

**STATEMENT OF PATRICK E. DONOVAN  
BEFORE THE EXECUTIVE COUNCIL REGARDING NOMINATION  
AS ASSOCIATE JUSTICE OF THE NEW HAMPSHIRE SUPREME COURT  
APRIL 6, 2018**

Members of the Executive Council, I am immensely proud and honored to be here with you today. I'd like to thank Governor Sununu for nominating me, and the Judicial Selection Commission for putting my name forward and providing me with this opportunity to serve as the 109 Associate Justice of the New Hampshire Supreme Court, the very place where I began my legal career 28 years ago. Most importantly, I want to thank my family, my parents, my siblings, my wife, Monique, and my four children. Other than my oldest son, who is overseas teaching, my entire family is here in attendance this morning. Without their encouragement, love and support throughout my legal career, I would not be before you today. Finally, I want to thank my friends, former colleagues and members of the judiciary who are here today in support of my nomination.

I would like to begin this morning by telling you a few things that you may not know about me.

First, I was born in Baltimore, MD, but the Granite State is my home: I moved to Salem when I was 12, and grew up in a modest home less than a mile from the office where Monique and I have established our law practices. My father was an engineer and my mother a teacher. They had five children and we all attended Salem's public schools. I graduated from Salem High School in 1982 and graduated from Dartmouth College four years later. All told, I have resided in this state for more than 40 years. I have represented New Hampshire in many, various ways. In high school, as the Captain of the New Hampshire Maple Sugar Shrine Bowl Team that prevailed over Vermont 16-7 in 1982, then as an Assistant and Sr. Assistant for the New Hampshire Department of Justice, later as counsel to the New Hampshire House of Representatives and more recently, as a private practitioner who had the privilege of representing hundreds of New Hampshire citizens, families and businesses. New Hampshire is very much woven into the fabric of my character and my belief system.

Second, I have a lot of energy: My parents instilled in me a lifelong love of learning and the value of hard work. As a high school and Dartmouth College student, I balanced my studies with varsity sports, leadership positions, and volunteerism while always holding down a variety of part-time jobs. As a college and law student, I served as a big brother and a basketball coach in youth recreational leagues. Throughout my adult and professional life, I have continued to serve my local community, where I have been actively volunteering, coaching various sports and mentoring young people in my home town. I've served on several charitable boards, including as a board member, officer and President of the Salem Boys & Girls Club and I currently Chair the Advisory Board of my local Catholic school. I have served on several other volunteer boards in Salem and Windham and I often feel as though I've learned more from those I'm supposedly helping than they have learned from me.

Third: Throughout my life I have aspired to serve the public. While many of my college friends studied abroad, I decided to spend a semester studying in Washington and interning in the White House for the administration of President Ronald Reagan. Since my childhood, the law was always my passion and my calling, although nobody in my family had studied or practiced law. In 1987, I attended Boston College Law School where, in addition to working part-time, I served as an editor to the Boston College Environmental Affairs Law Review and published an article addressing the conflicts of interests that arise in complex environmental litigation matters. During my final year at Boston College Law School, I applied for and had the pleasure of interviewing for a clerkship with the New Hampshire Supreme Court where I sat down with all five members of that bench. In the middle of the interview, Justice Souter commented on my English major at Dartmouth and asked me to identify my favorite American author. When I replied, Mark Twain, he immediately asked for my favorite Mark Twain quote. I responded by describing my frustrations when I began playing golf my senior year in college, with friends who had been playing the game for years. So, I chose Twain's observation that "Golf is a good walk spoiled." Well, that got a laugh from the justices and I was later offered a job clerking for the Court. I learned a great deal about the law and the New Hampshire court system as a Supreme Court clerk. I cherished my time,

my co-clerks and everyone else with whom I was privileged to work with at the Supreme Court.

Following my clerkship, I accepted a position as a litigation associate at Goodwin Proctor, a large and prominent Boston law firm where I worked on complex environmental litigation matters. The call to public service, however, continued to ring in my ears. So, three years later, I accepted an appointment to the New Hampshire Department of Justice as an Assistant Attorney General working in the Criminal Bureau for Attorney General Jeffrey Howard, who is now the Chief Justice of the United States First Circuit Court of Appeals. My career as a prosecutor began by briefing and arguing dozens of appeals before our Supreme Court. At that time, however, the office was defending the Governor and the state in the *Claremont* litigation and General Howard picked me out of the Criminal Bureau and assigned me to the *Claremont* litigation team, as co-counsel at trial and the subsequent appeal of that important matter.

After three years of service to the Department of Justice, Attorney General Phillip McLaughlin appointed me to a position as a Senior Assistant Attorney General and assigned me to the four-member Homicide Unit. I spent most of my six years at the Department of Justice working on criminal, and in particular, homicide cases. I tried about a dozen felony and homicide matters and obtained convictions in four first degree murder cases. I loved serving our State as a prosecutor, but the financial demands of my growing family necessitated a return to private practice. Around this time, Jeffrey Howard offered me a position with Choate Hall, another prominent, Boston-based firm. But I decided, instead, to continue working on behalf of the people of the State of New Hampshire as a private practitioner, an entrepreneur and a small business owner of my own law firm.

