

## **Andrew S. Hanen**

### **United States District Judge, Southern District of Texas, Brownsville Division**

Judge Hanen grew up in Waco, Texas. He graduated from Denison University in Granville, Ohio with honors in 1975. He then attended Baylor University School of Law where he graduated first in his class in 1978. Following graduation, he was a briefing attorney for Chief Justice Joe R. Greenhill of the Supreme Court of Texas. He then moved to Houston where he practiced civil trial law for over twenty years. He is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization. He has been recognized as the Outstanding Young Lawyer in Texas and as an Outstanding Young Alumnus of Baylor University. He has authored more than sixty articles for law reviews, national, state and local bar associations and various law schools. In 2000, he was awarded the Professionalism Award by the State Bar College and has also received recognition as the co-author of the state's Outstanding Law Review Article by the Texas Bar Foundation. He is a past President of the Houston Bar Association and a past director of the State Bar of Texas.

In 1992, he was nominated to be a United States District Judge by President George H. W. Bush, but the nomination lapsed. He was nominated by President George W. Bush in 2002 to be a District Judge. He was confirmed in May of 2002 by a 97-0 Senatorial vote and has served in the Brownsville Division of the Southern District of Texas since that time.



**Paul D. Clement** is a partner at Bancroft PLLC. Mr. Clement served as the 43rd Solicitor General of the United States from June 2005 until June 2008. Before his confirmation as Solicitor General, he served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General for over three years. He has argued over 70 cases before the United States Supreme Court, including *McConnell v.*

*FEC*, *Tennessee v. Lane*, *Rumsfeld v. Padilla*, *Credit Suisse v. Billing*, *United States v. Booker*, *MGM v. Grokster*, *McDonald v. Chicago*, and *NFIB v. Sebelius*.

He has argued before the Supreme Court 16 times in just the last two Terms, an unprecedented number for a lawyer in private practice. Indeed, Mr. Clement has argued more Supreme Court cases since 2000 than any lawyer in or out of

government. Mr. Clement has also argued many important cases in the lower courts, including *Walker v. Cheney*, *United States v. Moussaoui* and *NFL v. Brady*.

Mr. Clement's practice focuses on appellate matters, constitutional litigation, and strategic counseling. He represents a broad array of clients in the Supreme Court and in federal and state appellate courts. In the past year, for example, he successfully argued Supreme Court cases involving significant issues of administrative law, equal protection and property rights, a successful preemption case in the Seventh Circuit, a significant insurance appeal to the Fifth Circuit, a successful trademark appeal in the Eleventh Circuit, and a successful 23(f) petition overturning class certification in the Fourth Circuit. He has initiated major constitutional litigation against the federal government, such as the First Amendment challenge in *Allergan v. United States*. He also counsels clients on a variety of strategic legal questions whether arising from pending legislation, legislative inquiries or ongoing litigation. Mr. Clement has

undertaken substantial pro bono engagements, such as his successful representation of the defendant in *Bond v. United States* and his representation of respondents Terry Harrington and Curtis McGhee in *Pottawattamie County v. McGee*, a case that produced a significant settlement for the respondents after argument in the Supreme Court. He was recognized as the 2012 Lawyer of the Year by The Bar Association of the District of Columbia and was selected by the National Law Journal in 2013 as one of the 100 most influential lawyers in America.

Mr. Clement is a native of Cedarburg, Wisconsin, and a graduate of the Cedarburg public schools. He received his bachelor's degree summa cum laude from the Georgetown University School of Foreign Service, and a master's degree in economics from Cambridge University. He graduated magna cum laude from Harvard Law School, where he was the Supreme Court editor of the Harvard Law Review.

Following graduation, Mr. Clement clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals for the D.C. Circuit and for Associate Justice Antonin Scalia of the U.S. Supreme Court. After his clerkships, Mr. Clement went on to serve as Chief Counsel of the U.S. Senate Subcommittee on the Constitution, Federalism and Property Rights.

Mr. Clement has been an Adjunct or Visiting Professor at the Georgetown University Law Center since 1998, where he teaches a seminar on the separation of powers. He also serves as a Senior Fellow of the Law Center's Supreme Court Institute.

