally – so gathering with peers who face the same pressures has a very supportive feel."

She says those relationships can serve as an important support network for judges, particularly those newer to the bench.

"We enjoy one another's company – it's great fun seeing friends over a no-agenda dinner. Wish we could do it more often," Judge Carbon says. ♦




# NHWBA Honors Achievement and Mentorship at 29th Annual Fall Reception

**By Tom Jarvis**

The New Hampshire Women's Bar Association (NHWBA) recognized two members of the state's legal community during its sold-out 29th Annual Fall Reception on October 7 at the Barn at Bull Meadow in Concord. University of New Hampshire Franklin Pierce School of Law (UNH Law) Interim Dean Courtney Brooks received the 2026 Marilla M. Ricker Achievement Award, while second-year UNH Law student Camila De Paula received the 2026 Winnie McLaughlin Scholarship.

The evening began with Judge Susan Carbon introducing new NHWBA President Lyndsay Robinson, who once served as her intern.

"I think that public service is in her DNA," Carbon said, praising Robinson's extensive volunteer work and professional service. "The Women's Bar is well-served to welcome Lyndsay as its newest president."

In her opening remarks, Robinson reflected on the organization's achievements and the progress of women in the legal profession. Citing American Bar Association statistics, she noted that women represented 41 percent of attorneys nationwide and 37.6 percent in New Hampshire in 2024.

Despite these gains, women held only 28 percent of law firm partnerships in 2023. A 2022 New Hampshire Women's Foundation study also found that women constituted 38 percent of the state's judges.

Robinson emphasized the NHWBA's continued efforts to advance gender equity through leadership opportunities, professional development, education, and greater transparency in judicial selection.



NHWBA President Lyndsay Robinson (left) and 2026 Marilla M. Ricker Achievement Award recipient Courtney Brooks. Photo by Tom Jarvis

She also announced an upcoming NHWBA panel discussion, "The Rising Bar: Cultivating the Next Generation of Oral Advocates," scheduled for November 17 from 5 to 7 pm at UNH Law. Inspired by data and trends observed by retired New Hampshire Supreme Court Justice James Bassett (see related article on his findings on page 3), the discussion will address mentorship, courtroom skills, and opportunities for women and emerging attorneys to gain oral advocacy experience. Additional information and registration are available at **nhwba.org**.

Robinson, herself a 2015 Winnie McLaughlin Scholarship recipient, then presented this year's scholarship to De Paula. Named for Agnes Winifred McLaughlin, the first woman admitted to practice law in New Hampshire in 1917, the scholarship recognizes academic achievement and a commitment to advancing the interests of women.

Born in Brazil, De Paula moved to New Hampshire with her family at age 13. She earned degrees from Nashua Community College and Southern New Hampshire University before enrolling at UNH Law, where she ranks in the top 10 percent of her class and participates in the Daniel Webster Scholar Honors Program. She is also an associate editor of the *UNH Law Review* and vice president of the Domestic and Sexual Violence Victim Advocates organization.

De Paula continues to serve as a paralegal in the New Hampshire Air National Guard, where her work alongside military attorneys helped inspire her pursuit of a legal career.

"As a first-generation immigrant, I never thought I would one day attend law school, let alone be standing here tonight receiving this scholarship," De Paula said. "During law school, I have really come to appreciate how important it is to see other women succeeding in the legal profession and, just as importantly, supporting other women along the way."

The evening's highest honor, the Marilla M. Ricker Achievement Award, recognizes women lawyers who have achieved professional excellence, advanced opportunities for other women, or performed exemplary public service.

Sheehan Phinney attorneys Courtney Herz and Cassandra Rodgers introduced Brooks, highlighting her dedication to mentoring students and young attorneys. Herz, a longtime friend, described Brooks' commitment to fostering personal connections and providing individualized guidance to students, while Rodgers, a former student, emphasized her ability to connect attorneys with career opportunities suited to their goals.

Brooks has worked at UNH Law since 2010, serving in several leadership positions, including director of the Daniel Webster Scholar Honors Program

NHWBA *continued on page 15*






# Trauma-Informed Jury Selection Expands Across New Hampshire Superior Courts

**By Tom Jarvis**

A jury-selection process designed to prevent prospective jurors from being retraumatized while preserving defendants' rights is being implemented across New Hampshire Superior Courts this fall following a pilot program at Hillsborough County Superior Court – North.

The trauma-informed jury-selection process applies to sexual-assault cases and uses written questions to identify prospective jurors who believe that participating in the selection process could cause a strong emotional reaction. It is intended to avoid situations in which people must publicly reveal deeply personal experiences in a crowded courtroom.

Superior Court Judge David Ruoff described the initiative in broader terms.

"The goal of this process is to ensure that New Hampshire residents who have a history of abuse or trauma are not further victimized when called to perform their civic duties," Judge Ruoff says. "This process balances the good of the community with the rights of the accused in criminal cases."

Before reporting for jury service, prospective jurors receive a supplemental questionnaire asking whether they or someone close to them has experienced sexual assault, including an assault that was not reported to police. Those who answer yes are asked whether they believe they would experience a strong emotional reaction during jury selection in a sexual-assault case.

A prospective juror who answers yes to both questions is automatically excused from consideration in sexual-assault cases. The person's name is not called in open court but remains eligible to serve in other types of cases.

Jurors whose responses indicate that additional inquiry may be appropriate remain in the pool and are questioned privately at the bench by the judge if selected. The court uses a color-coded tagging system to distinguish among the different combinations of responses.

Judge N. William Delker, who was directly involved in developing the pilot and its statewide implementation, says the project originated in late 2019 or early 2020. He and other judges had seen prospective jurors cry, shake uncontrollably, or become unable to approach the bench after being called in sexual-assault cases.

"I felt that we needed to try to come up with a more sensitive approach to this issue," he says. "A juror with that kind of emotional reaction is clearly not going to be an appropriate juror, and there are no questions you can ask that person to get them to be in a place where they could be a potential juror in a sexual-assault case."

Judge Delker consulted mental-health experts, sexual-assault survivor organizations, and others about possible approaches. Work was delayed when the COVID-19 pandemic halted jury trials and required the courts to focus on restoring trial operations and addressing the resulting backlog.

When development resumed, the court assembled a group that included prosecutors, public defenders, private defense attorneys, victim advocates, clerks, and judges. The pilot began at Hillsborough North in September 2024.

The original questionnaire asked prospective jurors to evaluate whether they could remain fair and impartial. During the pilot, the questions were revised to focus on whether serving in a sexual-assault case would produce a strong emotional response. Jurors who reported a personal connection to sexual assault but did not anticipate that response remained eligible, subject to additional questioning.

Judge Delker says the courts monitored how many jurors were affected and whether the procedure interfered with jury selection. The stakeholder group later reconvened to evaluate the results.

"There's obviously a balance between having a trauma-informed process but also having an efficient and effective jury-selection process," he says. "In the end, we concluded it was [worth the effort] and that it did not significantly delay or impede our ability to pick juries in cases."

Longtime defense attorney Tony Naro, who formerly worked for the New Hampshire Public Defender, recalled a sexual-assault jury selection more than a decade ago in which a visibly shaken prospective juror disclosed at the bench that she had been sexually abused as a child and had never told anyone.

"It was a terrible moment that was seared into my memory, and I just remember feeling horrible for this person," Naro says. "How could we have avoided this? I think this trauma-informed selection process is going to avoid something like that happening."

Naro says advance screening serves both the prospective juror and the accused.

"If there are cases where we can identify people ahead of time who just can't sit on that case and, at the same time, prevent them from being retraumatized, we're doing two things," he says. "We're protecting defendants' rights to a fair and impartial jury, and we're also not causing anybody any unnecessary pain as a result of fulfilling their obligation as citizens to be jurors."

Grafton County Attorney Marcie Hornick says her office supports the goal behind the new process but has questions about how it will operate in practice.

"Protecting people called for jury duty from having to disclose exceptionally personal and traumatic events to total strangers, in an otherwise unfamiliar and stressful situation, is laudable," Hornick says. "But the questions seem overly broad, and we also haven't been given much information about how court staff are trained to handle them or the responses they receive."

Hornick says she is also concerned that the process could exclude more prospective jurors than necessary and that additional information and input from attorneys across the state would have been helpful.

Before Rockingham Superior Court implemented the process on September 14, judges, clerks, deputy clerks, administrative court assistants, Jury Center personnel, and jury clerks participated in training presented by Judge Delker.

"During the training, attendees learned about the purpose and constitutionality of trauma-informed selection, what procedures should be implemented to maintain the confidentiality of jurors' responses, and how to ensure a fair and representative jury pool for both sides," Rockingham Superior Court Clerk Patrice Touma says.

Rockingham staff also prepared charts for the bench explaining the color-coding system. In the court's first use of the new process on September 14, one sexual-assault case was included in jury selection. Of the 170 prospective jurors who reported for selection, Touma says 32 – or 18.82 percent – were automatically excluded from consideration in sexual-assault cases.

"The court believes the first trauma-informed jury selection went smoothly because of the training session and steps staff took to prepare in advance of selection," Touma says.

Rockingham's initial use of the process also raised a question about the program's scope. In a case that did not include a sexual-assault charge, defense counsel argued that the underlying allegations warranted use of the protocols. Touma says the request raised questions about which cases should qualify and whether attorneys may seek use of the process when the allegations could be traumatic for sexual-assault survivors. The court did not comment on whether the protocols were ultimately applied in that case because the proceeding remains pending.

Rockingham, Merrimack, Cheshire, Sullivan, Grafton, and Belknap counties were included in the September rollout. Strafford and Hillsborough South are scheduled for October, followed by Coos and Carroll counties in November.

Judge Delker says the phased implementation allows each court to adapt the protocols to its jury-selection system. Hillsborough North uses physical tags drawn at random, while some courts select prospective jurors electronically.

He says he has not witnessed the type of severe emotional reaction that prompted the project since the pilot began.

"Hopefully, we've done something to improve that experience for people who are called into the courts and are asked to serve on juries," Judge Delker says. ♦


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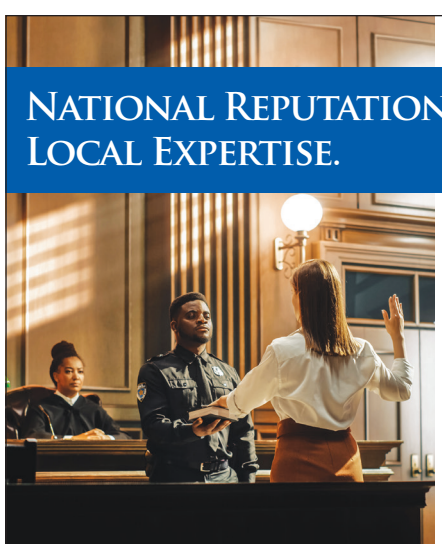
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# Concord Housing Lawsuit Could Test Reach of Article 2-b

**By Tom Jarvis**

A lawsuit over electronic monitoring inside Concord public housing apartments could help define the reach of New Hampshire's relatively new constitutional protection against governmental intrusion into private or personal information.

The September 2 complaint, filed in Merrimack County Superior Court by New Hampshire Legal Assistance (NHLA), the American Civil Liberties Union of New Hampshire (ACLU-NH), and the national ACLU on behalf of tenants Mark LaValley and Terri King, alleges that the use of Mînut Monitor devices by the Concord Housing and Redevelopment Authority (CHRA) violates Part I, Article 2-b and Part I, Article 19 of the New Hampshire Constitution.

The devices, which CHRA began installing in 2024, can detect or generate information including sound levels, motion, smoke, humidity, and nearby device signals. According to the plaintiffs, approximately 300 apartments were equipped with the monitors, and the system generated more than 134 million sound-level readings and 19 million motion readings between October 2024 and June 2026.

The complaint alleges that LaValley's monitor recorded 64,944 motion events between November 15, 2025, and June 9, 2026. King, meanwhile, allegedly objected to installation and never signed the monitor addendum. After her husband removed the device, CHRA assessed nine $50 tampering fines, which were later waived after NHLA intervened, according to the complaint.

CHRA Executive Director Julie Palmieri says the authority used the devices for a limited purpose.

"Concord Housing and Redevelopment is committed to the health, safety, and privacy of all our residents," Palmieri said in a written statement. "CHRA installed these devices solely for the purpose of enforcing mandatory HUD smoke-free policies and addressing excessive noise. CHRA never accessed, viewed, or utilized motion-sensing features."

Palmieri says CHRA could not comment further because the matter is in active litigation.

The complaint seeks declaratory and injunctive relief, including removal of the devices and deletion of collected data. It also seeks class certification for current and future CHRA tenants who have or will have the devices installed in their units.



Christopher Schott, New Hampshire Legal Assistance's fair housing director and manager of its Manchester office, says NHLA became involved after a tenant objected to a monitor being reinstalled in 2025. That dispute ended without the device being reinstalled, but the organizations continued looking into the technology because other tenants still had monitors in their homes.

Schott says the public-housing setting also raises questions about whether tenants could meaningfully refuse.

"Most tenants felt like they didn't really have a choice," he says. "It was either you lose your house or you allow this device in your apartment to search your apartment basically 24/7."

He says NHLA is not alleging that CHRA acted with bad intent, but that the monitoring affected tenants' sense of autonomy in their homes.

"I think a lot of these tenants feel like they're being babysat, like they don't have a say in what they can do in their home," Schott says. "It's kind of like a loss of dignity."

For Schott, the scope of the monitoring is central to the constitutional challenge.

"At the end of the day, this is just a perpetual search of these people's homes," he says.

The plaintiffs' Article 19 claim resembles a traditional search-and-seizure argument. Article 2-b, however, was added to the state Constitution in 2018 and states: "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent."

ACLU-NH staff attorney Maria Savarese says the plaintiffs view Article 2-b as the primary claim in the case.

"Article 2-b enshrines our understanding of privacy in the digital age," she says. "The Concord Housing Authority's use of this electronic surveillance is precisely the type of intrusion that Article 2-b was designed to address."

She says the plaintiffs' concern is not limited to any single type of data collected by the monitors. Instead, different data streams can become more revealing when considered together.

"There's a lot that you can glean with just an individual data point, but it's really that mosaic and combination of the data that is so intrusive," she says.

Savarese says the effect of the monitoring is not limited to what the data may reveal.

"This kind of surveillance just fundamentally changes a person's relationship with their own home," Savarese says.

Albert "Buzz" Scherr, a professor at the University of New Hampshire Franklin Pierce School of Law and one of the drafters of Article 2-b, says the amendment was intended to address limitations in older privacy doctrines that often focused on where information was stored.

"What Part I, Article 2-b does is it takes away the issue of location," Scherr says. "It says what we're looking to seek privacy regulations around is the information itself – personal and private information – rather than where it's located."

In a 2025 *Syracuse Law Review* article coauthored with former state Representative Neal Kurk, Scherr wrote that Article 2-b was intended to address the observation, collection, retention, and use of personal or private information by government. The article argues that collection itself may constitute an intrusion even if the information is never used.

Scherr says he and Kurk intended Article 2-b to require strict scrutiny of governmental intrusions into protected information, meaning the government would have to identify a compelling interest and show that the intrusion is necessary to accomplish that purpose.

Under that interpretation, the collection of motion data presents a question separate from whether CHRA personnel later accessed or used it.

Because Article 2-b is still relatively new, there is limited case law interpreting its scope. The New Hampshire Supreme Court has addressed the provision substantively in *State v. Zarella*, a case involving access to a sexual assault victim's medical records.

"The jurisprudence around 2-b is really only at the early stages of development," Scherr says.

If the CHRA case eventually reaches the state Supreme Court, Scherr says it could present a different application of the provision.

"If it goes up to the New Hampshire Supreme Court, it'll be the Court's first real opportunity to interpret 2-b in light of information technology," he says.

The case remains pending in Merrimack County Superior Court. ♦

## Elliott Berry Receives Outstanding Neighbor Award



NeighborWorks Southern New Hampshire, a nonprofit that develops affordable housing and provides homeownership education and counseling, presented Elliott Berry with its 2026 David P. Goodwin Outstanding Neighbor Award in recognition of his work on housing issues in New Hampshire and his commitment to quality affordable housing and homeownership opportunities. The award reception was held September 17 at Straw Mansion Apartments in Manchester.

Berry retired in 2022 after a 47-year career with New Hampshire Legal Assistance, where he served as managing attorney and director of the Housing Justice Project. During his career, he represented thousands of individuals and families facing eviction or housing discrimination, successfully challenged zoning ordinances that created barriers to low- and moderate-income housing, and played a central role in developing New Hampshire's landlord-tenant laws. He also co-founded the New Hampshire Community Loan Fund and helped advance legislation allowing manufactured-home park residents to form cooperatives and purchase their communities. ♦


Veterans Legal Justice Celebration

HONORING CHRIS SEUFERT WITH THE LARRY VOGELMAN CHAMPION TO VETERANS AWARD

**Wednesday, November 18th • 6:00-8:00 p.m.**

Please join us for a night of celebration as we honor several individuals whose contributions to our organization, to the New Hampshire legal community, and most of all to New Hampshire veterans and their families have been invaluable.

This event will be held at the **Main Venue at Arts Alley,** catered by **Catering by Design,** and will feature a silent auction of generously donated goods and services by New Hampshire businesses. We are still looking for more sponsors!

Our chief honoree is **Attorney Chris Seufert.** Chris is a Coast Guard veteran. In addition to going above and beyond to assist veterans with their legal issues, he has always been an advocate for VLJ and our mission. We could not be more proud to present him with an award and celebration in honor of his service to Granite State veterans.

Our second honoree is **Samuel Marsh,** one of our most dedicated intake volunteers. Sam will be receiving the *Volunteer Excellence Award* in honor of his hard work reaching the people who matter most, the veterans.

Finally, we will be honoring our own **Attorney Zachary Phillips** with the *First in Service Award,* for his pioneering service as Veterans Legal Justice's first interim executive director.

**To RSVP or sponsor event: www.vljnh.org**

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## Letters to the Editor

# Jack Middleton: A Remembrance

Jack may have been the last of the "old guard" members of the New Hampshire Bar. It seems that every lawyer knew him or of him, and at times it was easy to think that he was known to nearly everyone in the state. If you spoke of Jack in legal circles, most people knew who you were talking about. Justice David Souter once described Jack as "New Hampshire's representative to everything."

For us, he was a mentor and a friend. The three of us had the privilege of working with Jack for periods ranging from three decades to more than half a century. If the secret to success is having someone invest in your success, Jack surely invested in ours. We know how lucky we were.

Almost from the day we arrived at the firm, whether as brand-new associates or lateral hires, Jack invested in our careers, although we didn't necessarily know it to begin with. It was, however, clear from the outset that you didn't work *for* Jack; you worked *with* him. And from the start, you knew the difference. You produced the best possible work you could muster for Jack, not out of fear, but because, as with all great leaders, you respected him and wanted to please him.

Jack rewarded good work with more responsibility. When he thought you were ready – often before you thought so – he would push you to take the deposition, make an argument, or examine a witness. He sometimes did so with just a few minutes' notice. And when he pushed you outside your comfort zone, it was often accompanied by encouragement like "Go get 'em, Tiger." He also advanced our cause in professional organizations like the New Hampshire Bar Association, the American Bar Association, and the American College of Trial Lawyers.

