

EXECUTIVE COUNCIL PUBLIC HEARING

June 19, 2017

STATEMENT BY THE HONORABLE ANNA BARBARA HANTZ MARCONI
ASSOCIATE JUSTICE OF THE NEW HAMPSHIRE SUPREME COURT

Councilor Wheeler, and Members of the Executive Council:

I am here because of the great honor that Governor Sununu has bestowed upon me by nominating me for the position of Associate Justice of the New Hampshire Supreme Court. It is the opportunity of a lifetime to serve the people of New Hampshire through the even-handed application of the law and the effective administration of justice. Our state's judiciary represents not only a system of orderly dispute resolution but insures an ordered society under the rule of law as defined by the state constitution, designed by the general court and implemented by the executive branch. The New Hampshire Supreme Court addresses legal issues important to individual cases but also determines legal questions with broad application. Because the decisions of the court impact lives, families, agencies, businesses and local governments it is important for the Court to produce thoughtful, accurate, timely and clear opinions. This is a considerable responsibility and one which I will not take lightly.

Let me tell you about the path I traveled to be here today. I graduated from UNH in 1977 and spent several years as campaign staff to various candidates and committees. I worked in real estate development involved in land acquisition, permitting and financing for various construction and development projects. In 1989 I returned to my original intention to attend law school, which I deferred to get some job experience, and applied to several schools offering a program in Environment and Energy Law. I chose IIT Chicago Kent College of Law, in part for the scholarship presented, but also for the intensive legal writing program required. I was not disappointed – the instruction was great and the association with IIT's science and technology plus Region V of the EPA made the curriculum practical and challenging. There I was also introduced to Constitutional law scholar Randy Barnett, now at Georgetown, and the relationship between the state and federal constitutions.

After law school, knowing I would be returning to NH, and wanting to practice primarily in the state court system, I applied for law clerk positions at the five northern New England state supreme courts. Maine responded first and I was fortunate to be hired by Justice Carolyn Glassman, the first woman appointed to the Maine Supreme Court, and her colleague Justice Robert Clifford a former Maine Superior Court Judge. The two of them had very different styles as Justices – Justice Glassman was a bit of a task master and Justice Clifford brought his sense of humor to the job – but they both taught me a great deal about the sober responsibility which comes with each and every case and question that comes to the court.

From clerk, I went to Sheehan Phinney to work as an associate in the business litigation practice group where I learned from some of the best to develop the skills, knowledge and perspective necessary to best serve clients caught in a dispute or predicament from which they needed relief. After several years, I had the opportunity to join Gottesman & Hollis, a small Nashua firm, with lawyers with whom I had worked previously in the development business and who encouraged me to attend law school. At Gottesman & Hollis, I again learned from some of the best and necessarily developed the analytical skills to assess and match solutions to problems. I handled a wide variety of matters, from appeals and administrative hearings, to business disputes, invasion of personal privacy, first amendment protections, and violation of constitutional rights of due process and property rights. What I saw first-hand in that setting was the negative impact of delay and uncertainty whether in business disputes or family emergencies.

Since 2010 I have been back at Sheehan Phinney where I concentrate in Land Use litigation and Family Law. My land use litigation practice covers the spectrum of issues relating to property ownership: easements, boundary disputes, timber trespass, eminent domain, charitable tax exemptions, planning and zoning, building fire and safety codes, partitions, roads and trails, drainage, trespass, conservation, and the breadth and extent of permissible local and state regulation. My family law practice covers a similarly broad arena: marriage, divorce, parenting, adoption, guardianship, business valuation, parental rights, trust administration, estate administration,

constructive trusts, fiduciary obligations. I am on the management committee at Sheehan Phinney where I assist with firm administration and mentor associates.

Throughout my practice I have participated as a volunteer mediator for the courts, mediating perhaps 4-5 cases per year, often for municipalities with pro-se claimants, or in cases where the judge refers two pro se parties. I also participate in the NH Bar Association's DOVE (Domestic Violence Emergency Project) Program, where I have represented 30 DOVE clients – victims of domestic violence at final hearings and mentored several other DOVE attorneys. I've also handled 26 recorded pro bono cases for the NH Bar Association – mostly in family and probate matters. I am a member of the NH Association for Justice and currently serve on the NH Board of Bar Examiners – grading bar exams.

My community service has been varied as well. I have been fortunate to serve on the Boards of several exceptional organizations: The Nashua Children's Home for many years, several as its President, the Manchester Community Music School, several as vice president, and New Hampshire Legal Assistance which provides another avenue of legal services to those who otherwise have no access to the judicial system or guidance of the law.

All of this has brought me into contact with such a rich variety of people, legal issues, problems and solutions which I believe gives me a unique perspective to bring to the Court. As a practitioner, I have appeared before just about every state court, including a number before the Supreme Court, and many administrative agencies. I have researched, analyzed and applied many complex statutory and constitutional provisions to circumstances presented by or befalling my clients. And I have witnessed the impact of decisions on both sides of a dispute. I think our system of justice works, and it works best when it is accessible and responsive. I will work hard to contribute to the quality of decisions from our Supreme Court and to the administration of justice which is prompt, fair, and committed to the rule of law.

A good justice is one that understands the law, its origin and context. A good justice is one that can make a decision. A good decision is one that is fair and lets the parties know they have been heard. And a good justice is one that reflects the humanity that is influenced by the decision. I never let the legal issues stray far from

the people involved. The Supreme Court leads the legal profession and has the responsibility for managing the provision of legal services. I have managed a firm and a variety of interests.

Finally, there is no greater responsibility than knowing that a court, judge or justice can hold a person's life in its hands: one of my pro bono cases resulted in a father relocating to Delaware to raise his two sons with family after his wife abandoned them and they faced homelessness. The pictures I've received of those boys doing well offer testament to the impact of the courts in everyday lives.

Thank you for this opportunity and for the chance to serve.