

APPLICATION AND QUESTIONNAIRE FOR NEW HAMPSHIRE JUDICIAL CANDIDATES
(Revised 2017)

Please answer each of the following questions as instructed unless otherwise directed by the Chairman. Type your answers beneath each question. Save or scan your completed application as a PDF file. Please also save or scan Appendix A, Appendix B, Appendix C, and any requested attachments as a separate PDF file. Email and mail your completed application, including Appendix A, Appendix B, Appendix C, and any requested attachments to Charles G. Douglas, 14 South Street, Concord, NH 03301 by the designated deadline.

This application and examination will be kept confidential and will be examined only by members of the Judicial Selection Commission and the Governor, unless you are nominated by the Governor, at which time it will be made public, with the exception of Appendices A, B and C.

The Governor's Executive Order creating the Judicial Selection Commission provides that "The names of persons considered by the Commission shall remain confidential except to the extent necessary for the Commission to carry out its responsibility to evaluate candidates." The Judicial Selection Commission will email you a letter acknowledging receipt of your Application and examination, and may also contact you to appear for an interview. The Judicial Selection Commission will not otherwise contact you regarding the status of your application until after the Governor announces his nominee.

INTRODUCTION

1. Please state the judicial appointment(s) in which you are interested.

Superior Court or Circuit Court

2. Full name.

Andrew B. Livernois

3. Present occupation.

Belknap County Attorney

4. A. Office address, town of residence, office and home telephone and fax numbers and office email address.

Office Address:

Belknap County Attorney's Office
64 Court Street
Laconia, NH 03246
603-527-5440
alivernois@belknapcounty.org

Home Residence:

New Hampton, N.H.



B. Identify the phone number which the Judicial Selection Commission should use to communicate with you about your application.



C. Identify the email address which the Judicial Selection Commission should use to communicate with you about your application.



EDUCATION AND PROFESSIONAL INFORMATION

5. List each college, graduate school and law school you attended, including dates of attendance, whether you served on your law school's law review, the degrees awarded by each institution, and their dates. If you left any institution without receiving a degree, state the reason for leaving.

- YALE LAW SCHOOL, New Haven, CT. 1993 – 1996. J.D., awarded June 1996
- UNIVERSITY OF CHICAGO, Chicago, IL, 1989 – 1992. M.A. (Philosophy), awarded in June, 1995.

Honors: *Fishbein Center Prize*, 1990 – Best Paper in the Philosophy of Science

- UNION COLLEGE, Schenectady, NY, 1985 – 1989. B.A. (Philosophy), awarded June, 1989.

Honors: *Summa Cum Laude*
Phi Beta Kappa
Archibald Prize, 1989 – Highest GPA in the Humanities
Sternfeld Prize, 1989 – Best Essay in Philosophy Dept.
Allen Essay Prize, 1989 – Best Essay in English Department
Harold Larrabee Prize, 1988 – Outstanding Work in Philosophy

6. List any articles, books, or other publications that you have authored. Include copies of any speeches or manuscripts on constitutional issues, court organization or the role of judges which you would like the Commission to consider.

Articles:

- EXPANDED IMMUNITY FOR POLICE OFFICERS: WHAT IT MEANS FOR MUNICIPALITIES, *New Hampshire Town and City*, March 2008

Lectures/Presentations

- PREVENTING SEXUAL HARASSMENT: WHAT EDUCATORS NEED TO KNOW. Presentation at the Primex³ Annual Conference, May 2008
- SOCIAL MEDIA: REWARDS AND RISKS FOR LOCAL GOVERNMENT, Presentation presented at the LGC Annual Conference, Nov. 2011.
- TAMING THE LOCAL GOVERNMENT COMPUTER: SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS. Lecture at the N.H. Municipal Lawyers' Association Seminar and CLE, Feb. 2012.

7. With respect to the last 10 years, list all bar associations, judicial associations, and professional societies of which you are, or have been, a member and give titles and dates of any offices which you have held in such groups. List chairpersonships and memberships of any committees in bar or judicial associations or professional societies which you believe to be of particular significance. Please list any honors, prizes or awards you have received.

- New Hampshire Bar Association, 2000 to present.
- Belknap County Bar Association, 2018 to present (Treasurer, 2019, Secretary, 2020).
- National District Attorneys' Association, 2019 to present.