Outside the office, Jack was a one-man personal marketing team. He belonged to what seemed like every charitable organization in the state, and he made sure that McLane Middleton lawyers succeeded him. He took you with him to events, and since nearly everyone knew him, he introduced you to everyone, as well. Being introduced as Jack's partner gave you instant credibility in court and elsewhere. To be able to say "I'm Jack Middleton's partner" was a privilege and a gift.

As valuable as it was to spend time with Jack in the office or in court, it was the time spent with Jack away from work that might have been the most valuable and perhaps will remain the most memorable. There were car rides, long walks at the firm's annual meeting, hunting trips, vacations in the mountains of Wyoming, and dinners with him when you worked late.

Jack was constantly in motion. He seemed to have traveled to every continent and to have climbed mountains around the world. He made it clear that vacations were as important as work and that to be successful, you needed to take them. Jack was largely responsible for the firm's extended vacation plan, or "sabbatical."

We often talk about firm culture. Jack was at the center of that. He set the tone for professional behavior, and he was kind and thoughtful to everyone. We will miss him more than we can say. ♦

– Bruce Felmly, Bill Glahn, and Jennifer Parent

# Not Every Permanent Impairment Objection Requires an IME

*[Editor's note: This letter responds to Dana Smith's article "When an Objection Fails to Object," as published in the August 19, 2026, print edition of the* Bar News. *The article was subsequently updated online and retitled "Impermanent Issues in Permanent Impairments." The updated version does not include Smith's argument that a carrier must arrange an independent medical examination to properly object to a permanent impairment rating.]*

Dear Bar Members:

I am compelled to address attorney Dana Smith's article entitled "When an Objection Fails to Object" in the August 19, 2026, edition of the *Bar News*. The article correctly cites the proper statute, RSA 281-A:32, Department of Labor Lab Rules, and the AMA *Guides to the Evaluation of Permanent Impairment*, 5th ed. concerning whether an injured worker is entitled to a permanent impairment award. The article seems to be complaining that insurance carriers sometimes do not set up independent medical evaluations to address a previously submitted permanent impairment rating from a treating physician. The article is correct when it states that a permanent impairment "*requires a medical assessment performed by a physician*" (emphasis in original). The article, however, neglects to mention the case law concerning this issue.

In *Appeal of Cote*, 146 N.H. 705 (2001), the Court addressed the issue of whether a medical records review can dispute a treating physician's permanent impairment rating. In *Cote*, the treating physician, Dr. Myers, submitted a permanent impairment report. The insurance carrier obtained a medical records review from Dr. DeBonis's discrediting Dr. Myers's assessment. Dr. DeBonis did not examine the injured worker.

The *Cote* Court held that Dr. DeBonis's opinion "nonetheless could be used to discredit Dr. Myers' assessment of permanent impairment." *Cote*, at 709. As a result, not every objection to an injured worker's permanent impairment report requires an IME, and the insurance carrier can rely on a records review opinion or argue that an injury, such as a low back strain or sprain, does not qualify for an award under RSA 281-A:32.

Under the AMA Guides, a low back strain or sprain may result in a whole-person impairment rating of between 5 percent and 8 percent; however, the statute specifically excludes soft tissue injuries. RSA 281-A:32, IX. As a result, an insurance carrier can object to a permanent impairment rating and proceed to a Department of Labor hearing based on either a records review or an argument that the injury does not qualify for an award under the statute. ♦

– Gary S. Harding, Bernard & Merrill, PLLC

## LawLine



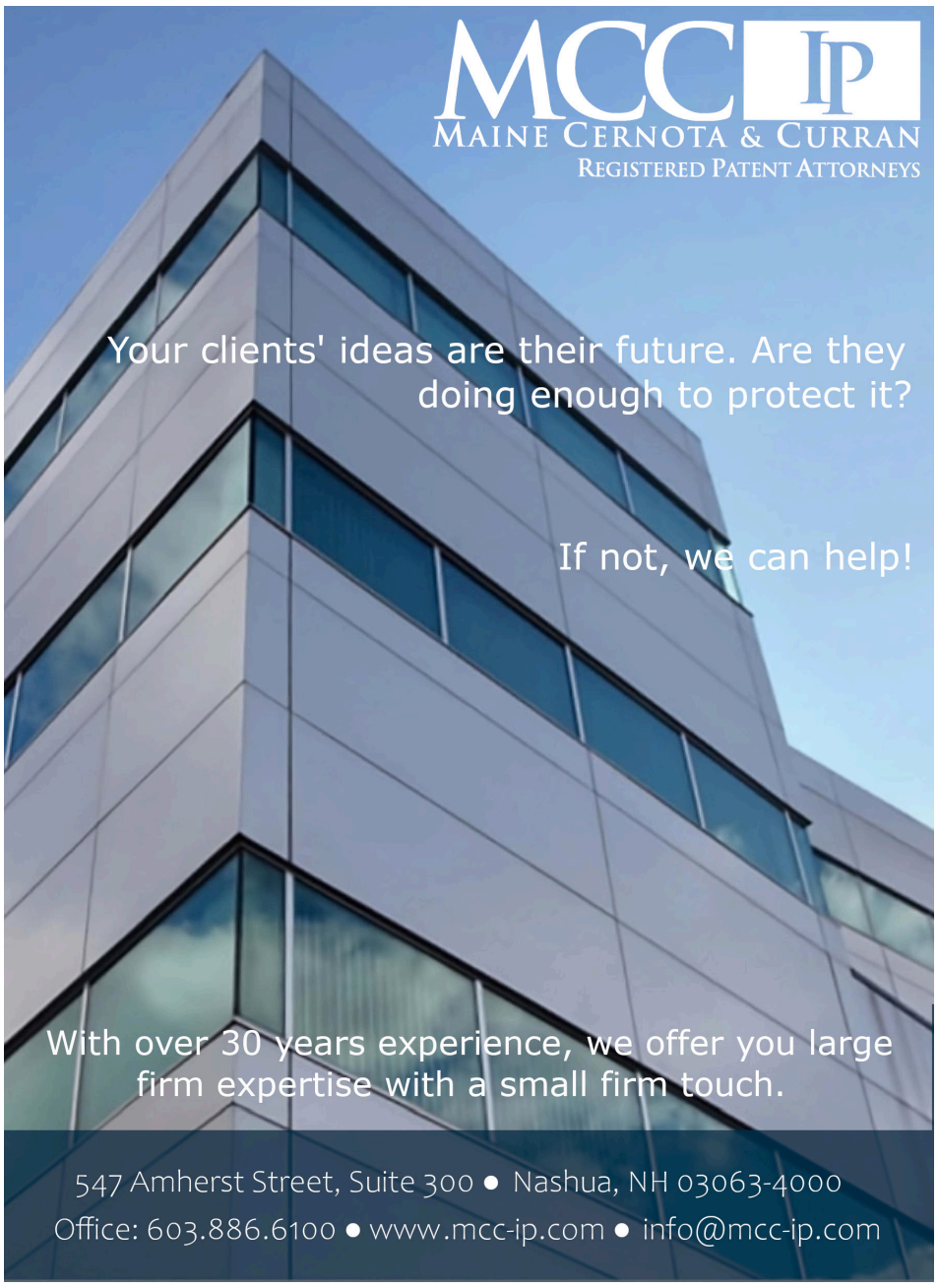
LawLine volunteers from Orr & Reno, from left, Bob Carey, Dakema Welch, Kelly Nestler, Enya McGarry, Peter Burger, Emily White, and Ginger Sheehan. Courtesy photo

The New Hampshire Bar Association thanks Orr & Reno attorneys Peter Burger, Bob Carey, Enya McGarry, Lindsay Nadeau, Kelly Nestler, George Roussos, Ginger Sheehan, Dakema Welch, and Emily White, as well as attorneys Coda Campbell, Christopher Seufert, and Stephanie Tymula for volunteering during the successful LawLine event held on September 9.

During the event, 81 individuals received calls from attorney volunteers who provided brief legal guidance on a wide range of topics, including eviction, family law, debt collection, real estate, immigration, employment, probate, bankruptcy, and criminal matters.

LawLine has transitioned to a new call-out format designed to better connect members of the public with volunteer attorneys who have experience in the practice areas where they need guidance. Individuals seeking assistance submit a short online application, allowing NHBA staff to identify questions appropriate for LawLine. Applications are assigned in advance so that volunteer attorneys have sufficient time to perform conflict checks. Individuals whose applications are assigned receive a telephone call from an anonymous volunteer attorney offering brief legal advice during the monthly LawLine session.

LawLine is offered on the second Wednesday of each month from 6 to 8 pm. The NHBA is seeking volunteer attorneys for future events. To volunteer, please contact NHBA LawLine Coordinator Joseph Kozlowski at **jkozlowski@nhbar.org**. ♦

# ABA Study Puts Women Lawyers' Mental Well-Being in Focus

**By Katie A. Mosher**



A newly released and groundbreaking report from the American Bar Association's Commission on Women in the Profession, "Mental Well-Being in the Legal Profession: The Unique Challenges of Women Lawyers and a Path Forward," identified, as the ABA explained, "persistent barriers, ranging from workplace pressures and systemic inequities to external societal demands for women in the field."

The report, released on August 1, presents a sobering and challenging picture of the status of women's mental health in the legal profession: the women who were part of the study expressed higher levels of stress related to finances, family commitments, sleep disruptions, and workload expectations than their male counterparts. For example, 40 percent of women compared with 29.5 percent of men reported financial stress, according to the study.

The first-of-its-kind study was based on an anonymous survey of almost 3,000 attorneys across the country (69 percent women) and incorporated feedback from 12 focus groups. The survey revealed that women in the profession experience more symptoms of depression, anxiety, and stress than their male counterparts, and have a lower overall sense of mental well-being.

The study indicated that workplace systems and practices, as well as personal work responsibilities, like billable hour requirements, workplace culture concerns, and caregiving duties, made the stress feel ongoing and not an isolated experience that could be alleviated easily.

Against this difficult backdrop, the report offers ways to address the mental health challenges faced by women, in particular. Specifically, the report suggests focusing on mental well-being concerns at a systemic level. "Creating environments that prioritize mental well-being requires intentional, ongoing efforts to foster inclusivity, strengthen support structures and eliminate the stigma surrounding mental health," said the report.

Thus, the report proposes that mental well-being challenges in the workplace require organizations to reconsider workloads, ensure there are confidential mental health resources available, and encourage education on gender-specific stressors, especially for organizational leadership.

"Meaningful progress requires moving beyond individual coping strategies to address the systemic workplace conditions that disproportionately impact women lawyers, creating sustainable change through leadership commitment and cultural transformation," the report indicated.

Here in New Hampshire, women leaders from the New Hampshire Women's Bar Association, the New Hampshire Bar Association's Special Committee on Attorney Wellness (Wellness Committee) and Gender Equality Committee, and the New Hampshire Lawyers Assistance Program (NHLAP) were not surprised by the study's findings, especially given the release of the Survey of Lawyer Well-Being from the ABA's Commission on Lawyer Assistance Programs, which similarly presents data about the widespread well-being issues experienced by members of the profession.

The release of this report has spurred additional action and dialogue between these groups and others in the legal profession that recognize the unique experience of women lawyers and the importance of mental well-being for practice. The groups plan to schedule both informal and formal discussions about women's mental well-being and the structural and systemic changes required to improve the situation for women in New Hampshire, in particular.

For Charla Stevens, chair of the Wellness Committee, the timing of the report is ideal for incorporation into an upcoming CLE presentation at the Bar scheduled for November 12 at 1 pm, "The Sustainable Lawyer: Competence, Judgment, and Well-Being in Modern Practice." The afternoon program will include discussion of stress, burnout, and professional risk, how to seek resources and from whom, and real conversations from attorneys who have navigated professional challenges.

"This report confirms that we need to get beyond encouraging lawyers to build more resilience to adapt to the increasing pressures in the profession and in life generally," Stevens says. "It is time to focus on critical cultural changes to provide relief to both men and women, and the report provides excellent suggestions for moving forward. If we don't adapt and change, we will continue to lose both young and experienced talent who decide that this life is not for them."

"What stands out is not that women experience stress while men do not; rather, certain pressures are felt more intensely by women," says Jill O'Neill, executive director of NHLAP. "Many women continue to navigate the 'second shift,' working full-time while also managing much of the responsibility for children, aging parents, and household duties. Women lawyers, in particular, report higher levels of anxiety as they compete in a demanding profession that often operates under the assumption that committed professionals have few responsibilities outside of work. While stress affects the entire profession, it is important to recognize where the burden is heaviest. The question is not whether women are committed to their careers, but whether our workplaces have fully adapted to the realities of those doing the work."

New Hampshire Women's Bar Association President Lyndsay Robinson, a panelist at the November 12 program, agrees that the report presents the New Hampshire legal community with an opportunity to have important conversations about mental health and well-being from the perspective of women attorneys:

"Women lawyers have long been balancing the demands of a challenging profession with responsibilities and pressures

ABA *continued on page 17*



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Jeffrey Zall has been practicing law in New Hampshire since 1977 as a partner in the law firms of Currier, Zall & Shepard, Smith-Weiss, Shepard and Zall and as a sole practitioner. He will continue his practice focusing on commercial real estate and financing transactions, business formation, and real estate development.



Kerin Pintzopoulos has been practicing law in Massachusetts since 2003. She joins the firm following executive roles as Senior Vice President at Rockland Trust and Enterprise Bank, where she specialized in residential, commercial, and construction loan workouts. Her practice will focus on commercial real estate law in NH and MA with a continued focus on creditors' rights, including commercial collections, bankruptcy, foreclosures, and loan restructuring.

We are pleased to welcome Jeff and Kerin to Hamblett & Kerrigan and look forward to the experience and depth they bring to our clients and the firm.

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Before joining Shaheen & Gordon, Christine served as Contracts and AI Counsel at Mint Mobile, where she established and led the company's enterprise AI governance program. She also spent a decade as a trial attorney with the New Hampshire Public Defender, and now chairs its Board of Directors.

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**Tyler Mills,** Associate Attorney

We are thrilled to announce that Tyler Mills has joined **Poulin Hurley Makris & Lyons P.A.** as an associate attorney.

Attorney Mills is a 2023 graduate of the New England School of Law. Before joining PHML, Attorney Mills was an associate attorney at a large law firm in Boston, where he worked alongside partners in cases involving civil ligation, employment law, fiduciary and business litigation, and appellate litigation. He is admitted to practice in New Hampshire, Maine and Massachusetts, as well as the US District Court for Massachusetts.

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Alyssa graduated from the University of New Hampshire Franklin Pierce School of Law this past year where she was a member of the Daniel Webster's Scholars Honors program.

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ALYSSA STANKEVITZ
ASSOCIATE

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# Beyond the Numbers: Lawyer Well-Being and What Comes Next

**By Mark Durso and Jill O'Neill**


Durso


O'Neill

*This article is the first in a series exploring what the newest national lawyer well-being findings mean for New Hampshire and how the profession can continue moving toward healthier practices.*

Following the release of the American Bar Association and Krill Strategies' collaborative study on lawyer mental health, we were invited to respond to its findings. Rather than repeat every statistic from the study, we focus here on several key findings and what they may mean for the profession.

But honestly, these findings don't surprise us. Long work hours, intense pressure from clients and courts, firm expectations, billable-hour requirements, and the constant pressure to get everything exactly right create a recipe for burnout from the start. We miss family events and children's soccer games. We skip vacations, or worse, take them and continue to work.

Let's be clear: It's not all doom and gloom. This is a calling, a career of passion and zealous advocacy to change long-standing systems, ensure due process, and fight for those who cannot fight for themselves. But as many of you know, it comes at a cost, and according to the research, we see the deeply rooted traditions of the profession that drive stress.

After reflecting on recent findings, we are left with one big unanswered question.

## Why This Group?

This is not the only demanding profession, not the only profession that works directly with the human condition, nor the only profession for which research has documented concerns about mental health, substance use, and overall wellness.

What stands out to us is the type of person who is attracted to this profession and makes the sacrifice to work tirelessly, often without recognition. Are individuals who are attracted to the legal profession prone to perfectionism? Prone to being caregivers? Are they natural advocates? Does this field pull in highly empathetic intellectuals who often wear their hearts on their sleeves? Are they the ones who will always say yes but often really mean no because they already have too much on their plates?

## Professional Skills Can Create Personal Vulnerability

From where we sit at the New Hampshire Lawyers Assistance Program (NHLAP), this looks a lot like what we see. Over the past year, we have had more than 200 lawyers, judges, and law students walk through our door. Burnout, stress, substance misuse, anxiety, trauma, and depression: this is what we see day to day.

The numbers matter, but what interests us most is what sits behind them: the stressors, expectations, and human experiences that help explain why capable professionals are struggling.

Younger lawyers reported the highest overall mental health risk. Extreme work hours, litigation, solo practice, private firm practice, and high work and family conflict were associated with increased distress or burnout. In addition, 20.5 percent reported increasing alcohol or other drug use because of stress attributable to the legal profession.

While 41.8 percent screened positive for risky alcohol use, only 2.3 percent reported a current alcohol use disorder diagnosis. That gap may reflect difficulty recognizing risk or fear about disclosure.

## What Can NHLAP Do for Me?

Most people do not walk through our door saying, "I have a mental health or substance use disorder." They may say they are not sleeping, are drinking more, feel burned out, have missed a deadline, or simply cannot keep going at the same pace.

NHLAP provides a confidential place to start. We listen, help sort through what is happening, identify what support may help, and connect people with resources, treatment, peer support, ongoing check-ins, or professional health and recovery monitoring when needed. You do not need a diagnosis or to know exactly what to ask for. That is the value of our "No Wrong Door" approach.

This approach aligns with the Krill study. But rather than taking the findings at face value, accepting the stories as inevitable, or adopting an "it is what it is" mindset, we try to unpack the proverbial "chicken-and-egg" question and better understand the human condition. Over time, we start to notice trends in the stories.

When we take a more human-centered view of these trends, we begin to see the person behind the data. Their experiences are shaped by relationships, family history, workplace expectations, access to support, professional culture, and the ways they have learned to respond to difficult situations.

Are there aspects of legal education, workplace culture, or the profession itself that make it harder for people to recognize their needs, adapt when circumstances change, or ask for help before reaching a crisis point?

This is not where the research should stop. We hope these findings encourage the profession to think more deeply about how we prepare and support lawyers as people, not only as professionals. Self-reflection, boundaries, connection, self-care, and identity outside of work all contribute to long-term well-being, yet they are often the first things pushed

BEYOND *continued on page 17*

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## ■ NHWBA *from page 7*

and associate dean for faculty, before becoming interim dean in January 2026.

In a heartfelt acceptance speech, Brooks reflected on her transition from private practice to legal education. She recalled the challenges of balancing motherhood with her career, including an incident in which she returned from maternity leave to find her office lacked a lock. When she requested one, the managing partner told her he would go to Home Depot and buy her a 75-cent door wedge instead.

Seeking a more manageable professional life, Brooks joined UNH Law, a decision she described as transformative. She credited colleagues, mentors, family members, and students with helping her discover a career that exceeded her expectations.

"Looking back, what I really found at the law school was my people," Brooks said. "I know many of my current and former students are here today, and that means so much to me. ... I really do feel like I was put at the law school to help all of you. Not only to help you become lawyers, but to help you find your place in the legal profession. And maybe, most importantly, to help you find your people."

Brooks expressed particular pride in seeing former students mentor and support the next generation of attorneys, carrying forward the guidance they had received.