### **Michael S. Askenaizer, Askenaizer Law Office PLLC**

Michael S. Askenaizer was admitted to the State Bars of California in 1980, New Hampshire in 1995, and Massachusetts in 1996. He has practiced with the law firms of Joseph Bernfeld, P.C. (1980-1982); Pacht, Ross, Warne, Bernhard & Sears, Inc. (1982-1985); Shea & Gould (1985-1989); Tilem, Buxbaum & Askenaizer (1989-1991), and as a sole practitioner (1991-present). His practice has emphasized commercial litigation, insolvency and bankruptcy. He is currently a member of the panel of Chapter 7 Trustees and the Rules Committee for the Bankruptcy Court for the District of New Hampshire, and a member of the American Bankruptcy Institute. Mr. Askenaizer received his Bachelor's and Master's degrees from the University of California, Irvine, and his Juris Doctor degree from Loyola Law School of Los Angeles.

### **Peter G. Callaghan, Preti Flaherty**

Peter G. Callaghan is a Director in Preti Flaherty's Concord, New Hampshire office. He focuses his practice on civil and commercial litigation, real estate litigation, employment law and white collar criminal defense. Peter has extensive jury trial experience in the state and federal courts and with hearings before administrative agencies. He advises businesses on employment and other matters and handles internal investigations. Peter serves as Chair of Preti Flaherty's Professional Development Committee and is recognized by *The Best Lawyers in America* for his work in Commercial Litigation. Peter is a member of the District of New Hampshire's Federal Court Advisory Committee and recently served on the Magistrate Judge Merit Selection Panel.

### **Donald Crandlemire, Shaheen & Gordon, P.A.**

Donald Crandlemire is a Director & Shareholder at Shaheen & Gordon, P.A. He has been a New Hampshire attorney for 21 years and regularly represents business clients in connection with complex business, commercial, and regulatory disputes in a variety of forums. Don has used his iPad in connection with jury trials, bench trials, motion hearings, administrative hearings, mediations and arbitrations.

### **Brian Cullen, CullenCollimore**

In 20 years of practice, Brian has gone from big city firm (Boston's Bingham McCutchen) to prosecutor (Chief of the Narcotics Unit, Suffolk County District Attorney's Office) and back to private practice. At CullenCollimore Brian continues his specialization in trial practice, regularly trying cases on behalf of clients before juries in state and federal courts in New Hampshire and Massachusetts. Indeed, few if any New Hampshire lawyers have tried more civil cases in federal court in the past decade. In addition, Brian has successfully presented dispositive motions in federal and state courts on a wide range of claims, including employment, educational, and police liability actions. Brian received his B.A. from Bates College in 1989 and J.D., magna cum laude, from Villanova University School of Law in 1994. Brian is admitted to and regularly practices in both New Hampshire and Massachusetts.

### **Dan Deane, Nixon Peabody**

Dan Deane is a commercial litigator focused on resolving business disputes for his clients in federal and state courts and before regulatory agencies. Dan represents national and international businesses and individuals in a variety of industries with a focus in health care, insurance and financial services.

#### **What do you focus on?**

My practice focuses in four main areas.

#### **Class action and aggregate litigation defense**

I work with several financial service providers, including some of the nation's largest national banks. I have secured favorable results for clients by defeating class certification and enforcing contractual arbitration and class-waiver provisions. My substantive experience includes defending claims of lender liability, derivative and agency liability, breach of contract, fiduciary duty, good faith and fair dealing, unfair and deceptive trade practices, fraud, fair debt collection practices, fair credit reporting and civil RICO.

#### **Government investigations and criminal defense**

I represent individuals and companies operating in the financial services and health care industries who are facing federal or state criminal investigation. I'm currently representing a high-level executive under investigation for violation of federal anti-fraud laws.

### **Employer defense**

I also represent employers defending claims of discrimination, wrongful discharge and wage-and-hour class action litigation. I have successfully enforced non-competition and arbitration agreements.

### **Appeals**

Because of my track record of success and my insider's perspective as a former law clerk to a federal appellate judge, I am a recognized "go-to" resource within the firm when cases are appealed. I have briefed and argued before the First, Fourth, Ninth and Tenth United States Courts of Appeal, as well as the New Hampshire and United States Supreme Courts.

### **Federal Court Clerkships**

Hon. Jeffrey R. Howard, U.S. Court of Appeals for the First Circuit, 2004–2006

Hon. Joseph A. DiClerico, Jr., U.S. District Court, District of N.H., 2006–2007

### **Samantha Elliott, Gallagher, Callahan & Gartrell**

Samantha received her bachelor of arts degree, cum laude, from Colgate University and is a graduate of Columbia Law School where she was a Stone Scholar. She is a Director and member of the Management Committee at Gallagher, Callahan & Gartrell where she is in the litigation group and heads the firm's appellate group. Her practice focuses on business and commercial disputes, property rights, and municipal defense in civil rights litigation.