GENERAL

8. Why are you seeking a judicial appointment?

I am seeking a judicial appointment for several reasons. First, I am dedicated and passionate about public service, and committed to the pursuit of justice. I have spent almost my entire adult life in public service. The legal professional is a noble calling, and I am proud of what I have accomplished to date, but I feel that a position as a judge would allow me to continue to use my skills and experience to further the ends of fairness and equity. I recognize that a well-functioning and respected judicial system is vital prerequisite to a flourishing democratic society. The "rule of law" is the pillar of our society. Citizens need to feel that

there is a path for them to obtain recourse when their rights have been infringed or violated, both in the criminal and civil setting. For that reason, I think that it is important to have thoughtful, intelligent, responsible, fair-minded people in judicial appointments.

I know that I am well-suited and highly qualified for the position – I have the requisite educational background and well-rounded professional experience, with extensive litigation experience, which would allow me to be an effective judge. I believe that I have the necessary judicial temperament: patience, fairness, even-handedness, an abiding commitment to integrity and honesty.

I recognize that a judicial appointment is a tremendous privilege and honor. For that reason, I would take the responsibility very seriously, and pursue my work with the highest ideals of professionalism.

9. What are the three or four attributes or accomplishments you believe should be given the greatest weight in assessing judicial candidates and how do you assess yourself in that regard.

(a) Overall Breadth and Length of Legal Experience

I think ideally judges should have broad and varied legal experience in different practice areas, so that they understand various legal issue and principles and can appreciate the concerns that litigants bring to the table. In this regard, I think I am a very strong candidate. I have practiced both civil and criminal law, in governmental positions as well as private practice. I have appeared in trial and appellate courts. I have extensive experience in criminal law, municipal law, employment law, civil rights law, land use, labor law, and administrative law.

(b) Honesty, Integrity and Public Spiritedness

Judges' integrity must be beyond reproach, and they should have a background which demonstrates a high level of respect for the rule of law, and a concern for the public welfare. I believe that my career demonstrates those qualities. I have dedicated most of my professional life working for the public benefit and trying to use the legal system to improve the community.

c) Prior Litigation Experience

I think that judges who are seated in the superior or circuit courts should possess a considerable amount of litigation experience. As a trial judge, one is called upon to make evidentiary rulings during trials and hearings. This requires a strong understanding of the rules of evidence, and the rules of procedure, and a familiarity with courtroom practice. I believe that my resume demonstrates that I possess these qualities.

(d) Judicial Demeanor and Temperament

I think that it is important that judges present themselves to litigants in a way that brings dignity to the proceedings. Judges need to have a respectful and patient bearing – to treat all litigants with respect, even in situations where emotions run high. I think that I possess the emotional qualities that would allow me to be a good judge in this sense. In my long and varied career, I have had to deal with people from all walks of life and all backgrounds. I understand how important it is to be sensitive to the cultural differences that flow from our different cultural and socio-economic backgrounds and experiences. I am able to keep my composure under pressure and defuse difficult situations.

10. List the names, addresses, telephone and email addresses of two lawyers and two lay people who know you well and who could act as a reference concerning your fitness to serve in a judicial office.

- Hon. John Curran, Esq.
6 Faye Lane
Londonderry, N.H.
[REDACTED]
- Biron Bedard, Esq.
Ransmeier & Spellman, P.C.
One Capitol Street
Concord, NH 03301
603-228-0477 (w)
[REDACTED]
bbedard@ranspell.com

- Stephen Hankard
Chief of Police
Town of Sanbornton
565 Sanborn Road
Sanbornton, NH 03269
[REDACTED]
shankard@sanborntonpolice.org

- Bruce Cheney
61 Pickerel Pond Road
Laconia, NH 03246
[REDACTED]

11. Have you previously completed a similar questionnaire for a judicial office? If so, please state when and where the questionnaire was submitted.

No.

12. Please identify any facts or circumstances, which you believe, might preclude one or more Commission members from fairly assessing your application for judicial appointment.

I am not aware of any.

LAW PRACTICE/JUDICIAL EXPERIENCE

13. List all courts in which you have been admitted to practice, with year of admission. Give the same information for any administrative bodies which require special admission to practice.

New Hampshire State Courts: 2000 to present.

New York State Courts: 1998 to 2007; 2012 to present.

U.S. District Court for the District of New Hampshire: 2000 to present.

U.S. Court of Appeals for the First Circuit: 2000 to present.

14. Describe your law practice and legal experience since your graduation from law school, including whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk; whether you practiced alone, and if so, the addresses and the dates; the dates, names and addresses of law firms or law offices, companies or governmental agencies by whom you have been employed or with which you have been connected, and the nature of your connection with each; and any other relevant particulars, such as law teaching experience, mediation, arbitration and the like. If you are currently or have been a judge or clerk of court, give the position(s) and dates of service and please respond to any questions in this section about "law practice" with reference to your law practice prior to becoming a judge or clerk. For example, for those questions which request information regarding

“the last 10 years” of law practice, please respond with reference to the 10 years preceding your becoming a judge or clerk.