"Practicing law is tough. Life is tough," she said. "But both are so much better if we have our people." ♦




2026 Winnie McLaughlin Scholarship recipient Camila De Paula and her mother, Angelica Whitney. Photo by Tom Jarvis




Judge Susan Carbon (left) with NHWBA President Lyndsay Robinson, her former intern. Photo by Tom Jarvis




Courtney Herz describes Courtney Brooks' personal connections with students and individualized guidance. Photo by Tom Jarvis




Cassandra Rodgers highlights Courtney Brooks' ability to connect attorneys with career opportunities. Photo by Tom Jarvis


LEGACY OF LEADERSHIP

The New Hampshire legal community is mourning the loss of Jack Middleton, an esteemed trial lawyer, mediator, and mentor whose more than seven decades of practice at McLane Middleton helped shape the state's legal profession. His commitment to justice extended deeply into the civic and charitable life of New Hampshire, and his immense contributions to the legal community and the entire state cannot be overstated. He was a luminary who will be dearly missed.



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## ■ MIDDLETON *from page 1*



Jack Middleton (center) with David Nixon (left) and Kimon Zachos. The Bar Foundation has renamed the Nixon Zachos Award to the Nixon Zachos Middleton Award to honor the legacy of these three legal giants. ***Bar News*** archive photo

"He was the most 'efficient' cross-examiner I ever saw," she says. "He never wasted a question. His calm demeanor belied the punch behind each question. This, of course, can be accomplished only through thorough preparation."

McLane Middleton attorney and former New Hampshire Bar Foundation chair Scott Harris had a similar view of Middleton's courtroom abilities.

"He was a keen tactician who would make his point and sit down in a way that I haven't seen before or since," Harris says. "People feel the need to keep talking, but Jack had the confidence to know what he wanted to say and what he thought would be sufficient to win the case. He was a lawyer's lawyer – or a trial lawyer's trial lawyer – in my view."

Middleton's influence extended far beyond his own practice. He was one of the founders of the New Hampshire Bar Foundation and served twice as its chair from 2011 to 2018. He also served as president of the New Hampshire Bar Association from 1979 to 1980.

One of his most consequential contributions began at an American Bar Association meeting, where he learned about the nation's first IOLTA program, established in Florida. Middleton brought the concept home, later explaining with characteristic understatement, "I brought it to New Hampshire by changing the word 'Florida' to 'New Hampshire,' and we just literally utilized it."

With leadership from Middleton and the Bar Foundation, the New Hampshire Supreme Court adopted Rule 50 in 1982, making New Hampshire the second state in the country to operate an IOLTA program. Since its inception, the program has provided more than $44 million in grants supporting civil legal services and law-related education, including a record $2.5 million awarded for FY 2027.

Harris recalls Middleton's continued dedication to raising money for those efforts.

"His energy and commitment to raising funds for civil legal services were quiet but unrelenting," Harris says. "Jack would have a huge stack of those notes in front of him because he knew nearly everyone in the Bar. Unlike the rest of the folks who were sending out 10 or 15 letters, Jack would send out like 60 and get results."

Former Bar Foundation chair James Tenn worked with Middleton for years on the Foundation board, served as co-chair with him, and later succeeded him as chair. Tenn says Middleton's involvement did not end when his formal leadership role did.

"Jack never truly stepped away from the Bar Foundation," Tenn says. "Throughout my time as chair of the Foundation, Jack continued to offer guidance, ideas, and strategic thinking to continue to push the Foundation to achieve its goals."

That continuing involvement came with what Tenn describes as "an encyclopedic memory" for Foundation history and details.

To honor Middleton's extraordinary contributions to the state's legal community, the Bar Foundation has renamed its Nixon Zachos Award the Nixon Zachos Middleton Award. Middleton, himself a past recipient, now joins David Nixon and Kimon Zachos in the award's name, which recognizes the three attorneys' leadership and service to the profession throughout New Hampshire.

For Tenn, Middleton's legacy can also be seen in the example he set for generations of New Hampshire lawyers.

"He provided a road map for other New Hampshire lawyers to positively impact the lives of so many," he says.

Middleton's leadership also reached well beyond the Granite State. He served as president of the New England Bar Association, the National Conference of Bar Presidents, and the National Conference of Bar Foundations. His national service included more than 20 years in the ABA House of Delegates, six years on the ABA Board of Governors, and three years as ABA secretary.

Tenn's relationship with Middleton began long before their years together at the Bar Foundation. As a new lawyer at McLane in 1991, Tenn says he was among the many young attorneys Middleton encouraged and mentored.

"All of us who were mentored by Jack are lucky," Tenn says. "We benefited from his keen intellect, uncommon kindness, and his desire to leave things better than he found them."

Parent saw that same generosity in the way Middleton created opportunities for others. She says he did more than model good leadership from a distance; he actively helped others find their own paths in the profession.

"He was always in my corner, helping me to forge my own path by supporting me, encouraging me, and championing me forward even when I didn't yet know I was ready myself," she says. "He's the reason I got more involved in the American Bar Association."

Parent says Middleton consistently supported women lawyers and looked for ways to help attorneys at every stage of their careers, whether by making an introduction, recommending someone for a board, or bringing a young lawyer to an event.

"Jack's beneficiaries are many, and every one of us carries a piece of what he gave us forward," Parent says.

Harris says Middleton's guidance was "never heavy-handed but always clear in its direction." He often taught through stories, including one from his Marine Corps service about reaching Camp Lejeune for reveille with only 10 minutes to spare after experiencing car trouble. Instead of praising Middleton for arriving on time despite the obstacles, his commanding officer told him, "Next time, you'll think of starting earlier."

Harris says the lesson was clear: Deadlines required planning, and arriving at court on time was never negotiable.

"There are countless examples I could give about Jack's mentorship through story and through subtle message that influenced probably hundreds of people in the Bar over time," Harris says.

Middleton brought the same commitment to civic life, serving in leadership roles with the Mount Washington Observatory, Mount Washington Commission, Greater Manchester Chamber, Manchester United Way, New Hampshire Public Television, New Hampshire Public Radio, the Business and Industry Association, and several conservation organizations.

His many other honors included three NHBA awards recognizing his distinguished service to the legal profession and the public, the National Conference of Bar Presidents Fellows Award, the New Hampshire Business and Industry Association Lifetime Achievement Award, and the University of New Hampshire's Charles Holmes Pettee Medal.

At a celebration of Middleton's 95th birthday, McLane Middleton attorney Bill Glahn recalled that Justice David Souter had once described Middleton as "New Hampshire's representative to everything." The description captured both the breadth of Middleton's service and the remarkable number of people and institutions that benefited from it.

Yet those closest to him remember the small gestures as clearly as the prominent positions. Parent recalls that before she left for a hearing, deposition, or ABA conference, he would say to her, "Go get 'em, Tiger."

When Conboy left McLane for the bench 34 years ago, Middleton offered a simple reassurance: "Carol, if you decide you don't like being a judge, you can always come back to the firm."

"I already miss him more than I can say," Conboy says.

Parent says Middleton was, by any measure, an extraordinarily successful lawyer. But his accomplishments alone do not explain the affection and reverence he inspired throughout the legal community.

"If you ask people what they remember most, it's rarely the cases or the accolades – it's that he cared," she says. "He cared about the people around him, about the McLane Middleton firm, and about giving back to the legal profession and the communities in which we live and work." ♦

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## ■ RUNYON *from page 4*

"The thing that so impressed me was that he took the time to make sure everybody knew what was going on," Makechnie says of Runyon. "He was totally patient and wanted to make sure everyone had this understanding of what was going on in his decision."

One 2005 case brought national attention to Runyon's small court and remains timely today.

A local police officer pulled over an undocumented immigrant named Jorge Mora Ramirez in New Ipswich and charged him with criminal trespassing for being in the United States without permission.

Though the case never went to trial, there were numerous pretrial hearings, with coverage by newspapers from New York, Los Angeles, San Antonio, San Diego, and more. The government of Mexico filed an amicus brief.

Runyon ultimately dismissed the charges, saying the matter was an area of federal jurisdiction and not something a state could determine. No appeal was filed.

"It was sort of otherworldly to see my picture on the front page of the *L.A. Times*," Runyon says with a laugh. "So we had our 15 minutes in the spotlight and went back to landlord and juvenile delinquency cases."

Runyon kept notes on all his cases and produced a book, *Justice Approximated: Dispatches from the Bottom Rung of the Judicial Ladder*.

"If nothing else, it will give my family an account of what I was doing all that time," he says. He and his wife have two children and four grandchildren.

The judgeship was part-time, so Runyon balanced that work with his regular law practice, hearing his docket of cases for the day and returning to his office. He retired from the bench in 2017, but has been practicing law in Peterborough for more than 40 years, currently as the principal at Runyon Law Office.

He calls his work for the Free Legal Answers "the least I could do."

Most of the questions to which he responds have to do with wills and trusts or landlords and tenants.

"It takes, in most cases, just a few minutes to say what might help in their situation because they're obviously people who can't afford a lawyer and they have no idea what their rights are," he says. "So, in 10 or 15 minutes, you can give them worthwhile advice, and it doesn't take away from what you would normally do … I probably answer one a day."

Runyon is also on the board of the New Hampshire Supreme Court Society and continues volunteer work with local groups, especially the Peterborough Players, which he and his wife have supported for some 50 years.

"Peterborough would be a different place without the Peterborough Players," he says.

A one-time marathoner, Runyon still enjoys running to deal with stress and to help with problem-solving.

After working with town moderators from throughout the state, he has reassuring words for voters about the upcoming election.

"The moderators who are in charge of these elections are doing their utmost to make sure that the elections in New Hampshire are fair, that there's no monkey business, no fraud occurring, and that people who don't have the right to vote are not voting," Runyon says. "I can assure the people of New Hampshire that everybody in charge of these elections is doing everything they can to make sure all the right votes are being counted." ♦

## ■ MacDONALD *from page 1*

tin's 2025 removal as director of the Administrative Office of the Courts and her subsequent appointment as general counsel for the Office of Bar Admissions. The change allowed Martin to receive nearly $50,000 for accrued leave, according to records reported by New Hampshire Public Radio. Recently released committee records state that an October 2025 Judicial Branch statement signed by MacDonald "did not accurately portray the process for Martin's removal and rehire to a new position."

The New Hampshire Attorney General's Office subsequently reviewed the matter and found no evidence of criminal wrongdoing. Its review concluded, however, that the handling of the personnel change did not follow human-resources best practices. The JCC's proceeding was separate from that review and addressed MacDonald's obligations under the Code of Judicial Conduct.

Under the stipulation, MacDonald admitted violating Canon 1, Rule 1.2 by failing to act in a manner that promotes public confidence in the judiciary's impartiality and failing to avoid the appearance of impropriety.

He also admitted violating Canon 2, Rule 2.5(A) by failing to perform his administrative duties competently and diligently in connection with "the characterization, processing, and public explanation" of Martin's removal and reappointment.

The stipulation states that MacDonald bypassed established Judicial Branch rules and procedures by offering Martin a position without the competitive, merit-based process required of other branch employees.

The third admitted violation involved Canon 2, Rule 2.13(A). According to the stipulation and the Supreme Court's final order, MacDonald failed to exercise his administrative appointment authority impartially and on the basis of merit and failed to avoid favoritism in connection with Martin's removal and subsequent appointment.

The October 2025 Judicial Branch statement was also signed by Associate Justices Patrick Donovan, Melissa Countway, and Bryan Gould.

By signing the agreement, MacDonald waived a public hearing before the JCC and his right to a de novo hearing before a judicial referee. He acknowledged that the committee would enter findings, based on clear and convincing evidence, that he violated the three provisions.

The committee concluded that MacDonald's admitted conduct warranted formal discipline and referred the agreement to the Supreme Court for approval.

The specially assigned panel found that the committee's factual findings were supported by the record and approved the agreement. Because MacDonald resigned from judicial office, the panel determined that no additional disciplinary action was available.

The panel consisted of retired Superior Court Chief Justice Tina Nadeau and Superior Court Judges Mark Attorri, Martin Honigberg, Lawrence MacLeod Jr., and James Kennedy.

The final order also requires MacDonald to reimburse the Administrative Office of the Courts for the attorney fees and expenses the JCC incurred in investigating and prosecuting the matter. Payment is due by December 31. The amount had not been disclosed as of press time.

MacDonald had served as chief justice since March 2021, following his nomination by then-Governor Chris Sununu. He previously served as New Hampshire attorney general from 2017 to 2021, worked in private practice, and served on the Supreme Court Board of Bar Examiners.

He had been on medical leave since July 24. During that period, the court's four associate justices assumed the chief justice's administrative responsibilities.

"The Judicial Branch remains focused on carrying out its responsibilities to the public and ensuring that the work of the courts continues without interruption," the Branch said in its September 15 statement.

Governor Ayotte's office acknowledged receiving MacDonald's resignation, which the Executive Council formally accepted September 16 without discussion. Ayotte said she would begin reviewing potential successors in consultation with the state Judicial Selection Commission, according to NHPR.

She did not provide a timetable and did not rule out making a nomination before the November election. A nominee must receive approval from a majority of the five-member Executive Council. ♦

## ■ HB 1267 *from page 1*

this from ever happening again," Sheehan said in her testimony.

The law makes allowances for questioning in cases involving legitimate child welfare concerns, but it has also raised questions about how it will be implemented in practice. Michelle Wangerin, litigation director at New Hampshire Legal Assistance, raises a few of those concerns.

"New Hampshire Legal Assistance has long supported legislation giving children a right to parental guidance and/or counsel before questioning that could affect their basic rights," she says. "Although this bill advances that important goal, placing it in RSA 189, which governs schools, rather than RSA 169-B, which governs delinquency proceedings, creates significant accountability and implementation concerns."

Wangerin also notes that the law doesn't define the term "questioning."

"Does it mean 'interrogation,' as commonly used in law enforcement settings, or does it extend to ordinary conversation between a child and an outside enrichment presenter visiting the school?" she asks.

Wangerin says children should unquestionably have the right to seek parental guidance before being subjected to interrogation-like questioning by anyone in a position of authority, but adds that the law as written leaves more questions than answers.

As school districts begin implementing HB 1267, Children's Law Center Executive Director Lisa Wolford cautions against creating what she describes as "a blanket prospective authorization" without providing parents or guardians with a meaningful opportunity to decide whether to participate in a particular matter.

"The statute gives parents and guardians not only a role in authorizing questioning," she says, "but also a right to be present and to have their own attorney present."

Wolford says attorneys also need to be aware of how districts implement the law, as there are students who are particularly vulnerable to school-based questioning.

Citing recent research, she says the presence of school resource officers has been associated with increased rates of suspension, expulsion, police referrals, and student arrests, with the effects disproportionately impacting some groups, including Black students and students with disabilities.

She also notes that students in state custody or otherwise involved in the child welfare system may not receive the same protections as students whose parents are readily available to receive notice, provide informed permission, attend questioning, and obtain counsel when appropriate.

"A protection that depends on an available and effective parent or guardian can operate very differently for children who lack that support," Wolford says.

For children's lawyers in particular, she says, the issue is whether those protections actually work in practice.

"The question is whether implementation of HB 1267 actually protects children's rights and interests in practice, rather than simply whether a district has adopted a policy that appears to comply with the statute on paper," Wolford says.

As the January 2027 effective date approaches, attention will shift from the bill's passage to the law's implementation, as school districts develop policies and procedures that will determine how HB 1267 operates. ♦

## ■ STUDY *from page 3*

people my age."

Both Bassett and Robinson hope the report sparks a larger conversation and ultimately more mentorship opportunities for women.

To help facilitate that discussion, Bassett reached out to the NHWBA about the idea of a panel discussion.

"The board was thrilled to partner with Justice Bassett," says Robinson. "We really appreciate his forward thinking about preparing the next generation of advocates and we could definitely benefit from seeing more females before the court."

The panel discussion, titled "The Rising Bar: Cultivating the Next Generation of Oral Advocates," will feature Bassett, United States District Court for the District Court of New Hampshire Chief Judge Samantha Elliott, New Hampshire Supreme Court Justice Daniel Will, and attorneys Doreen Connor, Elizabeth Velez, and Heather Cherniske.

The panelists will share their experiences building their advocacy careers, practical guidance on developing courtroom skills, and strategies for finding and creating argument opportunities. The discussion will also explore how the next generation of attorneys can be encouraged to seek out these opportunities – and how the bench and bar can work together to create more of them.

"We're really focusing on making sure that we are preparing the next generation of oral advocates," says Robinson.

"I had great mentors at Orr & Reno who got me into the courtroom early in my career," says Bassett. "They showed confidence in me, and I've tried to pay that forward with young lawyers and law clerks – many of whom are women – and many of whom are now practicing in New Hampshire."

For more information or to register for the panel discussion, visit the NHWBA website at **nhwba.org/event-6844864**. ♦

## ■ ABA *from page 12*

that often extend well beyond the workplace," she says. "What is particularly valuable about this report is that it gives us data and a framework to talk more openly about those experiences and, importantly, to consider what we can do differently. In New Hampshire, we have an opportunity to turn this conversation into meaningful action by creating legal workplaces where well-being is treated as an essential part of a sustainable and successful profession and not as an individual responsibility that lawyers must navigate on their own."

Overall, despite the sobering statistics and personal stories shared, the report provides the New Hampshire legal community with tools and talking points for a path forward – together. ♦

*Katie A. Mosher is an associate attorney with Donahue, Tucker & Ciandella, PLLC, primarily litigating on behalf of clients in matters involving professional liability and malpractice, professional discipline and licensing, municipal law, land use and permitting, and various other civil litigation concerns. She is also chair of the New Hampshire Women's Bar Association's Networking Committee, a member of the NHBA's Ethics Committee, and is committed to supporting members of the legal profession impacted by well-being concerns, including in her representation of attorneys and law students.*

## ■ BEYOND *from page 14*

aside when demands increase. What if new lawyers were taught not only how to advocate, perform, and achieve, but also how to recognize their limits, maintain healthy boundaries, adapt to setbacks, and respond to themselves with greater understanding?

In the meantime, we think it is important to recognize that everyone is doing the best they can at any given moment. We can show empathy and compassion for those around us. We can challenge our narratives. Most importantly, we can practice self-forgiveness. You won't get it right all the time, nor should you. Learning is growth.

