



NEW HAMPSHIRE BAR ASSOCIATION

## NH BAR NEWS

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## e-Court Is Coming, Not Just for Small Claims

By Kristen Senz

The development of the NH e-Court Project has turned a corner, with the first phase scheduled to go live in less than 90 days, says Senior NH Circuit Court Administrator Gina Apicelli.

The small claims pilot project is on track to launch July 30 in Concord and Plymouth, with either NH State Police plea-by-mail motor vehicle cases or guardianship

cases to follow a few months later.

"It's scary, but exciting," Apicelli said recently, noting that the small claims pilot project paves the way for a fully paperless court system in New Hampshire within two years.

The court is currently reviewing revised e-filing rules and is expected to adopt them on a temporary basis within

eCOURT continued on page 38

## NHBA Award Recipients Announced

Honorees will be recognized at the NH Bar Association Annual Meeting, June 20-21, in Portsmouth



Eileen Fox



Mary Searles



Albert Cirone Jr.

A widely respected member of the bar, a longtime judge, and the state law librarian will receive annual bar association awards this year.

NH Supreme Court Clerk Eileen Fox was selected as the recipient of the 2014 E. Donald Dufresne Award for Outstanding Professionalism. Named for one of Fox's early mentors, the award celebrates the esteem Fox has earned among her colleagues both as an attorney in private practice at the Devine firm and as NH Supreme Court staff attorney, legal counsel and clerk.

This year's recipient of the NHBA Award for Distinguished Service to the Legal Profession, Mary Searles will celebrate her tenth year as the NH State Law Librarian in

July. With a tight budget and small staff, Searles has strived to maintain the integrity of the library's print collection while exploring and expanding online resources, and enhancing collaborative relationships with reference librarians in public libraries. Searles previously worked at the NH Bar Association, heading up its Lawyer Referral Service.

Retired Circuit Court Judge Albert Cirone Jr. will receive the 2014 Justice William Grimes Award for Judicial Professionalism. Known for fairness from the bench and commitment to Lebanon and the Upper Valley community, Cirone has worked as a sole practitioner for many years and as a judge since 1988. Cirone was instrumental in establishing the "Halls of Hope" mental health court in Lebanon.

## Casemaker Upgraded After Yearlong Review

Casemaker, the online legal research library provided with NH Bar membership, improves next month with the addition of a citator tool to help determine whether cases are still "good law." The citator will be available to all Casemaker users.

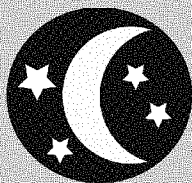
As part of a contract renewal process, the NHBA negotiated with Lawriter, Casemaker's parent company, to include the citator, which provides guidance on the subsequent treatment of a case by other courts as indicated by a "thumbs up" or "thumbs down" icon, in the library. Also added to the main product will be the ability to receive case summaries written by Lawriter editors and annotations to statutes, displaying a list of cases citing a particular statute. (The citator and the digest previously were available for an additional subscription fee. The statute annotator is a new service.)

The Bar Association recently concluded a yearlong review of legal research options. The review included an intensive comparison of Casemaker and Fastcase, a legal research library that also serves many bar associations across the country. The review process, which involved a legal research user group of Bar members assisted by NHBA staff and Mary Searles, the NH Law Librarian, conducted member surveys, interviewed both

CASEMAKER continued on page 19

## Attend an Affordable Annual Meeting in Portsmouth!

Earn 4.75 NHCLE credits at our CLE, Working for Tomorrow's Clients, and attend the President's Banquet or hop out for a night on the town in the Port City.



Stay overnight the night before or stay Friday night, taking advantage of the NHBA meeting discount on hotel rates.

Please turn to pages 6-7 or visit [www.nhbar.org](http://www.nhbar.org) for more info.

## THE DOCKET

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**Committee positions available.** Serving on Bar Association committees is a good way to get involved and meet new people. Check out descriptions and committee survey info.

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**Foundation facts.** Grants from IOLTA funds are up 23 percent, and the NH Bar Foundation is gearing up for its annual awards and social event.

## Real Property Law Section

Creativity with condos, healthcare facility leases, equitable subrogation, post-foreclosure property rights, vapor intrusion, teamwork and tax credits are all among the topics covered in this special practice area section.