- *Assistant District Attorney*, N.Y. County D.A.’s Office, One Hogan Place, N.Y., N.Y. 1996 – 1999. In this position, I served as a criminal prosecutor, handling a large caseload of criminal cases, both misdemeanors and felonies in the Criminal Court and the Supreme Court. In that capacity I tried many cases to verdict, both bench trials and jury trials, and appeared in countless suppression hearings.
- *Assistant Attorney General*. N.H. Department of Justice. 33 Capitol Street, Concord, NH 03301. 1999-2004 and 2006-2007. As a member of the civil bureau, I provided legal advice to state agencies, and represented them in State and Federal Court when they were involved in litigation. My practice involved a large amount of federal litigation, with cases focused primarily on employment law and civil rights violations. I tried several civil jury trials to verdict. I also had an extensive appellate practice and appeared numerous times before the State Supreme Court and the First Circuit Court of Appeals. I also assisted with special projects and investigations in the Criminal Bureau.
- *Associate Attorney*. Sulloway and Hollis, P.A. 9 Capitol Street, Concord, NH 03301. 2004-2005. My practice involved primarily insurance defense work, focused on medical malpractice, automobile accidents, products liability cases and other tort claims. As an associate attorney, I assisted with conducting discovery, taking depositions, preparing for trial, drafting legal memoranda. I also worked on a large, national class-action lawsuit involving an insurance company that had allegedly defrauded its customers.
- *Legal Counsel*, N.H. Department of Health and Human Services. 129 Pleasant Street, Concord, NH 0331. 2005-2006. I provided legal advice to the Medicaid Program through the Office of Medicaid Budget and Planning. I assisted in drafting regulations, reviewed and drafted contracts, and appeared at legislative hearings.
- *Associate Attorney*, Ransmeier & Spellman, P.C. One Capitol Street, Concord, NH, 03301. 2007 – 2012. My practice primarily involved litigation matters, focused on employment law, municipal law, contract disputes, product liability claims, civil rights claims, as well as land use and labor law.

- *Associate Attorney*, Weiss & Hiller, P.C. 600 Madison Avenue, N.Y., N.Y. 10022. 2012. Litigation attorney, with a practice which focused primarily on criminal defense and land-use disputes.
- *Partner-Shareholder*, Ransmeier & Spellman, P.C. One Capitol Street, Concord, NH, 03301, 2012 – 2017. As a litigation partner, my practice area was focused on criminal defense, employment law, municipal law, contract disputes, product liability claims, civil rights claims, as well as land use and labor law.
- *County Attorney*, Belknap County Attorney's Office. 64 Court Street, Laconia, NH 03246. August, 2017 to Present.

I have appended as Attachment "A" to this Application a list of the reported appellate decisions in which I have appeared as counsel.

15. What is the general nature of your current practice? Describe any practice areas in which you have specialized. If currently serving as a judge or clerk, please describe the nature of your duties.

Since August of 2017, I have served as the County Attorney for Belknap County. As the chief law enforcement officer in the County, I am responsible for overseeing all felony prosecutions in Superior Court. I continue to maintain an active docket of cases that I prosecute. I also supervise and oversee the local police prosecutors. I am responsible for supervising the other attorneys in my office, as well as providing legal advice on civil matters to the County Commissioners and Delegation. I also provide oversight and legal advice to the various police departments in my county and establish policies and procedures for the administration of criminal law in Belknap County.

16. To the extent that your law practice (or if a judge or clerk, your prior law practice) has involved litigation (including administrative proceedings), please describe the type of litigation in which you have been involved. If your practice has involved trial work, state, with respect to the last 10 years, the approximate number of cases tried, including a description of the nature and length of the cases you have tried to conclusion or in substantial part, stating whether you were lead counsel. State what percentage of these trials was jury, non-jury, civil or criminal. If your practice involved administrative litigation, state, with respect to the last 10 years, the approximate number of adjudicative hearings tried, including a description of the nature and the length of each hearing and whether you were lead counsel.

Except for a brief period of time when I was in-house counsel at the Department of Health and Human Services, my entire 25-year legal career has been largely a litigation-focused practice. I have a wide range

of experience including: prosecuting felony-level cases in Superior Court; defending criminal cases in both the Superior Court and Circuit Courts; civil litigation (including employment litigation, personal injury claims, products liability, medical malpractice, municipal liability, civil rights actions) in State and Federal Courts; administrative practice before the Department of Labor; probate litigation; land use disputes; appellate litigation before the N.H. Supreme Court and the First Circuit Court of Appeals. Over the course of my career, I have appeared in hundreds of cases, and tried dozens of cases to verdicts and have appeared in countless different courts and tribunals. I have argued cases before the N.H. Supreme Court on twelve (12) occasions, and before the First Circuit Court of Appeals on eight (8) occasions.