In the next article in this series, we will look more closely at how NHLAP is responding through leadership engagement, specialized workplace education and training, and support for earlier intervention. We will also explore broader efforts across New Hampshire's legal community to create environments that support both professional excellence and the people doing the work. ♦

*Mark Durso is director of wellness and Jill O'Neill is executive director of the New Hampshire Lawyers Assistance Program. Dakotah Thunder Wilson, innovation and engagement manager, also contributed to this article.*

# CONTINUING LEGAL EDUCATION

# GUIDE

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

**Have an idea for a CLE? Reach out to Director of Professional Development Vincent O'Brien at vobrien@nhbar.org.**

### OCTOBER 2026

**WED, OCT 21 – 9:00 a.m. – 4:15 p.m**
**Intellectual Property for Business Lawyers & Litigators**
- 360 NHMCLE min.
- Live Webcast

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

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

### NOVEMBER 2026

**WED, NOV 4 – 9:00 a.m. – 4:30 p.m.**
**Basics of Family Law**
- 375 NHMCLE min., incl. 35 ethics min.
- Concord-NHBA Seminar Room/Webcast

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

**THU, NOV 12 – 1:00 p.m. – 4:00 p.m.**
**The Sustainable Lawyer: Competence, Judgment, & Well-Being in Modern Practice**
- 170 NHMCLE min.
- Concord-NHBA Seminar Room/Webcast

**FRI, NOV 13 – 9:00 a.m. – 4:15 p.m.**
**Estate Planning 101**
- 365 NHMCLE min., incl. 30 ethics min.
- Concord-NHBA Seminar Room/Webcast

**THU, NOV 19 – 9:00 a.m. – 12:30 p.m.**
**Competency Processes & Procedures in NH Criminal Court**
- 195 NHMCLE min., incl. 30 ethics min.
- Concord-NHBA Seminar Room/Webcast

### DECEMBER 2026

**TUE, DEC 1 – 12:00 p.m. – 1:00 p.m.**
**NH Condo Law Update**
- 60 NHMCLE min.
- Live Webcast

**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

**TUE, DEC 15 – 12:00 p.m. – 1:00 p.m.**
**Littoral Rights & Litigation**
- 60 NHMCLE min.
- Live Webcast

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

### JANUARY 2027

**TUE, JAN 12 – 12:00 p.m. – 1:00 p.m.**
**ADR from the Court's Perspective**
- 60 NHMCLE min.
- Live 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

**NHBA CLE WILL DO THE REPORTING FOR YOU!**

**How to Register**

Register online at

**https://nhbar.inreachce.com/**

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

## Intellectual Property for Business Lawyers & Litigators:

***Co-sponsored by the NHBA's Corporation, Banking & Business Law Section***

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

### Wednesday, October 21, 2026

9:00 a.m. – 4:15 p.m.
360 NHMCLE min.
Live Webcast only

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 Corporation, Banking & Business 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

**Todd A. Sullivan**, Hayes Soloway, Manchester

*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**

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

**Thursday, October 22, 2026**

9:00 a.m. – 4:30 p.m.
360 NHMCLE 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

# Basics of Family Law

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

**Wednesday, November 4, 2026**

9:00 a.m. – 4:30 p.m.
375 NHMCLE min., incl. 60 ethics min.
NHBA Seminar Room/Webcast

Family law cases can present some of the most personal, consequential, and challenging issues an attorney will encounter. Basics of Family Law provides a practical, start-to-finish foundation for navigating these matters with greater knowledge and confidence. An experienced faculty of New Hampshire family law practitioners will walk participants through the essential building blocks of practice from starting a divorce case and dividing marital property to parental rights and responsibilities, financial affidavits, child support, and alimony. The program also explores mediation and Supreme Court appeals, while dedicated discussions of professionalism, practice tips, and family law ethics address the judgment and professional responsibilities that are every bit as important as knowing the law. Whether you are newer to family law, expanding your practice, or simply looking for a solid refresher on the fundamentals, this comprehensive program offers practical guidance you can put to work immediately.

*Members of the NHBA's Family Law Section will receive a discounted registration fee..*

**Faculty**

**Crystal M. Maldonado**, Program Chair, Turco Legal, Manchester
**Heidi A.D. Ames**, Moore Ames Law, PLLC, Manchester
**Stephanie K. Annunziata**, McLane Middleton Professional Association, Manchester
**Amy C. Connolly**, Connolly Law, PLLC, Bedford
**Brittani L. Pelissier**, Shaheen & Gordon, PA, Nashua
**Andrew J. Piela**, Shaheen & Gordon, PA, Nashua
**Jon N. Strasburger**, Bossie, Wilson & Strasburger, PLLC, Manchester

# Developments in the Law 2026

**Friday, October 30, 2026**

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

*For those attending in person, please 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

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

# The Sustainable Lawyer: Competence, Judgment, & Well-Being in Modern Practice

## Thursday, November 12, 2026

1:00 p.m. – 4:00 p.m.
170 NHMCLE min.
NHBA Seminar Room/Webcast

Through candid discussion and practical guidance, the program will examine how lawyers and legal organizations can recognize professional challenges, respond appropriately when help is needed, and foster practices that support competent, ethical, and sustainable representation. Faculty will address workplace approaches to mental health and well-being, strategies for managing difficult client and colleague relationships, and lessons learned by attorneys who have navigated significant professional challenges while continuing to meet their obligations to clients, courts, colleagues, and the profession.

*For those attending in person, please join your colleagues for a reception after the program.*

### Faculty

**Charla B. Stevens**, Program Chair, Charla Stevens Consulting, Bedford
**Officer Justin L. Breton**, Manchester Police Department, Manchester
**Susan Brown**, Manchester Police Department, Manchester
**Coda D. Campbell**, Campbell Law, PLLC, Groveland, FL
**Roger "Rusty" Chadwick**, Rockingham County Attorney's Office, Brentwood
**Julian B. Jefferson**, University of NH Franklin Pierce School of Law, Concord
**Kaylee C. Doty-Johnson**, Lothstein Guerriero, PLLC, Concord
**Anthony Naro**, Naro Law, PLLC, Nashua
**Jill O'Neill**, NH Lawyers Assistance Program, Concord
**Emily Gray Rice**, Manchester City Solicitor's Office, Manchester
**Lyndsay N. Robinson**, Shaheen & Gordon, PA, Nashua
**Anne F. Zinkin**, Office of Public Guardian, Concord

# Competency Processes & Procedures in NH Criminal Court

***Co-sponsored by the NHBA's Criminal Justice Section***

## Thursday, November 19, 2026

9:00 a.m. – 12:30 p.m.
195 NHMCLE min., incl. 30 ethics min.
NHBA Seminar Room/Webcast

The program culminates in a judicial and practitioner panel focused on what happens when these issues move from doctrine into the courtroom. Judges, prosecutors, defense counsel, and a forensic evaluator will explore recognizing competency concerns, working effectively with evaluators, judicial expectations, restoration challenges, ethical considerations, and best practices from multiple perspectives. Whether you prosecute criminal cases, represent defendants, serve the courts, or encounter competency issues only occasionally, this program will provide a clearer understanding of the process, and practical guidance for handling these difficult cases with greater confidence and effectiveness.

*Members of the NHBA's Criminal Justice Section will receive a discount on their registration fee.*

### Faculty

**Lynmarie C. Cusack**, Program Chair, Wexford Health Services, Inc., Concord
**Richelle M. Barb**, PsyD, Chief, Office of the Forensic Examiner, Concord
**Michael R. Grandy**, Dept. of Justice, NH Attorney General's Office, Concord
**Hon. Ryan C. Guptill**, NH Circuit Court
**Hanna K. Kinne**, NH Public Defender, Littleton
**Hon. John C. Kissinger**, NH Superior Court
**Eric S. Monty**, NH Circuit Court Administrative Office, Concord
**Tracy A. Scavarelli**, NH Judicial Branch Administrative Office, Concord

# Estate Planning 101

***Co-sponsored w/the NHBA's Trust & Estate Law Section***

## Friday, November 13, 2026

9:00 a.m. – 4:15 p.m.
365 NHMCLE min., incl. 30 ethics min.
NHBA Seminar Room/Webcast

Estate Planning 101 gives New Hampshire attorneys a practical foundation for advising clients confidently through the estate planning process. Beginning with the initial client interview and an understanding of the client's assets and objectives, experienced practitioners will walk participants through the essential decisions that shape an effective estate plan, from choosing between wills and trusts to addressing powers of attorney, advance directives, beneficiary designations, probate considerations, and the selection of fiduciaries.

*Members of the NHBA's Trust & Estate Law Section will receive a discounted registration fee.*

### Faculty

**Ryan P. Flatley**, Program Chair/CLE Committee, Downs, Rachlin & Martin, PLLC, Lebanon
**Stephanie K. Burnham**, Burnham Legal, PLLC, Manchester
**Jocelyn P. Frawley**, Shaheen & Gordon, PA, Manchester
**Ellen M. Miller**, Downs, Rachlin & Martin, PLLC, Lebanon
**Kaitlin M. O'Neil**, Normandin, Cheney & O'Neil, PLLC, Laconia
**Amanda K. Steenhuis**, Shaheen & Gordon, PA, Nashua

# Best Practices & Procedures for Fiduciaries in Trust & Estate Planning

***Co-sponsored by the NHBA's Trust & Estate Law Section***

## Wednesday, December 16, 2026

9:00 a.m. – 4:30 p.m.
360 NHMCLE min.
NHBA Seminar Room/Webcast

Drawing on institutional, independent, tax, estate planning, and fiduciary-risk perspectives, this panel will work backward from trust acceptance and administration to identify what estate planning attorneys should address in the governing documents, preserve in the planning file, and discuss before the plan is signed. The focus is not on how trustees should administer a trust, but on what planners can do now to make later administration clearer, more efficient, and less prone to beneficiary surprise and avoidable conflict.

*Members of the NHBA's Trust & Estate Law Section will receive a discounted registration fee.*

### Faculty

**Mark B. Bartram**, Program Co-Chair, Sheehan, Phinney, Bass & Green, PA, Manchester
**Christine F. Donlan**, Program Co-Chair, Fidelity Personal Trust Company, FSB, Merrimack
**Deanna L. Meehan**, Blackbird Trust Services, LLC, Lee

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

# NHBA CLE HONOR ROLL

**We are grateful to the volunteer attorneys whose time, talent, and expertise made our CLE programs possible last quarter.**

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*McLane Middleton Professional Association*
- Navigating Complexity in New Hampshire Real Estate Law

**Matthew H. Benson**
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- Practical Skills - Business Organizations

**Stephanie K. Burnham**
*Burnham Legal PLLC*
- Practical Skills Course - Practical Ethics Workshop

**Alexandra S. Careno**
*McLane Middleton Professional Association*
- Navigating Complexity in New Hampshire Real Estate Law

**Hon. Ellen V. Christo**
*NH Circuit Court*
- Practical Skills Course - Orientation to the NH Court Practice

**Ariel R. Clemmer**
*603 Legal Aid*
- Practical Skills Course

**Mark P. Cornell**
*NH Supreme Court, Attorney Discipline Office*
- Practical Skills Course - Practical Ethics Workshop

**Sara B. Crisp**
*The Crisp Law Firm, PLLC*
- Practical Skills Course - Practice Readiness For Family Law Temporary Hearings

**Beth A. Deragon**
*ClarkDeragon Law, PLLC*
- Practical Skills Course - Employment Law Issues

**Adam M. Dumville**
*McLane Middleton Professional Association*
- Navigating Complexity in New Hampshire Real Estate Law

**Amanda S. Dupuis**
*Bernstein, Shur, Sawyer & Nelson, PA*
- Practical Skills Course - Real Estate Transactions

**Mark Durso***
*NH Lawyers Assistance Program*
- Practical Skills Course

**Alyssa Graham Garrigan**
*Ansell & Anderson, PA*
- Practical Skills Course - Wills, Trusts & Estates/Probate Administration

**Christopher D. Hawkins**
*Donahue, Tucker & Ciandella, PLLC*
- Practical Skills Course - Practical Ethics Workshop

**Hon. Mark E.Howard**
*NH Superior Court*
- Practical Skills Course - Orientation to the NH Court Practice

**Peter E. Hutchins**
*Law Office of Peter E. Hutchins, PLLC*
- Practical Skills Course - Civil Litigation in NH

**Eric T. Kilchenstein**
*Sheehan, Phinney, Bass & Green, PA*
- Navigating Complexity in New Hampshire Real Estate Law

**Heather S. Kulp**
*NH Trial Court Center*
- Practical Skills Course - Family Law Practice

**Hon. Joseph N. Laplante**
*US District Court - NH*
- Practical Skills Course - Orientation to the NH Court Practice

**Josh Larocca**
*Kroll*
- Cybersecurity Update for NH Attorneys

**Kristin A. Lindsey**
*Niederman, Stanzel & Lindsey*
- Practical Skills Course - Debtor/Creditor

**Robert R. Lucic**
*Sheehan, Phinney, Bass & Green, PA*
- Practical Skills Course

**Marie S. McKean**
*Saint Anselm College*
- Practical Skills Course - Employment Law Issues

**Adam R. Mordecai**
*Morrison & Mahoney, LLP*
- Practical Skills Course - Civil Litigation in NH

**Katie A. Mosher**
*Donahue, Tucker & Ciandella, PLLC*
- Practical Skills Course - Practical Ethics Workshop

**Michaila M. Oliveira**
*Manning, Zimmerman & Oliveira, PLLC*
- Practical Skills Course - Discovery Practice

**Jill O'Neill***
*NH Lawyers Assistance Program*
- Practical Skills Course

**Caroline H. Palucha**
*McLane Middleton Professional Association*
- Navigating Complexity in New Hampshire Real Estate Law

**Emily B. Penaskovic**
*Sheehan, Phinney, Bass & Green, PA*
- Practical Skills Course - Business Organizations

**William P. Reddington**
*Wadleigh, Starr & Peters, PLLC*
- Navigating Complexity in New Hampshire Real Estate Law

**Jennifer R. Rivett**
*Devine, Millimet & Branch, PA*
- Estate Tax Portability - What You Need to Know

**David M. Rothstein**
*Rothstein Law, LLC*
- Practical Skills Course - Criminal Practice

**Weston R. Sager**
*Sager & Smith, PLLC*
- Practical Skills Course - Solo & Small Firm Management

**Richard D. Sager**
*Sager & Smith, PLLC*
- Practical Skills Course - Solo & Small Firm Management

**Richard E. Samdperil**
*Samdperil and Welsh, PLLC*
- Practical Skills Course - Practical Ethics Workshop

**Catherine E. Shanelaris**
*Shanelaris, Schirch & Warburton, PLLC*
- Practical Skills Course - Family Law Practice and Practice Readiness For Family Law Temporary Hearings

**B. Stephanie Siegmann**
*Hinckley, Allen & Snyder, LLP*
- Cybersecurity Update for NH Attorneys

**Laura T. Tetrault**
*Shaheen & Gordon, PA*
- Practical Skills Course - Wills, Trusts & Estates/Probate Administration

**Roy W. Tilsley, Jr.**
*Bernstein, Shur, Sawyer & Nelson, PA*
- Practical Skills Course - Real Estate Transactions

**Thomas P. Velardi**
*NH Attorney General's Office - DOJ*
- Practical Skills Course - Criminal Practice

**Thomas E. Walker, Jr.**
*Niederman, Stanzel & Lindsey*
- Practical Skills Course - Debtor/Creditor

**John F. Weaver**
*McLane Middleton Professional Association*
- Navigating Complexity in New Hampshire Real Estate Law

**Robert A. Wells**
*McLane Middleton Professional Association*
- Estate Tax Portability - What You Need to Know

**Justice Daniel E. Will**
*NH Supreme Court*
- Practical Skills Course - Orientation to the NH Court Practice

**Dakotah T. Wilson***
*NH Lawyers Assistance Program*
- Practical Skills Course

**Anna G. Zimmerman**
*Manning, Zimmerman & Oliveira, PLLC*
- Practical Skills Course - Discovery Practice

* Non-attorney faculty contributor.

# Breaking the Logjam: Impasse-Breaking Techniques

**By Beth Deragon**



Most mediations reach a point when offers slow to a crawl, one party announces a final number, and the other begins packing up. Whether you are a litigator in mediation, a transactional lawyer trying to close a deal, or a family law practitioner working through a parenting plan, you will eventually confront an impasse. The most effective response is not simply to press harder, but to diagnose what has stalled the negotiation and select the right tool, or combination of tools, to address it. The impasse itself often provides the information needed to break it.

## Understand the Cause of the Impasse

Not every impasse is the same, and the right response depends on its cause. Begin by asking what is actually stuck. Is there an information gap because one side lacks facts that would change its assessment? A valuation gap because the parties understand the facts but price the risk differently? An emotional barrier because a party needs to be heard before moving? A settlement-authority problem because the person at the table cannot approve the necessary terms? Or a face-saving problem because a party could accept the proposal but cannot be seen doing so in front of others? Identifying the cause, or combination of causes, will help determine which impasse-breaking tools are most likely to work.



## Is It the Settlement Amount or Something More?

Dollar figures are positions. Behind them are interests such as certainty, speed, reputation, cash flow, vindication, and closure. When the numbers stop moving, ask what is motivating each party to resolve the matter. The answers may reveal terms that cost one party little but matter greatly to the other, including a payment schedule, confidentiality, mutual non-disparagement, a neutral reference, a transition period, an acknowledgment, or the tax characterization of a payment. Nonmonetary terms may bridge a monetary gap by creating value that enables both parties to accept the overall settlement.

## Use Brackets and Conditional Offers

Parties often resist moving because each concession feels unilateral. Counsel may also hesitate to use brackets because the endpoints can be misunderstood as commitments or as signals of a party's actual settlement range. Used carefully, however, brackets can change the dynamic of the mediation. A bracket is a conditional proposal: "If they come down to X, we will go up to Y." Neither side commits to the endpoints, but the exchange can signal where a deal might land and narrow the range without forcing either party to bid against itself. A related tool is the "what if" hypothetical. Asking "What if they could do Z?" or "Would you consider X?" lets a party test an idea without the commitment or loss of face that accompanies a formal offer.

## Reconfigure the Room Dynamic

Sometimes the process, not the substance, is the obstacle. Consider changing who is talking. A lawyers-only meeting can clarify misunderstandings about the law or evidence. A principals-only meeting, with careful preparation, can allow two businesspeople to solve a business problem. Moving from joint session to caucus, or back again, can also reset the tone. Although mediations often continue through lunch, a purposeful break may be more productive. Assigning specific tasks during the break, such as running numbers, consulting an insurer or tax adviser, or obtaining board approval, can accomplish what another hour of argument cannot.

## Use Mediator-Assisted Proposals

When the parties are close to resolution but neither can make the final move, the mediator can reduce the perceived risk of further movement. In a mediator's proposal, the mediator recommends a figure and terms that both sides might accept, and each party responds privately with a yes or no. If both accept, there is a deal; if either party declines, neither party learns the other party's response. A variation is the "confidential listener" approach, in which each side discloses its true bottom line to the mediator, who reports only whether the ranges overlap. These tools can work because they reduce the fear that a party's willingness to accept a number will make that number the starting point for further negotiation.

## Prepare Your Client for Impasse

The most effective impasse-breaking work often occurs before the session begins. Tell your client that an impasse is normal, that opening offers may feel insulting, and that a midafternoon stall is not necessarily a sign of failure. Discuss settlement ranges, nonmonetary priorities, decision-making authority, and walk-away points in advance. Also identify what additional information or consultation the client may need before making a final decision. Clients who expect turbulence and understand the available options are far less likely to abandon the process when negotiations stall.

## The Takeaway

An impasse is not necessarily the end of a negotiation; it is often where the real negotiation begins. Every lawyer negotiates, and every lawyer will eventually hit a wall. Diagnose the cause, look beyond the stated positions, make conditional moves, test alternatives, adjust the process, and use the mediator strategically. Breaking an impasse may require several tools, so remain flexible and encourage your client to do the same. Trust the mediator to guide the parties toward resolution. ♦

*Beth Deragon mediates matters across all practice areas and dispute types. She is also a co-founder of ClarkDeragon Law, a boutique employment law firm representing businesses throughout New Hampshire, Massachusetts, and Connecticut, with offices in Concord, New Hampshire, and Burlington, Massachusetts.*

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# Think It Through: Preparing for a Successful Mediation

**By David Osman**



When I began my legal career, I had the privilege of hearing some great trial lawyers speak at an Association of Trial Lawyers of America conference in Boston. One of them was Theodore Koskoff, a brilliant Connecticut trial lawyer who stressed the importance of what he called "cerebration." Simply put, it means thinking through one's case – and doing so in great detail.