Samantha is selected for inclusion in The Best Lawyers in America® in the area of Commercial Litigation, and is named to the 2013 New England Super Lawyers® Rising Stars® list for General Litigation. She is a member of the boards of New Hampshire Legal Assistance and the Legal Advice and Referral Center and currently serves as the president for both organizations. Samantha serves as the lawyer representative on the New Hampshire Court Accreditation Commission. She is also chair of the New Hampshire Bar Association's Federal Practice Section. She is a member of the Tri-State Defense Lawyers Association and the Defense Research Institute.

### **Richard Guerriero, Lothstein Guerriero, PLLC**

Richard Guerriero is an attorney in private practice at Lothstein Guerriero, PLLC in Keene, NH. He has been an attorney for 30 years. Prior to entering private practice, Richard was the Litigation Director at the NH Public Defender for twelve years. Richard's practice focuses on criminal defense in state and federal court, both trials and appeals. Most of his cases are felonies, including assaults, drug cases, sex crimes, homicides, white collar crimes, and other serious felonies. He has represented six defendants who faced capital punishment. Richard is a member of the NH Bar Association's CLE and Ethics Committees, as well as its Board of Governors. He is also on the NH Association of Criminal Defense Lawyers Board of Directors. Richard is a fellow in the American College of Trial Lawyers and was a recipient of the NH Bar Foundation's 2009 Frank Rowe Kenison Award for community service. He has been recognized as a "Champion of Justice" by the NH Association of Criminal Defense Lawyers in 2005 and the Louisiana Association of Criminal Defense Lawyers in 1991. Richard earned his

law degree in 1984 from Louisiana State University where he was on the Louisiana Law Review.

**Lisa M. Hall, Upton & Hatfield, LLP**

Lisa M. Hall is an attorney at Upton & Hatfield, LLP, in Concord. Her practice focuses on civil litigation, representing primarily plaintiffs in medical malpractice and personal injury cases. Lisa also represents nurses and other healthcare practitioners before their professional licensing boards. Lisa received a Bachelor of Science in Nursing from the University of Nevada, Las Vegas and her J.D. from the University of New Hampshire School of Law, formerly Franklin Pierce Law Center. She is admitted to practice in the state and federal courts of New Hampshire and is a member of the New Hampshire Association for Justice, the New Hampshire Women’s Bar Association, The American Association of Nurse Attorneys, and the New Hampshire Bar Association’s New Lawyer Committee. Lisa is an adjunct faculty member for NHTI’s Legal Nurse Consultant certificate program where she teaches Healthcare Law and Risk Management.

**Bjorn Lange, Assistant U.S. Federal Defender**

Bjorn Lange was born in Atlantic City, New Jersey. In 1968 he graduated from Dartmouth College with a major in Government. After military service he attended the Boston University School of Law, where he received his Juris Doctor in 1975.

Between 1975 and 1979 Lange worked as a civil staff attorney at New Hampshire Legal Assistance. Between 1979 and 1994 he was a state public defender with the New Hampshire Public Defender. Since 1994 he has been an assistant federal public defender in the Concord, N.H. branch office of the Federal Public Defender for Massachusetts, New Hampshire and Rhode Island. He has handled a variety of criminal matters, including trials and appeals, and has participated as a trainer or presenter in various state and federal seminars. In 2002 he became a Fellow of the American College of Trial Lawyers.

**Gordon J. MacDonald, Nixon Peabody**

Gordon MacDonald is a litigator focusing on complex, business-related disputes. His clients include private and publicly traded companies, health systems, nonprofit organizations, religious institutions and individuals.

**What do you focus on?**

I focus on delivering value and results in commercial and health care litigation. Working closely with clients, I have achieved very successful outcomes in a number of high profile, high stakes disputes.

**Commercial Litigation**

I effectively and efficiently resolve business-related matters involving trade secret, non-competition and other restrictive covenant claims; fiduciary duty and corporate governance disputes; contract and intellectual property claims; tax disputes; investigations; and other

complex commercial and financial matters. My clients have included companies of all sizes as well as nonprofit and charitable institutions.

### **Health Care Litigation**

I represent health care systems and hospitals on a variety of issues involving the state's Medicaid program, its provider tax, reimbursement rates, contractual disputes and investigations, among other matters.

### **Publications**

*Wiebusch on New Hampshire Civil Practice and Procedure* by Gordon J. MacDonald (Matthew Bender/Lexis Publishing) (4th ed. 2014) (multi-volume treatise on civil procedure in New Hampshire state courts).

Numerous articles on civil practice and professional responsibility.