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**Veterans court docket.**

The new veterans' behavioral health track at the Circuit Court – District Division in Nashua intends to consolidate cases and improve outcomes.



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**New federal court website.** The US District Court for the District Court of NH launches a streamlined site with a new opinion search feature.

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**Public Hearing on Rules.** For review of a set of proposed rules, including a trust accounting notification requirement and revisions to rules that govern the Attorney Discipline System.

## Book Reviews

## A Dignified Discussion of the Legal Market: Is the Bubble About to Burst?

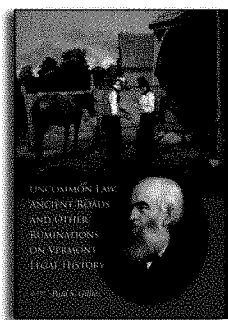
*The Lawyer Bubble: A Profession in Crisis*  
By Steven J. Harper  
Basic Books Publishing, 2013, 274 pages

Review by Kevin J. Powers

Author Steven Harper brings to the legal profession's internal monologue a rarefied background and sense of restraint that enables him to discuss a difficult topic with dignity.

Harper uses stark statistics and poignant anecdotes to paint a picture of a profession and an academy that has sacrificed long-term intangible cultural values in favor of short-term quantifiable profits. By avoiding the sort of vitriol that often attends the topic (while nonetheless dropping a few caustic barbs when necessary), he makes a convincing case, charges those responsible with greed and neglect, and sketches some optimistic suggestions on how those who practice law could change the field's course.

In chapters discussing law schools, Harper accuses universities of increasing law school enrollments as profit centers for funding non-legal departments within the



university. He dissects *U.S. News & World Report* ranking methodologies and argues that they have little worth in assessing actual educational value, but nonetheless have become the yardstick by which prospective law students generally make their decisions.

Readers may be outraged when learning most law schools continue to resist providing truly meaningful employment statistics, and that relevant bar authorities are excruciatingly slow in forcing greater openness from the schools.

While Harper does discuss confirmation bias (hearing what one already believes) that leads thousands of students to enroll in law schools from which they will graduate into a marketplace where their ranks vastly outnumber the available jobs, he seemingly places more blame on law schools for exploiting this sort of naïveté than he places on those students for exhibiting it in the first place. And while he rightfully points to overwhelming tuition increases that have far outpaced inflation and produced a generation of graduates with crippling debt, he puts little blame on students who disregard serious risks by signing up for that debt without asking whether they will ever have a realistic chance to repay it.

As to law firms, Harper focuses primarily on big firms. Using examples of

large firms that collapsed suddenly and catastrophically from the 1980s to 2012, he points to several factors eroding firm culture in favor of short-term profits for current partners: high leverage ratios; rampant merger frenzies; client hording; unprecedented high numbers of lateral moves; tiered partnerships; abandonment of lockstep equity partner compensation; high attrition rates; and worship of the billable hour.

Propelled forward by *American Lawyer* ratings, much as schools have been propelled forward by *U.S. News & World Report* ratings, larger firms have ceased to function as genuine partnerships with institutional values. Instead, Harper argues, large firms are culturally akin to large corporations in which top executives will jump ship as soon as they are made sufficiently lucrative offers elsewhere, and little cultural "glue" remains to hold firms together.

Harper proposes initial solutions. His recommendations for law schools include reductions in class size, eliminating the third year, allowing discharge of educational debt in bankruptcy, making schools responsible for repaying debt on which graduates default, and greater circulation of actual employment statistics. He proposes that firms eschew billable hours, large mergers, high leverage ratios, associate attrition as standard practice, tiered

partnerships, income gaps among equity partners, and perpetual equity partnership into old age. Though conceding that these are bold aspirations, Harper at least suggests them, and for that he deserves credit.

This book is a sober analysis of deeply-ingrained structural problems with the legal profession and legal education. The reader is left wondering, however, whether trends Harper describes of blind confidence among prospective law students and self-serving management among the largest of large firms can ever be reversed, or whether the bubble that he documents will have to burst before the profession learns the hard lessons the hard way.

Kevin J. Powers was admitted to the New Hampshire bar in 2006 and currently prosecutes criminal appeals and white collar criminal trials at the Norfolk County District Attorney's Office in Canton, Mass. He lives in Foxborough, Mass., and loves New England small towns.



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