Although Koskoff's remarks were directed at trial preparation, the same principle applies to mediation. A successful mediation requires attorneys to think carefully about the case, the client's expectations and the practical obstacles that could prevent a resolution.

## Begin With the Client

Take the time and create the space to meet with your client and help them prepare for mediation. Whenever possible, schedule a face-to-face meeting at least a few days before the mediation – and prepare for that meeting yourself.

You and your client may have communicated directly or indirectly about the case since your initial meeting, particularly while dealing with discovery and other matters as the case has progressed – or failed to progress. Even so, it is vital to listen to and absorb what your client would like to see as part of a negotiated resolution.

As both an advocate and a counselor, set aside time to listen to your own inner voice and to colleagues whose advice you genuinely value. Most important, listen deeply and actively to your client.

## Explain the Alternatives to Settlement

Be prepared to explain the time, effort and costs that may lie ahead if a negotiated settlement is not reached. Those costs may include legal fees, out-of-pocket expenses, lost work and other economic consequences for the client.

Remind your client that mediation allows the parties to retain control over the outcome if they can reach an agreement. That control is lost when the case goes to trial.

Mediation also permits candid discussions about facts, proposals, and feelings that might not be admissible at trial but may be important – or even vital – to express and to have acknowledged while seeking a just and fair resolution.

You should also prepare your client to hear the opposing party's position. You may forcefully present your client's position in a pre-mediation summary and in opening remarks, but opposing counsel will do the same. Rarely, if ever, will one party convince the other that its position represents the only possible outcome.

## Look Beyond the Parties' Positions

Cases often settle when the parties identify shared interests or sufficient overlap between their interests to reach an agreement. Those common interests may not emerge early or easily during the mediation, but the opportunity to identify them should never be lost.

Ideally, your client should begin thinking about this possibility before the day of mediation. Some degree of emotional preparation can be critical. Sometimes the only things the parties have in common are disappointment, continuing legal fees and uncertainty about the outcome. Think that through with your client.

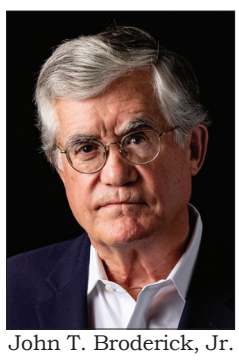
## Confront the Financial Realities

Sometimes the real – but hidden – issue is the solvency of one of the parties or the collectability of a potential judgment. Even if you are highly confident that judgment will be entered in favor of – or possibly against – your client, what are the chances that some or all of it can be collected, along with post-judgment interest and taxable costs? Would the judgment be dischargeable in bankruptcy? What additional legal work would be required to collect or defend against it?

If your client may have to pay a judgment or settlement and financial resources are scarce, the opposing party will likely want verified or verifiable information about your client's assets, liabilities, income and expenses. Discuss before the mediation whether, when and how that

MEDIATION *continued on page 30*


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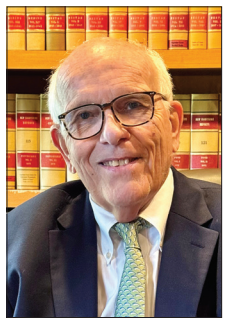
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# Discovery from Third Parties in Arbitration: A New Approach

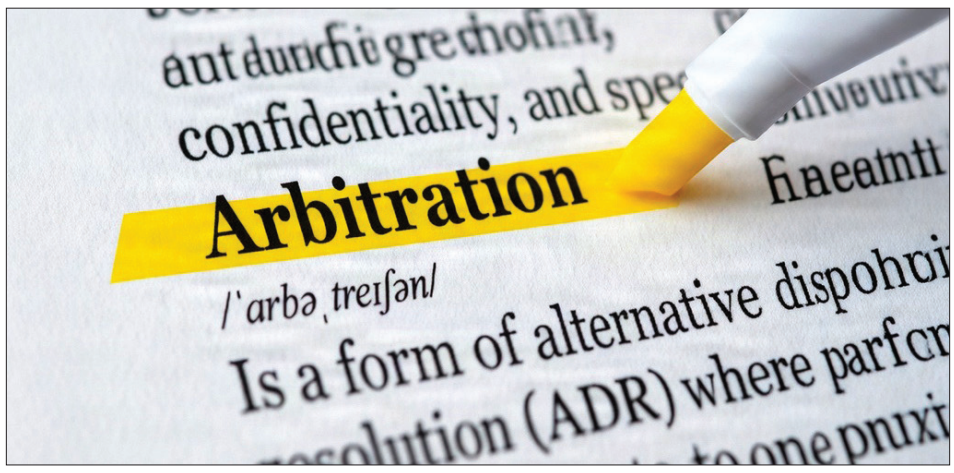
**By Richard McNamara**



Arbitration has long existed as part of the common law. It was recognized by English statutes by the middle of the 18th century. Blackstone's *Commentaries*, published in 1765 and probably the only law book possessed by most New Hampshire lawyers early in the state's history, describes arbitration as the "great use of these peaceable and domestic tribunals, especially in settling matters of account and other mercantile transactions, which are difficult and almost impossible to be adjusted on a trial at law." W. Blackstone 3 *Commentaries on the Laws of England*, p. 17 (U. Chic. Ed. 1979).

Arbitration is still useful in specialized commercial matters, as well as matters in which the expense of formal litigation would not be justified.

The varied uses of arbitration are reflected in the different ways arbitration proceedings are conducted. Parties may agree to any rules they think are appropriate. Professional organizations which provide arbitration services, such as the nonprofit American Arbitration Association, provide specialized rules for complex commercial litigation as well as specialized rules for less complicated consumer matters, which include discovery rules.




Discovery can be expensive and time-consuming. One of the great advantages of arbitration is that parties can agree to the scope and amount of discovery. In complex commercial cases, significant discovery may be necessary, while little discovery may be needed in more straightforward cases.

However, while parties can agree among themselves what discovery will be permitted and their agreement can be enforced by an arbitrator, problems can arise when discovery is sought from third parties.

## Discovery From Third Parties Under the FAA

While parties who agree to arbitrate a case can bind themselves to provide discovery, they cannot bind third parties. Section 7 of the Federal Arbitration Act (FAA) provides authority for arbitrators to issue subpoenas to third parties at the request of a party. Discovery from third parties under the FAA can be problematic. The scope of the arbitrator's subpoena power under the FAA is subject to varied interpretations by the federal courts.

The majority view of the federal circuit courts of appeals is that the plain language of 9 U.S.C. § 7, which provides authority for arbitral subpoenas, is "unambiguous in requiring witnesses to appear before an arbitrator and bring any documents with them, thus prohibiting pre-hearing discovery from non-parties." *Managed Care Advisory Group v. CIGNA Healthcare, Inc*., 939 F.3d 1145, 1159 (11th Cir. 2019) (citing decisions from the Second, Third, Fourth, and Ninth Circuits). Most courts have concluded that "if Congress intended the arbitrators to have the broader power to compel documents from non-parties without summoning the non-party to testify, it could have said so." *Managed Care Advisory Grp., LLC v. CIGNA Healthcare, Inc.,* 939 F.3d at 1160.

The Eighth and likely the Sixth Circuits take the view that while § 7 does not explicitly provide the authority to subpoena documents for pretrial review, that authority is implicit in an arbitrator's power. *In re Sec. Life Ins. Co. of Am.* 939 F.3d 865, 870-71 (8th Cir. 2000); *Am. Journal of TV and Radio Artists v. Duncanson & Holt,* 228 F.3d 1004 (6th Cir. 2008).

While the First Circuit has not considered this issue, most commentators take the view that the language of § 7 is clear, and the majority position of the circuit courts of appeals would be accepted by the United States Supreme Court. See, e.g., *Uncompelled: Circuits Split Over the Pre-Hearing Discovery Powers of Arbitrators,* 15 Arb. L. Rev. 74, 84-85 (2024). The Federal Arbitration Act was enacted a century ago, when the right to discovery in federal lawsuits was limited, and those limitations are reflected in the statute.

Many commentators have suggested that legislative action should be taken to amend 9 U.S.C. § 7 to allow for discovery required in complex commercial cases. *Id.*; *Bringing Section 7 into the Next Century* 14 Am. U. Bus, L. Rev. 659 (2025). There may, however, be another approach available to New Hampshire lawyers.

ARBITRATION *continued on page 30*

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# Managing 'Artificial' Legal Advice for Mediation

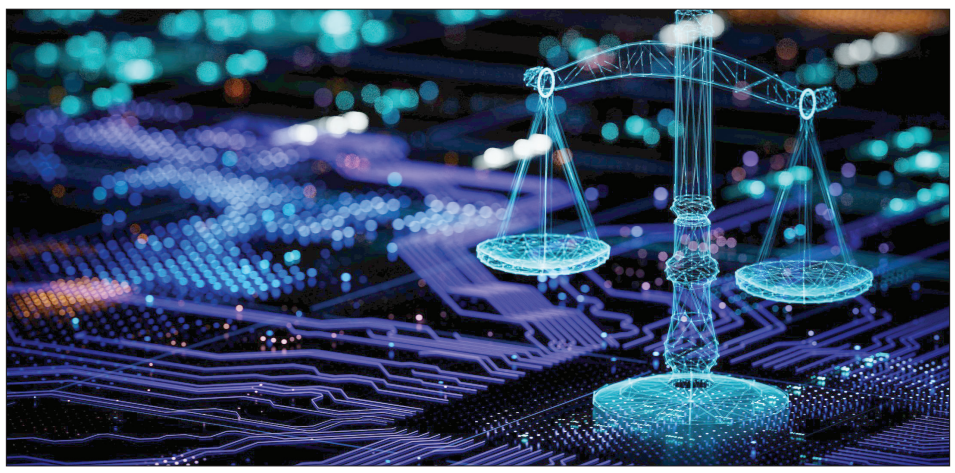
**By Kevin Collimore and Jillian Anter**



Collimore



Anter



Artificial intelligence is everywhere, and not everyone is thrilled about it. Some embrace its convenience, while others fear it will replace human workers, erode critical thinking, or put us behind the wheel of a self-driving car that does not obey the rules of the road. But whether you welcome AI or not, it is already woven into everyday life, including legal practice.

Discussions about AI often focus on the use of large language models (LLMs) such as ChatGPT, Claude, and Gemini. These platforms use LLMs as building blocks to create AI applications. How can practitioners use AI successfully?

## Lawyers

In preparing for mediation, lawyers can use LLMs to research legal issues, prepare draft mediation summaries, anticipate counterarguments, and assess a client's BATNA.[1] When used properly, these tools can improve efficiency and confidence. But lawyers must exercise caution and never blindly rely on an LLM's output.

ABA Formal Opinion 512 identified several risks associated with generative AI, including "citations to nonexistent opinions, inaccurate analysis of authority, and use of misleading arguments." These errors have resulted in disciplinary sanctions, including fines and suspensions from practice.

Moreover, the New Hampshire Rules of Civil Procedure require diligent review of all case filings:

> The signature of an attorney, non-attorney representative, or self-represented party to a pleading, motion, or objection constitutes a certificate by him or her that he or she has read the filing; that to the best of his or her knowledge, information and belief there is a good ground to support it …. NHRCP 7(e).

So, at a minimum, lawyers must check to ensure that a cited case exists, stands for the proposition cited, and is still good law.

## Clients

Clients may use these tools to assess the strength of their case, predict likely outcomes, or research the governing law. They may or may not share the results with counsel. One problem arises because of a feature of LLMs – they are designed to "please" the user with the results and they can produce overly favorable assessments. A practitioner's thoughtful case analysis and valuation may be at odds with the result the LLM has provided the client. Unchecked, a client may enter a mediation with an inaccurate assessment of reasonable outcomes.

Anticipating that possibility should be on every lawyer's mind. Lawyers should proactively caution clients about the limitations of LLMs and the risk of relying on their output. If clients have unrealistic expectations or misunderstandings, the lawyer should address those concerns *before* mediation. Doing so may be critical to bringing the client's expectations back in line with reality for a productive mediation and a beneficial outcome for the client.

## Pro Se Parties

Perhaps an even more difficult situation arises when an unrepresented party uses these resources without a clear understanding of their proper uses and limitations. Such a party can enter mediation with unrealistic expectations and become entrenched in their position, leading to impasse.

## Mediators

Especially when a party is not represented by counsel, the mediator's goal of facilitating resolution can collide with an important ethical limitation: mediators cannot provide legal advice. So how can a mediator guide the parties (especially pro se parties) toward resolution when expectations are based on inaccurate or misleading legal analysis, without crossing the line into legal advice? While there is no

ADVICE *continued on page 29*


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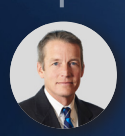


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# Penny Wise, Pound Foolish: Rethinking the 'Cheaper' Ad Hoc Option

**By Lisa Romeo**



Arbitration is often chosen for its efficiency, flexibility, and ability to keep disputes out of court. But one of the most important decisions parties make is often buried in the clause itself: Will the arbitration be administered by an established institution, or will it proceed on an ad hoc basis?



At first glance, ad hoc arbitration can look leaner. There is no administering institution and no separate administrative fee. The parties and arbitrator have broad control over the process. For sophisticated parties with experienced counsel and a high degree of cooperation, that model can work.

The problem is that administration does not disappear just because there is no administrator.

Someone still has to appoint the arbitrator, manage disclosures, track deadlines, collect fees, coordinate hearings, address procedural disputes, and keep the case moving. In an ad hoc arbitration, much of that work falls to the arbitrator and counsel – or sometimes even a judge. That can create additional cost, delay, and friction, precisely the things arbitration is intended to minimize.

One of the main advantages of administered arbitration is access to a vetted and trained roster of arbitrators. Institutions such as the American Arbitration Association maintain panels of neutrals selected for their professional qualifications, subject-matter experience, and ability to manage arbitration proceedings. Arbitrators also often receive ongoing training on issues such as disclosures, ethics, case management, technology, and evolving arbitral practice.

That matters because arbitration is only as effective as the person managing it. Subject-matter expertise is important, but so is the ability to run a disciplined proceeding, make timely decisions, manage difficult counsel, and keep the case both fair and proportionate to what is at stake.

Administration also creates accountability around deadlines. In an administered case, case managers track filings, arbitrator appointments, deposits, scheduling orders, hearing dates, and awards. If a party misses a deadline or an arbitrator fails to act within the expected timeframe, someone is responsible for following up.

That may sound mundane, but it is often where efficiency is won or lost.

In an ad hoc case, the arbitrator may be required to perform these tasks. Time spent chasing submissions, coordinating schedules, resolving billing questions, or monitoring deposits is time the arbitrator is not spending on the merits of the dispute.

There is also a significant governance advantage when issues arise concerning the arbitrator.

Arbitrators have continuing disclosure obligations, and circumstances can emerge during a case that cause one party to question an arbitrator's impartiality or continued service. An administering institution provides an established process for raising and resolving those concerns without involving the arbitrator.

Without that structure, the parties may find themselves negotiating directly with the arbitrator over the procedure for challenging that same arbitrator.

Billing is another area where institutional administration quietly adds value. In an administered proceeding, the institution typically handles deposits, invoices, arbitrator compensation, and allocation of fees. The arbitrator does not have to pursue parties directly for payment, and parties do not have to engage in financial discussions with the decision-maker.

That separation is more than administrative convenience. It supports confidence in the process's neutrality.

Formal rules also provide a baseline. Established arbitration rules address issues such as appointment, disclosures, preliminary hearings, information exchange, dispositive motions, emergency relief, hearing procedures, awards, and arbitrator and administrative authority.

That baseline becomes particularly valuable when the parties stop agreeing. In a cooperative case, almost any process can work. The real test comes when one

OPTION *continued on page 29*

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# ABA Opinion 518: Ethical Boundaries for Lawyer-Mediators

**By David McGrath**





American Bar Association Formal Opinion 518 (Opinion 518), issued on October 15, 2025, addresses a mediator's obligation to (a) clarify their role as a non-advocate neutral, (b) avoid implying that they are advocating for a party or trying to achieve a particular outcome to serve a party's interests, and (c) refrain from misrepresentation when communicating with parties. It overlaps significantly with N.H. R. Prof. Conduct 2.4, which governs lawyers serving as third-party neutrals. Opinion 518 interprets the ABA Model Rules rather than the New Hampshire Rules, but the New Hampshire provisions referenced here are the parallel state provisions.

Under Model Rule 2.4(b), the lawyer-mediator must inform unrepresented parties that the lawyer-mediator does not represent them and, when the lawyer knows or reasonably should know that a party does not understand the mediation process, explain the difference between the lawyer's role as a third-party neutral and a lawyer's role as one who represents a client. Opinion 518 adds that, unless the parties are sophisticated consumers of mediation services, it is prudent to inform all persons involved and afford them an opportunity to discuss what that means. The opinion emphasizes that these duties are especially important when the mediator is working with unrepresented parties.

Consistent with N.H. R. Prof. Conduct 2.4, Opinion 518 calls for the mediator to expressly state that no attorney-client relationship has been formed with any party in the mediation, doing so with particular care when self-represented parties are involved. The opinion encourages an affirmative, unambiguous statement that no attorney-client relationship exists and an explanation of the differences between mediator and lawyer roles; depending on the circumstances, that statement may need to be reiterated. Also, given the lawyer-mediator's narrow role and a party's right under N.H. R. Prof. Conduct 1.2 to make decisions for itself when considering whether to settle its case, the opinion instructs lawyer-mediators not to act in ways that blur their role by, for example, telling parties that they "should take a settlement offer," that the "deal is in their best interest," or that the mediator's proposal is "likely what a jury would do anyway, so they should accept the proposed mediator number."

At the same time, Opinion 518 permits mediators to provide legal information and predictive views about how a tribunal *might* rule, so long as they do not frame a settlement recommendation as being in a party's best interest, which might suggest to the party that the lawyer-mediator is looking out for those interests.

Further, Opinion 518 goes beyond N.H. R. Prof. Conduct 2.4, incorporating the rules against dishonesty and deceit found in N.H. R. Prof. Conduct 8.4(c). Whereas lawyer advocates are granted a certain amount of latitude for negotiation puffery under N.H. R. Prof. Conduct 4.1, lawyer-mediators find no such safe harbor there. Opinion 518 frames the misstatement prohibition in terms of statements the mediator knows to be false: "A lawyer-mediator may not give credence to statements the lawyer-mediator knows to be false or personally make statements that the mediator knows to be false."

Thus, the lawyer-mediator could not tell one side that "this is [the other party's] bottom line" if the mediator knows that it is untrue; presenting an unverified figure or position as fact likewise risks misrepresentation. Similarly, the mediator could not attempt to get movement from one party by advancing a challenging argument and falsely attributing it to the other side. The ABA's reasoning makes sense because a statement from a neutral mediator carries a different ethical weight than a statement from opposing counsel. A party is not as likely to interpret the statement as strategic posturing and is much more likely to view it as authoritative and factual.

Applying these principles is not always simple. The line between a mediator who appropriately helps a party take a hard look at its case and one who has inappropriately slipped into advocacy or misrepresentation often depends on how questions and statements are framed. The distinction is fact-intensive: the same goal may be pursued ethically or unethically depending on how the mediator frames it.

Consider a landlord-tenant dispute.

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# When Settlement Agreements Need a Signature

**By Christopher J. Walsh**





A long day of mediation can be exhausting, and it is not uncommon for the parties to reach agreement late in the day, when everyone is tired and hungry for dinner and someone says, "Let's just shake on the framework and paper it next week." Most of the time that works fine. Occasionally, it becomes the subject of a motion to enforce, and New Hampshire law on when such a motion succeeds is more nuanced than most practitioners may think.