### **Clerkships**

Following law school, Gordon served as a law clerk to Judge Norman H. Stahl of the United States Court of Appeals for the First Circuit.

### **Adam Mordecai, Primmer Piper Eggleston & Cramer PC**

Adam is an attorney in the Manchester, New Hampshire office of Primmer and works in both the Litigation Practice Group and the Insurance Practice Group. Adam is licensed in New Hampshire and Vermont and his practice involves representing insured individuals, businesses large and small, persons who have themselves been injured, and other individuals or entities involved in or facing litigation. Adam also regularly represents insurers pursuing subrogation claims concerning property damage of nearly all types throughout New Hampshire and Vermont.

As part of his trial practice, Adam has successfully represented clients in jury trials, bench trials, arbitrations, mediations, administrative hearings, and other proceedings throughout the New Hampshire and Vermont state and federal court systems. Adam is an active member of the civil defense bar. He is Past Chairman and New Hampshire President of the Tri-State Defense Lawyers Association (TDLA), the preeminent local organization of civil defense counsel in New Hampshire, Maine, and Vermont. He also recently served as the New Hampshire State Representative to DRI, the largest organization of attorneys defending the interests of businesses and individuals in civil litigation.

### **Steven M. Notinger, Cleveland, Waters and Bass, P.A.**

Attorney Notinger's practice includes Chapter 11 reorganization and debtor/creditor representation, as well as a wide range of other business matters and tax dispute resolution. He has served as a Chapter 7 Bankruptcy Panel Trustee since 1994 and is a frequent speaker on bankruptcy and tax matters at legal education programs for the New Hampshire Bar Association, American Bankruptcy Institute and the Federal Practice Institute. Attorney Notinger is also a guest lecturer on American law at the Northern Arctic Federal University in Arkhangelsk, Russia. Attorney Notinger is currently a partner at Cleveland, Waters and Bass, P.A., in

Concord, New Hampshire. He received his Juris Doctor from the Boston University School of Law in 1990.

### **Charles R. Powell III, Devine, Millimet & Branch**

Charles R. Powell III is a shareholder in the law firm of Devine, Millimet & Branch and is the chair of the firm's Bankruptcy and Creditors' Rights Practice Group. Charles practices commercial litigation, bankruptcy, workout and financial restructuring as well as creditor's rights for clients such as financial institutions, banks, nursing homes and assisted living facilities. He also regularly advises long-term care facilities with regard to resident intake procedures, financial disclosures and collections practice. Charles has published numerous articles and frequently lectures on business bankruptcy and collections issues. He is a member of the New Hampshire Bar Association and the American Bankruptcy Institute. Charles earned his B.A. from Rutgers University and his J.D. from Tulane University Law School.

### **Brian Quirk, Preti Flaherty**

Brian M. Quirk is a director in the Litigation Practice Group at Preti Flaherty, PLLP in Concord, NH. His practice is focused on civil litigation, criminal defense, and regulatory matters for individuals and corporations. Brian co-chairs the firm's White-collar Defense Practice Group and is a member of the Securities Practice Group. His experience includes numerous jury trials, state and federal criminal investigations, and defense of corporations in securities investigations. Brian serves on the Complex and Major Crimes Panel of the Federal Criminal Justice Act in the United States District Court. Brian is a member of the New Hampshire Association of Criminal Defense Lawyers, the NH Attorney General's Task Force on Child Abuse and Neglect, a member of the Criminal Justice Act Panel Selection Committee, and a Board Member of the Crisis Center of Central New Hampshire. Prior to joining Preti Flaherty, Brian served as a Senior Assistant Attorney General in the Homicide Unit and Criminal Justice Bureau of New Hampshire Department of Justice, where he led homicide and white-collar crime prosecutions.

### **Emily Gray Rice, Bernstein Shur**

Emily Gray Rice is a highly experienced trial lawyer and appellate advocate who defends commercial, professional liability, employment and media law matters. She also serves as a workplace misconduct investigator, and maintains a private mediation practice. Emily is a member of Bernstein Shur's Labor and Employment Practice Group, Business Law Practice Group and Litigation Group, and of the firm's Office of General Counsel. She began her legal career at the New Hampshire Attorney General's Office. Emily is AV-rated by Martindale-Hubbell and recognized by *Chambers US: America's Leading Lawyers for Business* for her work in employment law and general commercial litigation. In 2014, for the third consecutive year, she was listed in *Benchmark Litigation's Top 250 Women in Litigation*, and has been recognized by *Best Lawyers* and as a *Super Lawyer*. Emily is an adjunct professor of law in the Daniel Webster Scholars honors program at the University of New Hampshire Law School, where she teaches pretrial advocacy and trial advocacy. She has been recognized with the New Hampshire Bar Association's E. Donald Dufresne Award for Outstanding Professionalism; the New Hampshire Women's Bar Association's Marilla Ricker Award; and as an Honorary Fellow of the