For the past 18 years, I have had had the privilege of representing hundreds of my fellow citizens and small businesses owners. My work has focused on civil, commercial and criminal matters. I have helped incorporate dozens of corporations and start-ups under the laws and statutory regulations of the State of New Hampshire. I have drafted and negotiated countless contracts and represented people confronting, at times, life-altering problems concerning their financial viability, ability to work and

freedom. The legal education I've gained from each and every one of those cases has been invaluable, as has been the experience of learning how to build a law practice, run a small business, meet a payroll, and serve my community.

During this time, I had the good fortune to serve as Counsel to the New Hampshire House of Representatives for two years, where questions concerning the interpretation and application of our state constitution arose on a nearly-daily basis. That experience afforded me the opportunity to work with the House and Senate Leadership, as well as the Senate's counsel with whom I authored, briefed and successfully argued constitutional matters concerning the separation of powers to our Supreme Court. My time serving as House Counsel afforded me an intimate, first-hand assessment of the legislative process in New Hampshire and I gained a genuine appreciation for the difficult work performed by our General Court.

Fourth, I have always tried to be a compassionate voice for others: My legal career in both the civil and criminal fields has connected me with a diverse, rich and eclectic segment of the New Hampshire population. Often the people I serve find themselves at critical moments in their lives — either for better or for worse, justly or unjustly — and I've learned how to react at different times with toughness, with patience, with discretion, and compassion.

The private practice of law, as a solo practitioner and small business owner is not easy. And while exciting and fulfilling, prosecuting high profile murder cases and litigating matters of constitutional importance also pose certain challenges. What has sustained me throughout my professional career, beyond my family, is my love of the law. It is typically the last thing I think about each day and my first thought when I awake. My legal experiences are best summarized by another observation of Mark Twain's: that "one learns people through the heart, not the eyes or the intellect." I have learned about people through the heart by representing their interests at every level of our court system, and before multiple administrative agencies in our government. I have had the privilege of representing families and sole proprietors opening their first business, as well as Fortune 500 Companies that have transacted business in New

Hampshire. I have represented employees who were sexually harassed or wrongfully terminated by their employers and I have also represented businesses that have merged or acquired other businesses seeking to provide their employees with greater opportunities. I have represented individuals charged with crimes, small and large, but I have also had the pleasure of representing previous governors and this executive council as well. In each case, I learned that the path to justice did not stem from the intellect or the social standing of my clients, but in the heart of their response to circumstances confronting them.

I hope this summary of my life experiences establishes a foundation for why I applied to the Judicial Selection Commission to serve as an Associate Justice of the New Hampshire Supreme Court. I applied for this position because I know I can do this job, and do it well, although I am not what some might consider a typical Supreme Court Nominee. I do not come from a large or well- heeled private practice, although I have experience in that setting. I am not a current member of the judiciary or a public employee serving our state, although I have prior experiences working in all three branches of our government. And I don't have a political presence or agenda, although I spent two years serving as the legal counsel on behalf of a Republican Speaker of our House of Representatives. My experience as a prosecutor is balanced by the years I have spent sitting on the other side of the courtroom with so many clients. I am sure that I am not the first, but I don't recall a previous justice who has recently taken this bench with an intimate knowledge of how criminal cases are investigated, prosecuted, defended and tried. Similarly, I am confident that my nomination is unique in that I have prosecuted, defended and tried cases involving some of the most profound consequences that our judicial system can invoke. I have earned that knowledge, in part, by prosecuting defendants facing life sentences — and later defending clients confronting the prospect of spending the remainder of their lives in prison. During my career, I have performed these duties on multiple occasions.

I have not spent my career building a resume for this, or any other, public position. Instead, I have spent my time focusing on what I can do best, for my family, my community and my clients. It is my sincere belief that my broad and diverse

experience has provided me with an informed perspective on the rule of law and its impact and influence on the people of New Hampshire. My life, in the law and in my community, has given me the understanding, empathy, and judgment needed to do the work of an Associate Justice to the Supreme Court. As I see it, a good Justice is one who understands the potential enormity of his or her decisions and the impact those decisions have on the lives of those who stand before the Court. A good justice is one who approaches the work with humility, compassion and an understanding of the setting in which a factual record is developed. It is one who honors that factual record, although he or she had no part in making it. It is a Justice who abides by the rule of law and applies the plain meaning of the laws enacted by the legislative bodies that have deliberated and voted on those statutes.

If confirmed, I promise to serve our great State by upholding the rule of law and honoring the plain meaning of the statutes and regulations that come before the Court with energy and integrity. The prospect of returning to public service at the place where I began my legal career is truly a blessing. I would be deeply grateful for the opportunity to serve my fellow citizens as an Associate Justice to the Supreme Court and I humbly ask for your confirmation. Thank you and I look forward to your questions.