The baseline rule is straightforward. Settlement agreements are contracts, and New Hampshire applies ordinary contract principles to them. As the Supreme Court put it in *Poland v. Twomey*, 156 N.H. 412, 413 (2007), "a valid enforceable settlement requires offer, acceptance, consideration and a meeting of the minds," which exists when the parties share an objective, manifested understanding of the essential terms, not when each side privately believes they got what they wanted. Critically, *Poland* also confirms that New Hampshire "jurisprudence strongly favors enforcement of settlement agreements made by authorized attorneys acting on behalf of their clients," and that a court can order specific performance – effectively substituting a court order for a release the client refuses to sign – once the essential terms are established. *Id.* at 416.

That is a meaningful backstop for a party who negotiated in good faith and reached an oral settlement agreement through mediation, only to have the other side experience buyer's remorse overnight.

But there is a key exception that practitioners need to consider: agreements involving the transfer of an interest in real property. In *The Byblos Corp. v. Salem Farm Realty Trust*, 141 N.H. 726 (1997), the parties negotiated an all-day settlement of related litigation, memorialized in memoranda prepared by each participant at the end of the session. That is the kind of documentation many practitioners would consider more than sufficient.

However, the Supreme Court held that because the settlement included a land conveyance, it implicated the statute of frauds, RSA 506:1, and therefore required a writing signed by the party to be charged. *Id.* at 731. Nonetheless, the Court preserved a narrow exception for settlements "finalized under court supervision," and reaffirmed that an attorney's authority to settle a case for a client need not itself be in writing. But the agreement between the adverse parties, if it touches real property, generally does. *Id.*

Read together, *Poland* and *Byblos Corp.* draw a line that is not always intuitive at the mediation table. Specifically, a settlement resolving a contract or tort dispute for a sum of money can be binding based on a handshake and a confirming email once the essential terms are objectively fixed. But a settlement of the same dispute that happens to include an easement, a boundary adjustment, a lease term, or other transfer of an interest in land needs a signature, unless the court itself supervised the resolution closely enough to substitute for that formality.

As for practice pointers coming out of these decisions: If a matter involves any interest in land, even tangentially, practitioners should get signatures at the mediation table or build in an unambiguous mechanism for court supervision to ensure that the settlement resulting from mediation is enforceable. If the agreement in principle does not involve land, it is still wise to memorialize the essential terms in writing before everyone leaves the mediation, as *Poland*'s "meeting of the minds" standard is forgiving, but a term sheet is always preferable.

Although mediation is often valued for its collaborative, human approach rather than an adversarial, document-focused process, practitioners should avoid the instinct to treat "we'll paper it next week" as good enough whenever land is even tangentially involved – because next week is when second thoughts can arrive. ♦

*Christopher Walsh is a member of McLane Middleton's Litigation Department and Business Litigation Practice Group, and he represents organizations and individuals in matters involving allegations of fraud, misconduct, corruption, price fixing, collusion, unfair and deceptive business practices, shareholder disputes, and breach of contract, among others. He can be reached at* ***christopher.walsh@mclane.com****.*

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## ■ ADVICE *from page 25*

perfect solution, the following strategies may help:

1. Before the mediation, consider discussing the use of LLMs in your standard mediation agreement to provide both parties with general guidance on using LLMs, including their limitations in predicting values and outcomes. The more parties understand these issues prior to mediation, the more likely the mediation is to succeed.
2. At the mediation, determine the parties' familiarity with LLMs and how they used them. Ask how they arrived at their positions, what prompts and models they used, whether they compared results across different models, and whether they understand the potential for hallucinations and bias, including an LLM's tendency to produce responses that align with the user's assumptions.
3. Address the output head-on. "Curious questions" can be useful in testing the reliability of an LLM-generated analysis. Explore the assumptions underlying the output, including the estimated likelihood of prevailing on a particular legal issue; assumptions about the judge or jury; factors such as education, income, sophistication, and potential biases; and, where relevant, a judge's prior rulings. Mediators can also ask how witness credibility was factored into the analysis, how a different credibility determination could affect the valuation, and how the user verified the underlying law, verdicts, and other information on which the output relies.

### Conclusion

The use of generative AI and LLMs is exploding in every facet of our lives, and legal practice is no exception. Rule 1.1 of the New Hampshire Rules of Professional Conduct requires lawyers to provide competent representation to their clients. That competence includes, "at a minimum," providing legal services with skill and undertaking "proper preparation." It is increasingly clear that lawyers – even if not actively seeking out AI outputs in their own cases – must at least be familiar with the basics of its use by their clients and other parties and counsel to "properly prepare" a case and to provide skilled services to their clients.

### Endnote

BATNA: Best Alternative to a Negotiated Agreement; Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In*. ♦

*Kevin Collimore is a full-time mediator/arbitrator/conflict consultant at PRISM Conflict Solutions. He has mediated and arbitrated more than 600 cases in more than 28 years of conflict resolution practice. He can be contacted at* ***prismconflictsolutions.com****.*

*Jillian Anter is a third-year law student and Daniel Webster Scholar at the University of New Hampshire Franklin Pierce School of Law who is externing at PRISM Conflict Solutions this fall.*

## ■ OPTION *from page 26*

side wants broader discovery, the other wants a faster hearing, deadlines are missed, or a procedural issue emerges that the ad hoc agreement never anticipated.

At that point, a well-developed set of rules can prevent a manageable disagreement from becoming a satellite dispute.

Cost is often the strongest argument made for ad hoc arbitration. Administrative fees are visible and easy to quantify. But they should not be viewed in isolation. Administrative work still must be done. If the institution is not doing it, the arbitrator often is, usually at the arbitrator's hourly rate.

Consider the economics. If an arbitrator billing hundreds of dollars per hour spends time coordinating deposits, following up on submissions, resolving scheduling issues, or managing routine communications, the apparent savings from eliminating an administrative fee can shrink quickly.

A fair comparison is therefore not "administrative fee versus no administrative fee." It is the total administrative cost under each model.

Ad hoc arbitration can work smoothly when everyone is cooperating. The problem is that disputes rarely stay that way. As positions harden, even routine issues like scheduling, extensions, payments, and logistics can become new points of conflict. An administrator provides a neutral buffer and established process, so the case does not depend on the parties' ability to keep managing it together.

The same is true of logistics. Hearings require coordination of calendars, hearing space, virtual platforms, document exchange, technology, and sometimes multiple arbitrators and dozens of participants. These details are easy to underestimate until something goes wrong.

Institutional administration provides the infrastructure to handle them.

None of this means ad hoc arbitration is inherently flawed. In the right case, with experienced counsel, a capable arbitrator, and cooperative parties, it can be efficient and effective.

But parties should be clear about what they are choosing.

Ad hoc arbitration does not eliminate administration. It reallocates it.

Administered arbitration provides a framework for handling the procedural, financial, and logistical work that surrounds the merits of a dispute. When that framework works well, it is often barely noticed. The case moves forward, deadlines are met, objections follow a process, payments are handled, and the arbitrator can focus on deciding the dispute.

That may be the strongest argument for administration. The value is not simply in what the institution does. It is in how much unnecessary friction the parties never have to deal with. ♦

*Lisa Romeo is the vice president of the American Arbitration Association's Boston regional office, responsible for recruiting potential arbitrators, outreach, education, and business development for commercial disputes in New England. She also manages large, complex commercial arbitrations in Massachusetts.*

MEDIATION & ARBITRATION

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Russell F. Hilliard

Russell is included in The Best Lawyers in America® for alternative dispute resolution and in Super Lawyers in business litigation. He has a Martindale-Hubbell AV rating. He focuses his practice in the areas of commercial and insurance litigation, professional discipline, and alternative dispute resolution, representing businesses, municipalities, and individual professionals.



Lauren S. Irwin

Lauren is an experienced mediator and arbitrator. She is a certified mediator, having completed the Harvard Law School Mediation Intensive program. Lauren has been selected for the American Arbitration Association's Mediator and Arbitrator panels for employment law matters. She serves as a mediator for the New Hampshire Courts, the New Hampshire Commission for Human Rights, and for private parties.



David S. Osman

David is a mediator and arbitrator with Upton & Hatfield, LLP, focusing his practice on helping parties resolve disputes through alternative dispute resolution (ADR). David assists individuals, businesses, and organizations in reaching efficient and durable resolutions outside the courtroom. He serves as a mediator for the New Hampshire Courts, the New Hampshire Commission for Human Rights, and for private parties.

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## ■ MEDIATION *from page 23*

information might be disclosed to the opposing party or, perhaps confidentially, to the mediator.

Liens can present similar obstacles. Determine whether there may be a lien against any settlement, whether it is negotiable and who has the authority to negotiate it. Arrange in advance for someone with the necessary authority to be available by telephone or email during the mediation.

### Decide Who Should Attend

Think carefully about who should – and should not – attend the mediation. Some clients want a nonparty friend or family member present for emotional support. It is important to have everyone there who needs to be there, but it can be equally important to exclude people whose presence may impede the process.

Ask whether your client is considering bringing someone and counsel the client accordingly. It is also wise to ask opposing counsel whether the other party intends to bring a nonparty.

If there is even a hint of a potential problem, contact the mediator for input. If a warning light is blinking on your dashboard, you can ask the court for a ruling in advance. Any nonparty who attends should sign the mediation agreement and agree to preserve the confidentiality of the process.

### Prepare the Client for the Process

Discuss whether it would be wise for your client to speak while all parties are together. Explain that mediators have different styles and approaches and that the structure of the process will probably be discussed at the beginning of the session. Your client should not be surprised if they are asked to sit in the same room as the opposing party.

In some mediations, everyone remains together for the entire session. In others, the parties never occupy the same room. In many cases, the parties are together at certain points and separated at others. Help your client understand what might happen and why.

### Eliminate Day-of Surprises

Find out whether your client has any physical limitations, dietary restrictions or a legitimate need to leave by a certain time. That information will allow you to seek appropriate accommodations and notify the mediator and opposing counsel in advance. Ask whether the opposing party has similar limitations.

A little advance planning may prevent a party from announcing, "This can only take an hour – tops – because I have an 11:30 am flight home from Manchester." It may also prevent a claims adjuster from revealing that their authority is limited and that "a committee must approve any settlement, and the committee meets in Denver only on Thursdays from 2 to 4 pm Mountain time."

Ask opposing counsel about these potential restrictions, or have the mediator investigate whether any are lurking in the background.

Both sides should ensure that all necessary decision-makers are available by telephone or email if needed and have appropriate settlement authority.

### Be Ready to Memorialize the Agreement

Think through how a settlement will be memorialized. This cannot be an afterthought. Prepare a potential memorandum of settlement and any associated documents in advance, knowing that they will probably need to be revised, edited and printed during the mediation.

A handwritten settlement agreement may be acceptable, but regardless of how the agreement is prepared, make sure everyone signs it before leaving.

Resolving disputes is hard but rewarding work. Litigation and unresolved matters of importance can be extraordinarily stressful. Life is short. Be humble. Listen. Choose your words carefully.

Think it through. ♦

*David Osman is a member of Upton & Hatfield, LLP. His practice has been concentrated in civil trial law, and he has mediated civil cases for many years. He can be reached via his legal assistant Mary Smith at (603) 527-9184 or* ***marysmith@uptonhatfield.com****.*

## ■ ARBITRATION *from page 24*

### A Path to Obtain Discovery in Arbitrations

New Hampshire, like most other states, has a State Arbitration Act, RSA 542. The New Hampshire Supreme Court has held that procedural changes that do not risk invalidating an arbitration agreement are not preempted by the FAA. *Finn v. Ballentine Partners, LLC*, 169 N.H. 128, 141, 143 A.3d 859, 869 (2016), citing *Volt Info. Sciences v. Leland Stanford Jr. University,* 489 U.S. 468, 477 (1989).

The type of pretrial third-party discovery forbidden by the majority of federal courts under the FAA is expressly allowed under RSA 542. RSA 542:5 provides that in arbitration "[a]ny person may be summoned as provided in RSA 516 to attend before the arbitrators as a witness." RSA 542:6 specifically provides that "in any proceeding hereunder, depositions may be taken as provided by RSA 517." See G. MacDonald, *5 Wiebusch on N.H. Civil Practice and Procedure*, § 39.13 (3rd Ed. 2010). Many states have similar provisions permitting third-party discovery under state arbitration statutes.

In June 2026, New Hampshire joined the 48 other states that have enacted the Uniform Interstate Depositions and Discovery Act (UIDDA), codified at RSA 517-A:1 et seq., effective January 1, 2027.

The UIDDA streamlines the process for taking out-of-state depositions, which are often important in complex arbitrations. Initiating a subpoena request is straightforward. The arbitrator is not involved in the process. The requesting party simply presents a foreign subpoena to the clerk of the local court where the discovery is sought, ensuring the court can process it following the state's procedures. The UIDDA simplifies the previously complex procedure of obtaining out-of-state subpoenas by removing the need for an attorney to seek court approval in both the trial and discovery states.

Federal law regarding third-party discovery remains unclear, and the ability to obtain pretrial review of documents under the FAA is uncertain. But enactment of the new UIDDA, coupled with the ability of New Hampshire lawyers to utilize RSA 542, provides a clear path to obtaining necessary discovery in complex commercial arbitrations. ♦

*Hon. Richard B. McNamara (retired) presided over the business and commercial dispute docket of the Superior Court for 11 years. He now conducts complex arbitrations and mediations, usually through the American Arbitration Association.*

## ■ ABA *from page 27*

The landlord has counsel and the tenant does not. At the opening session, the first mediator informs the parties that she is not representing the tenant or the landlord. She explains that she cannot give legal advice or tell the tenant what to do and suggests that the tenant may want to consult a lawyer to help her understand any settlement terms before signing anything. She also reality-tests: "What do you think a judge would make of the missed rent payments?" "How will you defend the case if the judge finds that your habitability defense does not meet the applicable legal standard?" "Have you thought about what happens if this does not settle?" She offers to discuss all potential outcomes for the tenant's consideration. She then passes along the landlord's offer exactly as it was made and reminds the tenant that the decision is hers.

The second mediator skips the disclaimer. In private session, he tells the tenant that $5,000 "is the landlord's bottom line," although the landlord's counsel never said so. He presents his own doubts about the tenant's habitability defense as concerns raised by the landlord. Then he adds, "Really, this is a settlement that is in your best interest. It is probably what a judge would do anyway, so you should take it." The second mediator failed to make the Rule 2.4 disclosures, undermined the tenant's Rule 1.2 decision-making by saying that the settlement was in the tenant's "best interest" and that "you should take it," and made misrepresentations prohibited by Rule 8.4(c) and Opinion 518. Both mediators might obtain a settlement, but only the first would do so without violating the applicable rules.

Opinion 518 serves as a good reminder for lawyer-mediators to take care to be truthful in their communications with all parties and to avoid "puffery" and other tactics that may be permissible for lawyers representing parties but are off-limits for neutrals. The lawyer-mediator should also remember to clarify their role and clearly communicate with parties, particularly unrepresented parties, that the lawyer-mediator does not represent any party to the dispute and is not serving any party's specific interests. ♦

*David McGrath is a shareholder of Sheehan Phinney and represents clients in state and federal courts, arbitration, and administrative proceedings. He routinely handles trade secret, non-competition, predatory hiring, discrimination, retaliation and whistleblower, wrongful termination, and healthcare-related matters. He also frequently helps businesses and executives navigate employment separations.*

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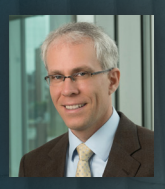
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**Criminal Law**

***State of New Hampshire v. Richard Trueman***
**No. 2024-0439**
**September 24, 2026**
***Reversed and Remanded***

- Issue: Did the trial court err in admitting otherwise inadmissible evidence of the defendant's prior drug transactions under the 'specific contradiction' doctrine, and was the evidence insufficient to support his conviction?

The defendant appealed his conviction for selling a controlled drug resulting in death following a jury trial in Superior Court. Prior to trial, the court granted the defendant's motion under New Hampshire Rule of Evidence 404(b) to exclude Facebook communications suggesting the defendant sold drugs to third parties. During trial, defense counsel cross-examined police witnesses regarding their failure to search the driver's vehicle among other investigative options to try to establish that police failed to conduct a thorough investigation. In response, the State moved to admit summaries of the previously excluded Facebook records, but not the communications themselves, under the "specific contradiction theory." The State argued the defense created a misleading impression of an inadequate investigation. The trial court allowed a detective to summarize the third-party drug messages, and issued a limiting instruction to the jury, which found the defendant guilty. An appeal followed.

On appeal, the Court reversed, holding that the trial court misapplied the "specific contradiction" variant of the opening the door doctrine to admit Rule 404(b) evidence and thereby unsustainably exercised its discretion. The Court explained that the "specific contradiction" doctrine applies when a party introduces admissible evidence that creates a misleading advantage, permitting the opposing party to introduce otherwise inadmissible evidence to counter that advantage. Here, the Court concluded that defense counsel's cross-examination created no misleading advantage because it accurately pointed out that the police failed to conduct certain investigative steps to eliminate the driver. Additionally, while law enforcement did not receive the third-party Facebook records for more than two months after the victim's death, they did have the victim's direct communications from the day of the overdose which were admissible evidence. Therefore, these third-party communications couldn't have informed the officers' initial decision to focus their investigation on the defendant rather than the driver. Next, the Court rejected the State's argument that the improper admission of Rule 404(b) evidence constituted harmless error beyond a reasonable doubt. Evaluating the "totality of circumstances," the Court emphasized that the State's evidence proving the defendant supplied the fentanyl was entirely circumstantial. Admitting testimony that the defendant engaged in unrelated drug transactions on the exact day of the victim's overdose created a substantial risk that the jury would impermissibly infer propensity, transforming a circumstantial case into one where the victim was urgently messaging a known drug dealer. The Court observed that the trial court itself had previously recognized the "extremely high" risk of unfair prejudice in its pretrial ruling. Additionally, the trial court's limiting instruction was insufficient to cure the prejudice because instructing the jury that it could consider the messages to evaluate the thoroughness of the investigation while prohibiting them from considering whether the defendant actually engaged in third-party drug transactions rendered the evidence logically irrelevant to the police's state of mind. The error was further compounded when the prosecution explicitly relied on the third-party drug communications during closing arguments. Therefore, the Court determined that they "cannot conclude beyond a reasonable doubt that the admission of the challenged evidence did not affect the verdict." See *State v. LaBranche*.

Finally, the Court reviewed de novo the defendant's challenge to the sufficiency of the evidence analyzing "the totality of the circumstance" of the entire record to determine "whether the State has proven beyond a reasonable doubt that the error did not affect the verdict" and whether, looking at the evidence in a light most favorable to the State, the evidence "fails to exclude all reasonable conclusions except for guilt." See *Rouleau* and *State v. Seibel*. The Court detailed seven key established facts: the victim used illegal drugs; attempted repeated urgent contact with the defendant; reached the defendant to purchase a "ticket," met near the defendant's home; snorted a substance immediately upon returning to the vehicle; exhibited overdose symptoms shortly thereafter; and died from fentanyl toxicity with fentanyl found in his wallet. The Court concluded that this inferential chain was sufficient for a rational jury to find guilt beyond a reasonable doubt and that alternative hypotheses offered by the defense were not sufficiently reasonable to create reasonable doubt. The Court reversed and remanded.