New Hampshire Bar Foundation. Emily earned her law degree at Northeastern University, and her B.A. and M.A. at Boston University. She is the Chair of the Legal Services Campaign, the Co-Chair of the Governor's Judicial Selection Commission, a member of the New Hampshire Supreme Court Advisory Committee on Rules, and the former Chair of the Advisory Committee on Rules of the United States Court of Appeals for the First Circuit.



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**DANIEL P. SCHWARZ** is a Shareholder in the Portsmouth, New Hampshire office of Jackson Lewis P.C.

Mr. Schwarz's practice includes advising private and public sector employers and educational institutions on all aspects of labor and employment law, including wage and hour, wrongful termination, anti-discrimination/retaliation, covenants against competition and breach of confidentiality. He guides employers in creating employee policies and handbooks; provides advice regarding disciplinary procedures up through and including termination; assists employers in the handling of employee complaints; and conducts investigations of claims of workplace harassment.

Mr. Schwarz has extensive experience in all facets of mediation and is adept at assisting employers in the resolution of employment disputes. He serves as a court-appointed mediator for both the New Hampshire Superior Court system and the Federal District Court of New Hampshire. He is a member of the New Hampshire, Maine and American Bar Associations, as well as of the Defense Research Institute. He is also a member of the Labor and Employment section of the New Hampshire and American Bar Associations, and the Employment Law Committee of the Defense Research Institute.

Mr. Schwarz is listed in Chambers USA as one of the top employment law attorneys in New Hampshire and was awarded a Martindale-Hubbell® Peer Review Rating of AV® Preeminent™. He is admitted to practice in the State and Federal Courts in Maine and New Hampshire and is also admitted to practice before the United States Court of Appeals for the 1<sup>st</sup> Circuit.

Mr. Schwarz received his B.A. from Northwestern University. He earned his J.D. from Boston University Law School.

### **Richard Y. Uchida, Hinckley, Allen & Snyder, Concord**

Richard Y. Uchida is co-chair of the New Hampshire Supreme Court Access to Justice Commission, and has served on that Commission since its establishment in 2006. He has practiced law for over 28 years in New Hampshire, concentrating in real estate development, business transactions, land use planning and zoning, and professional conduct matters. He is a partner in the law firm of Hinckley, Allen & Snyder, LLP, and was a shareholder and director in the law firm of Orr & Reno, P.A. from 2008-2012. He previously served as managing partner of his own firm for nearly twenty years. He is a member of the New Hampshire Judicial Council and a past member of the Supreme Court Professional Conduct Committee.

He is past President of the New Hampshire Bar Association, and a director and past treasurer of the New Hampshire Bar Foundation. Richard has also served on numerous bar committees, as well as a number of task forces and projects, both in New Hampshire and nationally. He is past co-chair of the Association's Leadership Academy. He has served on the Colby College Board of Trustees since 2006 and is currently vice chair of that Board. He also served on the University of New Hampshire School of Law (formerly Franklin Pierce Law Center) Board of Trustees from 2010 to 2013. Richard was named an honorary fellow of the New Hampshire Bar Foundation in 2012. He is also the recipient of the 2009 New Hampshire Bar Association Award for Outstanding Commitment to Legal Services for the Poor, the 1998 New Hampshire Bar Association Award for Distinguished Service to the Legal Profession, and the 2001 Merrimack County Lawyer of the Year.

Richard is a 1979 graduate of Colby College and a 1984 J.D. graduate of the University of New Hampshire School of Law.

### **Andru Volinsky, Bernstein Shur**

Andru Volinsky is a member of Bernstein Shur's Litigation, Business Law and Labor and Employment practice groups. He represents businesses and individuals at trial, in arbitrations and on appeal. His practice focuses upon complex commercial litigation. He also represents management and employees in employment law related litigation and Andy has represented individuals in probate disputes and in white collar criminal matters.

Andy is a 1980 graduate of the National Law Center at George Washington University and is admitted to practice before the state and federal courts in New Hampshire, Maine and Massachusetts. Finally, Andy serves as general counsel to the law firm of Bernstein Shur where he is responsible for the training, risk management and ethics advising of the firm's 100 lawyers.