*John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general (Robert L. Baldridge, assistant attorney general, on the brief and orally), for the State. Pamela E. Phelan, senior assistant appellate defender, of Concord, on the brief and orally, for the defendant.*

**Civil Procedure**

***David Allen, Individually, and as Beneficiary of the Estate of Priscilla W. Allen v. Peter Allen***
**No. 2024-0094**
**September 3, 2026**
***Vacated and remanded***

- Issue: Did the probate court lack subject matter jurisdiction over an independent petition to set aside an inter vivos deed of real property and impose a constructive trust brought after the grantor's death?

The respondent appealed an order from the Circuit Court Probate Division granting a petition to invalidate an inter vivos deed of real property brought by the petitioner, individually and as a beneficiary of his mother's estate. While in a rehabilitation facility following medical events, the decedent executed a deed transferring a one-half undivided interest in her farm to one of her sons, Peter, as a tenant in common without consideration. Following her death, the estate administrator included her remaining one-half interest in the probate inventory but declined to challenge the prior inter vivos transfer. The petitioner, her other son, David, objected to the inventory and subsequently filed a separate petition in the probate court under a new docket, alleging undue influence, lack of capacity, and unjust enrichment and seeking a constructive trust. Following a two-day trial, the probate court invalidated the deed. The respondent, Peter, appealed and filed a motion challenging the probate court's subject matter jurisdiction.

Challenges to subject matter jurisdiction may be raised at any point in proceedings, including on appeal, and cannot be waived. *In re Guardianship of K.B.* As a statutory tribunal, the probate court exercises jurisdiction solely within the scope authorized by the legislature under RSA 490-F:1, :3, RSA 547:3, and RSA 547:3-b. Under RSA 547:3, I(b), the probate court only has jurisdiction over a petitioner's claims in matters relating to the composition, administration, sale, settlement, and final distribution of deceased persons' estates. To determine whether the claims sufficiently "relate to" estate administration under RSA 547:3, I(b), the Court applied its established two-part jurisdictional test, first examining whether the action relates to an estate, will, or trust, and second whether the relief sought is equitable or legal. The Court held that the petitioner's action failed the first prong because the claims did not require interpreting a will or trust, assessing estate administration, or contesting asset distribution under estate documents. Because the decedent transferred the property interest inter vivos, the one-half interest was not owned by or "in" the estate at the time of her death.

The Court further highlighted that the petitioner, David, could have brought a substantially similar equitable action in the Superior Court during the decedent's lifetime, where subject matter jurisdiction over inter vivos conveyances and real property disputes is clearly established under RSA 491:7 and RSA 498:1. Neither the grantor's subsequent death nor the petitioner's invocation of probate doctrines such as undue influence transformed the action into a probate matter. See *Filip v. Bogdan*.

Additionally, the Court noted that the petitioner brought the action separate from the estate administration, demonstrating its independence from probate oversight. While invalidating the deed would ultimately impact the composition of the estate by returning the property interest to it, the Court clarified that an incidental or tangential effect on an estate is insufficient to confer subject matter jurisdiction. See *Rogers*. Consequently, the Court vacated the probate court's order and remanded with instructions to dismiss the petition without prejudice.

*Devine, Millimet & Branch, PA, of Manchester (Richard P. Driscoll on the brief and orally), for the petitioner. Primmer Piper Eggleston & Cramer PC, of Manchester (Thomas J. Pappas and Robert J. Kendall III on the brief, and Thomas J. Pappas orally), for the respondent.*

**Administrative Law**

***Appeal of Commissioner of the New Hampshire Department of Labor (New Hampshire Compensation Appeals Board)***
**No. 2025-0416**
**September 3, 2026**
***Reversed and Remanded***

- Issue: Did the Compensation Appeals Board err in concluding that an insurer provided the Labor Commissioner with timely notice of a possible claim against the Special Fund for Second Injuries under RSA 281-A:55-a, II by submitting memoranda of payment containing handwritten notes regarding concurrent employment within 100 weeks of an injury?

The petitioner, the Commissioner of the New Hampshire Department of Labor (the Commissioner), appealed an order of the New

## At a Glance Contributor



**Stacie Ayn Murphy Corcoran**

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

# Circuit Court Judicial Evaluation Notice

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

Judge Susan Ashley – 7th Circuit Courts
Judge Christine Casa – 7th and 10th Circuit Courts
Judge Sarah Christie – 5th, 6th and 9th Circuit Courts
Judge Brad Collins – 9th Circuit Courts
Judge Lindsey Courtney – 10th Circuit Courts
Judge Mark Derby – 9th Circuit Courts
Judge Suzanne Gorman – 9th Circuit Courts
Judge John Katsirebas – 2nd and 6th Circuit Courts
Judge Laura Lombardi – 4th Circuit Courts
Judge Bradley Lown – 7th and 10th Circuit Courts
Judge Michael Mace – 2nd and 5th Circuit Courts
Judge Jason Major – 6th and 9th Circuit Courts
Judge Erin McIntyre – 6th and 9th Circuit Courts
Judge Todd Prevett – 9th and 10th Circuit Courts
Judge Kevin Rauseo – 9th Circuit Courts
Judge Kerry Steckowych – 10th Circuit Courts
Judge Janet Subers – 1st and 2nd Circuit Courts

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

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

All evaluations must be completed online or be returned no later than **November 17, 2026**.

Hampshire Compensation Appeals Board (CAB) granting the claim of the respondent, ESIS, Inc. (the Insurer, former insurer of BAE Systems, Inc.), for reimbursement from the Special Fund for Second Injuries (the Fund) pursuant to RSA 281-A:55. An employee who was concurrently employed by a separate employer was injured. Pursuant to RSA 281-A:15, III, the Insurer, ESIS, paid workers' compensation benefits based upon the employee's combined weekly wages from both employers.

Twice, the Insurer filed standard memoranda of payment under RSA 281-A:40 with the Department of Labor (DOL). These memoranda had handwritten notes stating that average weekly wages were based upon "combined wages of BAE & [the other employer]".

After more than 100 weeks after the injury, the Insurer formally applied for reimbursement from the Fund for the additional compensation paid due to concurrent employment.

The Fund coordinator denied the reimbursement claim because the Insurer failed to notify the Commissioner of any possible claim against the Fund as mandated by RSA 281-A:55-a, II and New Hampshire Administrative Code Lab 506.04(a). The Fund coordinator explained that the memoranda of payment addressed only the carrier's primary obligations to make indemnity payments to the injured worker, without reference to a claim against the Fund. Following a hearing requested by the Insurer, a DOL hearing officer upheld the denial, reasoning that memoranda of payment do not constitute notice to the Commissioner or the Fund and that finding otherwise would render the statutory 100-week notice requirement superfluous. On further appeal, the CAB reversed the hearing officer's decision, assuming without citing any legal or factual basis that the DOL employee receiving the double memoranda would or should have known they were submitted for purposes of a Second Injury Fund claim. The Commissioner's motion for rehearing was denied, and an appeal to this Court followed.

The Court reviewed the CAB's order under the statutory standard in RSA 541:13, which provides that the decision will not be set aside except for errors of law, or unless a clear preponderance of the evidence establishes that the order is unjust or unreasonable. The Court noted that under RSA 281-A:15, III, while the employer in whose employment the employee was injured is liable in the first instance for all benefits, additional compensation resulting from concurrent employment shall be reimbursed by the Special Fund. However, RSA 281-A:55-a, II explicitly mandates that an employer or carrier "shall notify the labor commissioner of any possible claim against the special fund as soon as practicable, but in no event later than 100 weeks after the injury or death."

The Court rejected the Insurer's argument that handwritten notes on its memoranda of payment satisfied statutory notice. The Court emphasized that RSA 281-A:55-a, II places the onus directly on the employer or carrier to notify the Commissioner of a possible claim against the Fund. The statute does not obligate the Commissioner to attempt to determine from filings made for other purposes that an employer or carrier may seek reimbursement. The memoranda and accompanying notes merely notified the Commissioner that benefits were paid in accordance with statutory requirements but failed to give notice of an intent to make a potential claim against the Fund. Consequently, the Court held that the CAB committed an error of law in concluding that notice was provided within 100 weeks, reversing the CAB's decision and remanding the matter.

*John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general (Mary A. Triick, senior assistant attorney general, on the brief and orally), for the petitioner. Bernard & Merrill, PLLC, of Manchester (Michelle A. Broadhurst and Samantha G. Surowiec on the brief, and Michelle A. Broadhurst orally), for the respondent.*

In accordance with Supreme Court Rule 37(3)(a), the Supreme Court appoints Christopher D. Peach, a non-attorney from Nashua, to the Professional Conduct Committee (PCC). He is appointed to replace Everett Grass, who has resigned from the PCC. Christopher D. Peach will serve the unexpired portion of Everett Grass's three-year term, commencing immediately and expiring March 30, 2028.

Issued: September 8, 2026
ATTEST: Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

◆

The Attorney Discipline Office's General Counsel has requested that the Supreme Court appoint Attorney Brooksley Belanger, a member of the Hearings Committee, to serve as a temporary member of the Complaint Screening Committee (CSC) to consider a matter involving Attorney Matthew R. Passalacqua (grievance filed by Andrew Weil). Absent the appointment of a temporary member, the CSC would lack a quorum.

In accordance with this request, the Supreme Court appoints Attorney Belanger as a temporary member of the CSC to consider the matter.

Issued: September 8, 2026
ATTEST: Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire

◆

**JD-2026-0004, *In the Matter of Gordon J. MacDonald***

On September 9, 2026, the Judicial Conduct Committee (JCC) filed a summary report of its proceedings, findings, and recommendations in JC-2025-0079-C, In re: The Honorable Gordon J. MacDonald, and a certified copy of the record of its proceedings in the matter.

According to the JCC's summary report, Chief Justice MacDonald admitted that he had violated three canons of the Code of Judicial Conduct. The JCC's summary report includes Exhibits A-Q (Record), which includes, inter alia, a copy of the complaint (Ex. O), Chief Justice MacDonald's response to the complaint (Ex. P), and the stipulation and agreement (Ex. Q). In the stipulation and agreement, which is executed by the parties, Chief Justice MacDonald admits to committing specific violations of the Code of Judicial Conduct, acknowledges that the JCC would enter findings that he had violated those provisions of the Code of Judicial Conduct, and waives his right to a de novo hearing on the charges. In addition, he acknowledges that the JCC's findings and disposition would be final pursuant to New Hampshire Supreme Court Rule 40(12)(d)(1) and (2). In addition, Chief Justice MacDonald agrees to resign his judicial appointment, effective upon this Court's approval of the stipulation and agreement.

The summary report and the stipulation and agreement set forth the uncontested and agreed upon findings that Chief Justice MacDonald violated the following sections of the Code of Judicial Conduct and that the violations warrant formal discipline, see Supreme Court Rule 40(12)(d):

a. Chief Justice MacDonald, in violation of Canon 1, Rule 1.2, failed to act in a manner that promotes public confidence in the impartiality of the judiciary and failed to avoid the appearance of impropriety.

b. Chief Justice MacDonald, in violation of Canon 2, Rule 2.5 (A), failed to perform his administrative duties competently and diligently in connection with the characterization, processing and public explanation of Dianne Martin's removal and reappointment, including by bypassing established Judicial Branch rules and procedures in extending her a position without the competitive, merit-based process required of other Judicial Branch employees.

c. Chief Justice MacDonald, in violation of Canon 2, Rule 2.13 (A), failed to exercise the power of administrative appointment impartially and on the basis of merit, and failed to avoid favoritism with respect to the removal of Dianne Martin as Director of the Administrative Office of the Courts (AOC) and appointment as Bar counsel.

Rule 40(13) provides the Court's procedure when the JCC determines that a judge has violated the Code of Judicial Conduct and determines that the violations warrant formal disciplinary action by the Supreme Court.

This rule states "[u]pon receipt of a report of the findings and record of the proceedings before the committee under section 12(d)(2), or after a *de novo* hearing before a judicial referee under subsections 12(c)(1) and 12(d)(1), the supreme court shall set the matter down for briefing and oral argument which shall be open to the public." However, considering Chief Justice MacDonald's acknowledgement of the violations, the terms of the executed stipulation and agreement, and because the parties have not requested a hearing, the Court finds that a hearing is unnecessary.

Accordingly, after careful review of the record, the Court determines that the JCC's findings of fact are supported by the record. See Rule 40(13). The Court also approves the stipulation and agreement. Further, the Court finds that because Chief Justice MacDonald has resigned as a judge, no additional disciplinary action is available.

Also, in accordance with Rule 40(13-A), and the terms of the stipulation and agreement, Chief Justice MacDonald is ordered to reimburse the AOC for the attorney's fees and expenses that the JCC incurred to investigate and prosecute the matter. Payment shall be made on or before December 31, 2026.

Finally, it is noted that Exhibit P to the record was submitted to the Court with certain redactions. Upon review of Exhibit P, the Court has noted that a limited number of additional, non-substantive redactions are appropriate to protect personal email addresses, home addresses, personal telephone numbers, and confidential call-in codes.

The Clerk of Court has made those additional, non-substantive redactions to Exhibit P and provides the parties with a redacted version of Exhibit P which may be made available to the public, along with all other sections of the record, upon issuance of this order. In light of this order, the motion to seal the record is moot.

Nadeau, J., retired Superior Court Chief Justice, and Attorri, Honigberg, MacLeod, and Kennedy, JJ., Superior Court Justices, all specially assigned by Supreme Court order, concurred.

So ordered.

DATE: September 15, 2026
ATTEST: Timothy A. Gudas, Clerk


## Statement of Ownership, Management, and Circulation

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18. Signature and Title of Editor, Publisher, Business Manager or Owner. Donna Parker, Sales and Technical Editor, 9-10-2026

# US District Court Decision Listing

## August 2026

* Published

K-1 Visa Application

*Shuba v. U.S. Embassy in Poland, Acting Deputy Chief of Mission, et al.*, 25-cv-390-LM-AJ, 2026 DNH 107 August 17, 2026

Plaintiff Roman Shuba sought to compel the U.S. Embassy in Poland's Acting Deputy Chief of Mission and the U.S. Secretary of State to issue a final adjudication with respect to his fiancée's visa application. Shuba alleges that the government's failure to issue a timely final decision violates the Administrative Procedure Act (APA) and Shuba's due process rights. The government moved to dismiss, arguing that Shuba's claims are barred by the doctrine of consular nonreviewabilty, that it has no duty to "re-adjudicate" a refused visa, that Shuba fails to state APA claim, and that Shuba fails to state a due process claim. The court granted the motion with respect to Shuba's due process claim but otherwise denied it. 20 pages. Judge Landya McCafferty.

RICO, Fraud, Breach of Contract

*Quality First Solutions, LLC v. Dartmouth-Hitchcock Health*, 25-cv-274-LM, 2026 DNH 109 August 25, 2026

Plaintiff Quality First Solutions sued Dartmouth-Hitchcock Health, seeking damages for unpaid invoices that Quality First claims Dartmouth neglected to pay after Dartmouth suddenly terminated the parties' contractual relationship. Dartmouth counterclaimed, alleging that Quality First and fourteen other counterclaim defendants engaged in a years-long scheme to defraud Dartmouth. Dartmouth also moved to join the counterclaim defendants. Quality First moved to dismiss six of the counterclaims against it under Fed. R. Civ. P. 12(b)(6). The court denied Quality First's motion, except with respect to a portion of Dartmouth's negligent misrepresentation claim that the court found was barred by the economic loss doctrine. Dartmouth's motion for joinder was granted in full. 36 pages. Judge Landya McCafferty.

Standing

*Clark v. Formella*, 25-cv-379-PB-AJ, 2026 DNH 113, August 28, 2026

Plaintiff Robert Clark brought a putative class action challenging the constitutionality of RSA § 644:6, New Hampshire's anti loitering law, under the Fourth and Fourteenth Amendments. Defendant John Formella, in his official capacity as attorney general, moved to dismiss for lack of standing.

The Court denied the motion, concluding that the plaintiff, a formerly homeless resident of Concord, had demonstrated threshold standing to challenge § 644:6 based on his several specific allegations of being threatened with the statute's enforcement coupled with the defendant's acknowledgment of the statute's ongoing enforcement.

Addressing the defendant's arguments to the contrary, the Court first noted that the plaintiff alleged several instances of the statute's enforcement against him in which he was plausibly engaged in constitutionally protected conduct. Second, the Court distinguished the plaintiff's challenge from *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983), based largely on the defendant's official policy of enforcing the statute. Third, the Court rejected the defendant's argument that the plaintiff claimed standing based solely on his state of homelessness, instead attributing his standing to the discrete alleged instances of the statute's enforcement against him.

Notwithstanding these conclusions regarding the plaintiff's threshold standing, however, the Court noted that the plaintiff's recent move to housing raised a potential mootness issue which required additional briefing. Motion denied, in part without prejudice. 19 pages. Judge Paul J. Barbadoro.

Vicarious Liability

*Abilene Music v. Penuche's Inc.*, 25-cv-402-PB-AJ, 2026 DNH 102, August 4, 2026

Plaintiffs Abilene Music, Inc. and W Chappell Music Corporation brought claims of copyright infringement against defendants Penuche's, Inc. and Todd Tousley, its owner. Tousley moved to dismiss, arguing that the plaintiffs improperly sought to pierce the corporate veil. The Court denied the motion, noting that the plaintiffs pled sufficient facts to plausibly show that Tousley has the right and ability to supervise the allegedly infringing conduct of Penuche's and a financial interest in said conduct. 2 pages. Judge Paul J. Barbadoro.

# Classifieds

## POSITIONS AVAILABLE

**ASSOCIATE** – A Concord firm seeks to add associate with 1 - 5 years' experience. Seeking attorney with experience in any of the following areas: (a) Family Law, (b) Trusts, Estate Planning, and Probate, and (c) business organization formations and commercial transactions. Our firm's practice is focused in these three areas. Must have strong analytical skills, self-motivation, strong work ethic, and an entrepreneurial spirit. Excellent research and written communication skills required. Competitive salary and benefits. Collegial atmosphere and team approach. For details about firm name, location, compensation, and benefits send resume to **Lawcolleague26@gmail.com**.

**LEGAL ASSISTANT/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**.

## ATTORNEYS SOUGHT

**ANIMAL LAW NETWORKING :** In search of attorneys, law students and legal para-professionals with general interest in animal protection and rights issues. Not related to a specific case. Please contact: **j.slepian@myfairpoint.net**.

## OFFICE SHARING

**ATTORNEY SEEKS OFFICE-SHARE ARRANGEMENT** with law firm in the Nashua, Salem or Manchester area. Contact Dan Cohen 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**.

**LAW PRACTICE FOR SALE**

Retiring lawyer would like to sell an active Family Law practice in the Lakes Region.

Includes turnkey building, with furnishings and equipment.

Contact:
**lawofficesales76@gmail.com**

**FREE CRIMINAL DEFENSE TRAINING COURSE NOVEMBER 13-14**

The New Hampshire Judicial Council is holding a two day in-person training on Criminal Defense Fundamentals with UNH School of Law. This training will be held Friday and Saturday, November 13 and 14, at UNH Law. This training is perfect for experienced attorneys who are looking to expand their practice and newer attorneys looking for quality training in criminal defense. Attendees must be willing to accept criminal appointments through the Judicial Counsel upon successful completion of the course.

If you are interested in attending contact: **Jay.M.Buckey@jc.nh.gov** no later than Nov. 4, 2026.

BEAUPRELAW
Trusts & Estates

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**+ 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.**

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**Associate Attorney – Family Law**

A successful candidate will support a growing caseload involving divorce, parenting plans, domestic violence matters, post judgment litigation, and complex financial issues. This role requires exceptional writing ability, sound judgment, and the capacity to manage matters with accuracy and discretion.

**Key Responsibilities:**

- Draft and revise pleadings, motions, stipulations, discovery, and proposed orders consistent with New Hampshire Family Division practice.
- Communicate with clients, opposing counsel, and court personnel in a professional and timely manner.

**Required Qualifications:**

- J.D. from an ABA accredited law school;
- Active membership in the New Hampshire Bar, or eligibility to waive in;
- Demonstrated excellence in legal writing and analytical skills;
- Strong professional demeanor, reliability, and attention to detail;
- Prior experience in family law required;
- Competitive salary commensurate with experience;
- Supportive, progressive, and collaborative firm culture;
- Qualified applicants should submit a résumé, writing sample, and references to: **jocelyn@stachowskelaw.com**

# Associate Attorney

## Estate Planning, Trusts & Estates

Laboe & Tasker, PLLC, an established six attorney Concord firm, seeks a full-time attorney to join its growing estate planning, trusts and estates team. The ideal candidate will have excellent client interpersonal skills and a minimum of 2-4 years of experience in drafting estate planning documents and administering trusts and estates.

L&T offers a collaborative environment focused on career development, mentorship, and a healthy work-life balance. Benefits include a competitive salary, paid time off, health and dental insurance, paid family medical leave insurance, life insurance, FSA, HRA, and 401k retirement with matching.

Interested candidates should submit resume and cover letter to:
**ktasker@laboelaw.com**

LABOE & TASKER PLLC

BOUTIN LOWMAN PLLC

# Associates

Boutin Lowman PLLC seeks multiple associates with 2 – 5 years' experience in the following: Civil Litigation or Estate Planning and Probate Administration. Our firm has offices in Londonderry and Meredith, New Hampshire and offers competitive benefits including health insurance, life and disability insurance, generous paid time off and holidays, and retirement benefits.

Education and Experience required:
- Juris Doctor (JD) Degree from an accredited law school.
- Active bar membership in New Hampshire
- 2-4+ years of civil litigation experience
- Estate Planning or Probate Administration experience 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

Send resumes to: Doris O'Neil at **doneil@boutinlaw.com**

## MANAGING DIRECTOR - LEGAL OPERATIONS AND STRATEGIC PROJECTS

An established New Hampshire law firm seeks an experienced attorney to assume a senior management position with genuine authority, but no personal caseload, client-development requirement or partnership track.

The Managing Director will oversee the firm's day-to-day legal operations. Responsibilities will include monitoring cases and deadlines, managing attorney and paralegal workloads, enforcing billing and performance expectations, improving accountability, and identifying matters requiring the owner's attention. The successful candidate must be comfortable making decisions, addressing performance issues directly and keeping a remote professional team moving forward.

The position also includes substantial project-management responsibility. The Managing Director will oversee implementation and optimization of the firm's case-management system, coordinate business and technology initiatives, establish priorities and timelines, and ensure that important projects move from idea to completion.

The firm is pursuing several substantial operational and strategic initiatives. The Managing Director will work closely with the owner, providing practical insight, challenging ideas when appropriate and helping translate ambitious plans into execution.

The ideal candidate has sound judgment, a strong management presence, excellent organizational ability and genuine command of technology. Prior law-firm management experience is helpful but less important than leadership, curiosity and the ability to command the respect of practicing lawyers.

The position may be remote or hybrid. A dedicated office can be provided if preferred. The schedule and compensation structure are flexible and may include meaningful performance incentives.

Please submit a résumé and letter describing your interest and relevant experience to **contact@melrosedepot.com**. All inquiries will be treated confidentially.

# Career Services Director, UNH Law

## Full-time onsite in Concord, NH

Reporting to the Assistant Dean of Career and Academic Advising, the Director of Career and Academic Advising plays a key role in the delivery of the full range of services supporting law students and alumni in their career and academic development. The Director provides significant input into the overall strategy of the Office of Career & Academic Advising, which provides service to residential & hybrid JD students as well as residential and online graduate students. In addition to meeting 1-on-1 with students, the Director leads the development of multiple programs in support of student success.

**Minimum Acceptable Education & Experience**
- Must be able to use independent judgement and discretion.
- Requires bachelor's degree in a related field. JD and/or other advanced professional degrees strongly preferred.
- Requires 5+ years of legal practice, career counseling or legal recruiting experience.

**Knowledge, Skills & Abilities:**
- Requires knowledge of nationwide market for law school graduates, including both attorney and non-attorney career paths.
- Requires superior interpersonal skills, including the ability to communicate professionally with highly motivated and professionally successful student body, employers, faculty, and professional staff.
- Must be able to use independent judgement and discretion.
- Must be able to create an inclusive environment, encourage valuing of persons from different backgrounds and promoting a law school atmosphere that assures equitable treatment for all people.
- Must be comfortable adapting to technology and open to learning new technological solutions, including the use of AI.

**Other Requirements:**
Position is full-time onsite in Concord, NH.

Applicants should be prepared to upload the following documents when applying online within the *My Experience: Resume/*CV section of the application*:* (Maximum of 5 Documents)
- Resume/CV
- Cover Letter
- Contact Information for 3 Professional References

**Compensation Pay Range:**
$54,990.00 - $98,150.00

The pay range for this position is listed above. Actual offer will be based on skills, qualifications, experience, and internal equity, in addition to relevant business considerations.

For complete details and to apply: **https://usnh.wd5.myworkdayjobs.com/Careers/job/University-of-New-Hampshire---Franklin-Pierce-School-of-Law/Career-Services-Director--UNH-Law_JR7549**

**UNITED STATES DISTRICT COURT**
**DISTRICT OF NEW HAMPSHIRE**
**OFFICE OF THE CLERK**

# PROCUREMENT SPECIALIST

**(2026-04)**

The United States District Court for the District of New Hampshire is accepting applications for a full-time permanent Procurement Specialist. The successful candidate will be industrious, creative, intelligent, diplomatic, energetic, forward thinking, dynamic, public-service oriented and versatile with exceptional interpersonal and communication skills. While accuracy and attention to detail is essential, equally important is the demonstrated ability to persevere in bringing complex operational issues and/or automated system problems to a successful resolution. Candidates must have the capacity to synthesize complex information, exercise independent, sound judgment, problem solve, and take ownership of and manage both assigned duties and special projects. The ability to balance the demands of varying workload responsibilities and deadlines is critical. The successful candidate will be expected to work in a team environment and must be able to interact with all segments of the legal community and public.

This position performs and coordinates administrative, technical, and professional work related to ensuring that court units are supplied with the materials, equipment, and services required to function optimally, including ensuring compliance with the appropriate guidelines, policies, and approved internal controls. Procurement Specialists purchase supplies, equipment, and furnishings within a set dollar amount. In addition, they may maintain service contracts in accordance with Judicial Conference Policy and maintain necessary certifications to perform such work through continuing education.

The successful candidate must possess a minimum of 1 year of progressively responsible experience and while not required, the ideal candidate will have a bachelor's degree. Full benefits are available with a starting salary range of CPS CL25 $55,905 to $69,905, depending upon experience, with promotion potential to CPS CL30. Qualified applicants should submit a letter of interest, a resume, and a salary history for the past five years in one PDF document to Thomas Van Beaver at: **tom_vanbeaver@nhd.uscourts.gov** by the close of business on November 20, 2026. Applicants deemed most qualified will be invited to participate in a personal interview at their own expense. EOE.

Additional information on the position, qualifications, and the application process please visit **https://www.nhd.uscourts.gov/procurement-specialist-2026-04**.

McLane Middleton

## MID-LEVEL REAL ESTATE ATTORNEY

McLane Middleton, Professional Association is seeking a talented and driven Real Estate Attorney to join our ranks. The ideal candidate will have 5+ years of relevant commercial real estate experience and a strong interest in real estate law. Experience representing owners and developers in connection with the acquisition, ownership, financing, development, leasing, and sale of real estate is highly valued. Residential real estate experience and experience in land use, permitting, and title matters is also desirable. New Hampshire and/or Massachusetts Real Estate experience is required.

## 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@mclane.com**

HK HAMBLETT & KERRIGAN ATTORNEYS AT LAW

## 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**

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.

PRIMMER PIPER EGGLESTON & CRAMER PC

ATTORNEYS AT LAW

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**.

# BUSINESS ATTORNEY

**Craig, Deachman & Associates, PLLC** seeks an attorney with experience in business and real estate law. The ideal candidate will have at least four years of experience and be licensed to practice in New Hampshire. Candidates must possess excellent research, writing, and verbal communication skills. While the firm's practice is largely transactional, our attorneys do attend court hearings and handle some litigation matters. Prior courtroom exposure is preferred. Compensation is commensurate with experience. Benefits include health insurance, disability insurance, life insurance, 401(k), paid holidays and vacation time. Craig, Deachman & Associates, PLLC currently employs six attorneys with appropriate paralegal and support staff. The firm maintains offices in Manchester and Plymouth, New Hampshire.

Please send your resume and cover letter to:
Cindy Pratt
**cpratt@cda-law.com**

All replies are held in strict confidence.

CD&A CRAIG, DEACHMAN & ASSOCIATES
ATTORNEYS AT LAW

ALFANO LAW, PLLC

## 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**.

Adler | Cohen | Harvey | Wakeman | Guekguezian LLP

## Associate Attorney

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

Please send resumes to:
Megan Pimentel **mpimentel@adlercohen.com**

PretiFlaherty

## Associate Attorney - Litigation

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.

Associates with 0-3 years of relevant experience: lockstep base salary range of $105,000 to $109,000 based upon years of experience, with eligibility to earn bonuses based on work production, origination, and discretionary factors. Associates with 3+ years' experience: base salary range of $110,000- $127,000, determined based on experience, performance, skills, and other relevant factors, with eligibility to earn work bonuses based on work production, origination, and discretionary factors.

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.

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

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

WARD LAW GROUP PLLC

## Personal Injury/Workers' Compensation Attorney
**Manchester, NH**

Ward Law Group, PLLC is seeking an experienced attorney for an Associate or Of Counsel position to join our growing Personal Injury and Workers' Compensation Practice at the Manchester office. The ideal candidate would be licensed in New Hampshire with at least 5 years of trial/hearing experience and a willingness to oversee case development, discovery, negotiation, settlement and case closure.

The position offers competitive compensation and benefits commensurate with experience and credentials. Qualified candidates can send a cover letter and resume to Sara Johnson, Human Resource Manager at ***sjohnson@wardlawnh.com***.

# ASSISTANT COUNTY COUNTY

The Cheshire County Attorney's Office has an opening for a full-time Assistant County Attorney:

**Circuit Court Prosecutor** – 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. Experience preferred, and salary is commensurate with experience.

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. 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.

## PROSECUTOR - City of Manchester
### (Salary Range $85,334.20 - $121,666.16, Grade 123)

The Office of the City Solicitor, Manchester NH, serves the City with a team of eleven attorneys, including seven full-time prosecutors handling misdemeanor prosecutions and juvenile cases in the 9th Circuit Court in Manchester.

The Office is seeking applicants for one open prosecutor position. We offer a collegial, team-based working environment with paralegal support and modern case-management and evidence-management platforms.

Candidates must have graduated from an accredited JD program, and be admitted in good standing to the New Hampshire Bar. The position includes a comprehensive benefits package, including payment of NH Bar dues and CLE requirements, comprehensive medical and dental coverage, vacation and holidays. Experience is preferred but not required as this Office offers an exceptional environment for training.

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.

ROCKINGHAM COUNTY

## ASSISTANT COUNTY ATTORNEY

**SCOPE OF POSITION:**

Seeks justice with professionalism, excellence and pride, consistent with the New Hampshire Rules of Professional Conduct, American Bar Association and National District Attorney's Association guidelines, as a criminal prosecutor with a concentration in Superior Court.

**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.

**Salary Range:**
$81,723.20 - $114,400.00/year, dependent on experience.

**Status:** Full Time/Exempt

**Apply Online:**
https://www.governmentjobs.com/careers/rockinghamnh

## ASSISTANT COUNTY ATTORNEY
### BELKNAP COUNTY

The Belknap County Attorney's Office is seeking a prosecutor to work in a team environment as a full time Assistant County Attorney. Under the general supervision of the Belknap County Attorney, the Assistant County Attorneys enforce the laws of the State of New Hampshire by preparing charges for the Grand Jury, meeting and interviewing witnesses and victims, seeking indictment and prosecuting felony crimes and misdemeanor appeals in the Superior Court. Other responsibilities may include "on-call" duties and providing advice and guidance to local law enforcement. For further information visit our website listed below.
**Salary Range:** $85,690-$126,441 commensurate with experience along with a competitive benefits program.
**Minimum Qualifications:** Bachelor's Degree and Juris Doctor of Law, membership in the New Hampshire Bar Association. Some prior litigation experience preferred, and a strong preference for prior criminal prosecution experience.
**Application:** Send resume and cover to letter to Jamie Ellsworth, Deputy Human Resources Director, 34 County Dr., Laconia, NH, 03246. Phone: 729-1245; email **jellsworth@belknapcounty.gov** or visit our website at **http://www.belknapcounty.gov** for additional information or a complete Job Description. A criminal history & background check will be required of any applicant prior to being offered a position.

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# WADLEIGH STARR & PETERS PLLC
Attorneys since 1899

**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**

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# 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, pretrial motion hearings, depositions, and trials.
- Conducting legal research, responding to defense motions, preparing witnesses, and arguing at sentencing and post-conviction proceedings.
- Collaborating closely with police, victim/witness coordinators, court staff, and the public to ensure victims are supported throughout the prosecution process.
- Mentoring interns and Rule 36 attorneys.

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

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

**Requirements:**

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

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**

*Coös County is an Equal Opportunity Employer*

## Staff Attorney - City of Portsmouth

**Starting Salary Range:** $84,758.73 - $103,024.77 annually, per the Non-Union Salary Schedule

The Staff Attorney supports the Legal Department's mission of providing high-quality, efficient, and cost-effective legal services to the City of Portsmouth. The Legal Department advises and represents all areas of municipal government, including General Government, the School Department, Police Department, Fire Department, and various boards, commissions, and committees.

The successful candidate will communicate effectively with the public, City officials, and representatives of the municipality. Responsibilities include reviewing and preparing contracts, easements, and other legal documents; responding to public records requests; and providing legal support on a variety of municipal matters. Work is performed both independently and collaboratively.

**Essential duties include:**
- Reviewing public records requests, contracts, real estate, and other legal documents
- Conducting legal research and drafting ordinances and resolutions
- Advising City leadership on legal matters
- Supporting code enforcement activities
- Representing the City in legal proceedings

The ideal candidate will possess a Juris Doctor degree and be admitted to the New Hampshire Bar or be eligible for immediate admission by waiver. Municipal legal experience is preferred but not required.

A valid driver's license is required.

To view the full job description and apply, please visit: **https://cop.sagehcm.com/jobs/481/1/#58**

## The Division for Children, Youth and Families is seeking Child Protection Attorneys Positions available in Conway, Laconia, Manchester, Nashua, Portsmouth and Claremont

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**.


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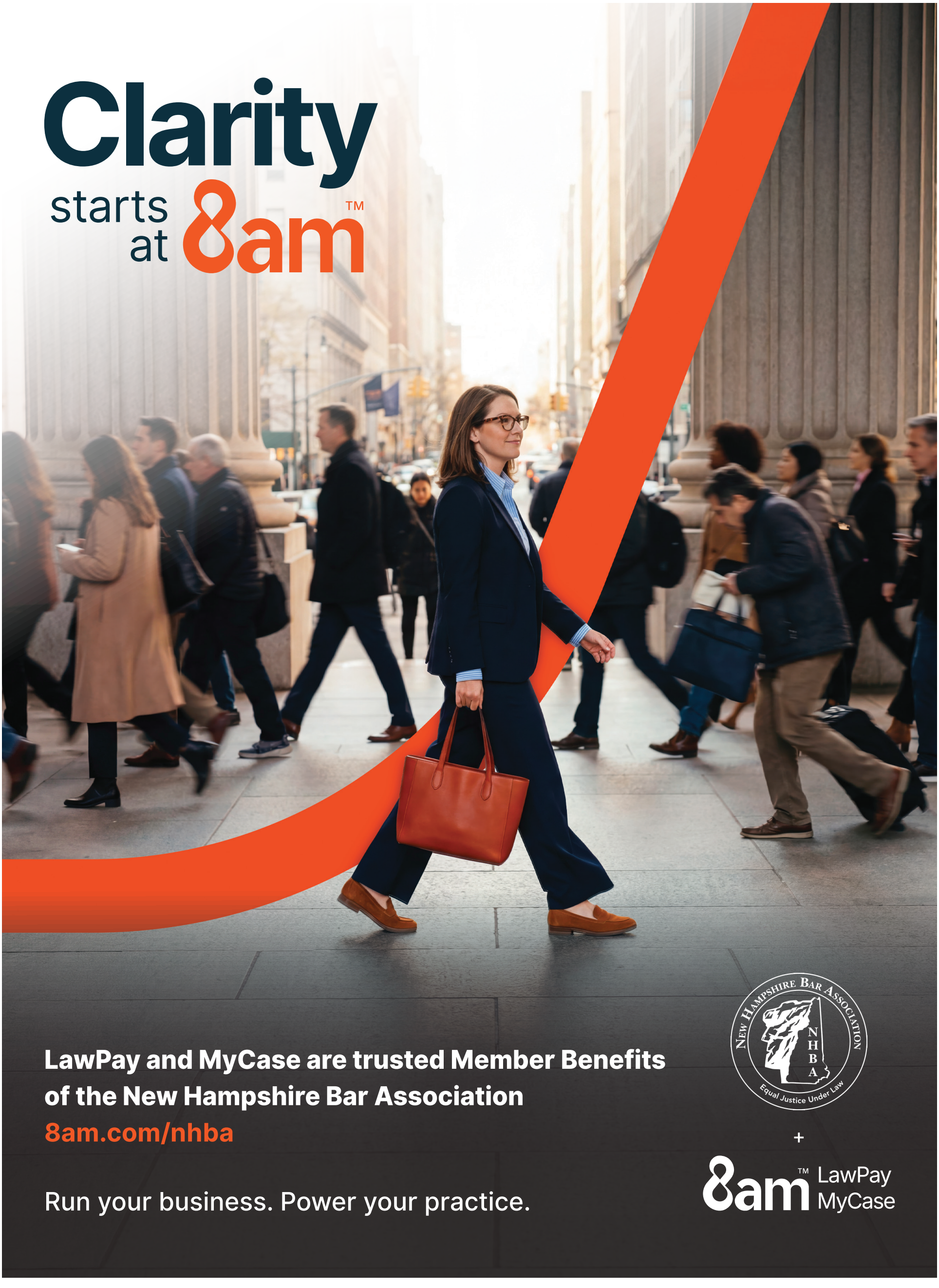
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| Oct. 21, 2026 | Oct. 5, 2026 | Oct. 12, 2026 |
| Nov. 18, 2026 | Nov. 2, 2026 | Nov. 9, 2026 |
| Dec. 16, 2026 | Nov. 30, 2026 | Dec. 7, 2026 |
| Jan. 20, 2027 | Jan. 4, 2027 | Jan. 11, 2027 |
| Feb. 17, 2027 | Feb. 1, 2027 | Feb. 8, 2027 |
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