Over the past ten years I have tried approximately seven (7) jury trials and two (2) bench trials to verdict. In all of them, I was lead counsel. Most of them were criminal cases in the Superior Court, including Aggravated Felonious Sexual Assault, Assault, Possession of Drugs with Intent to Distribute, Introduction of Articles to Prison. The trials I have undertaken ranged from three days to ten days in length. I have also tried a breach of contract claim in the United States District Court for the District of New Hampshire, and a probate/land-use case in the Coos County Superior Court. I have appeared in approximately five (5) administrative hearings before various state agencies, such as the BTLA, Department of Labor, etc.

17. Approximately what percentage of your law practice over the years has been devoted to:

Family Law	<u>1-2</u>	%
Corporate	<u>1-2</u>	%
Trial Work	<u>75</u>	%
Appellate Work	<u>10</u>	%
Probate	<u>5</u>	%
Other (please list)		
Land Use	<u>5</u>	%

18. Approximately what percentage of your law practice in the last 10 years was in:

Federal Courts	<u>1-2</u>	%
State Supreme Courts	<u>2-3</u>	%
State Superior Court	<u>75</u>	%
State District or Circuit Court	<u>15</u>	%
State Probate or Circuit Court	<u>1-2</u>	%
Other Courts (please list)		%
Administrative hearings	<u>5</u>	%

Other (please list) _____ %

19. Identify two of the most significant cases, transactions, administrative hearings and/or other legal matters specific to your practice area in which you have been involved as counsel during your legal career. List case or matter names, dates, courts or other tribunals, judges or administrative hearing officers and opposing counsel for these matters and state the nature of your involvement, including whether you were lead counsel. Please include the business telephone numbers of opposing counsel in these matters.

- N.H. Association of Counties v. Commissioner, N.H. Department of Health and Human Services. 158 N.H. 284 (2009) and 156 N.H. 10 (2007).

This was a series of cases in which the Association of Counties challenged the Legislature's amendments to the funding mechanism by which the State assessed the Counties for a portion of the cost of the care of elderly and disabled indigent people receiving care in their respective communities. At stake was millions of dollars in annual "billings" that the State charged to the Counties. The Counties claimed that these additional charges amounted to an "unfunded mandate" under Article 28-a of the N.H. Constitution.

In the first case, the issue involved whether the State could charge the Counties for their portion of the cost of providing elderly and disabled individuals with Medicaid-funded long-term care in certain skilled facilities, such as Crotched Mountain, and whether those facilities constituted "nursing homes." The Counties disputed \$60 million dollars in bills that had been submitted, and filed a suit seeking declaratory and injunctive relief. The State filed a motion for summary judgment which was granted, and the plaintiffs appealed to the Supreme Court, which affirmed the lower court's ruling.

In the second case, the issue involved whether the State had violated Article 28-a on the N.H. Constitution by enacting HB2 in 2007 which overhauled the method for cost-sharing between the State and Counties for caring for indigent elderly and disabled. The issue involved over \$100 million in charges that the State said the Counties were required to pay. The State filed a motion for summary judgment which was granted, and the plaintiffs appealed to the Supreme Court, which affirmed the lower court's ruling.

I represented the State of New Hampshire as lead counsel in both cases, at the trial court level and at the appellate level. I singlehandedly drafted all the trial court motions, the Supreme Court briefs, and successfully argued the cases in the Superior Court and the Supreme Court.

The Counties were represented by Attorney Robert Dunn, Esq. of Devine Millimet. He can be reached at [REDACTED] or at rdunn@devinemillimet.com.

- Ainsworth v. Commissioner, N.H. Department of Corrections, 244 F.3d 209 (2001), *cert. granted, vacated and remanded*, 536 U.S. 953, *judgment affirmed*, 317 F.3d 1 (2002).

This case involved a challenge brought by a group of inmates to the Sexual Offender Treatment Program (SOTP). The inmates claimed that the program violated their Fifth Amendment right against self-incrimination, because participants were required to admit all other offending behavior, in addition to their crimes of conviction. The plaintiffs claimed that they were being forced to confess to other crimes, because if they did not participate in the SOTP, they would automatically be denied parole.

I represented the State of New Hampshire, defending the validity of the program.

The case was filed in the United States District Court for the District of New Hampshire. The State filed a motion to dismiss, which was granted. The matter was subsequently appealed to the First Circuit Court of Appeals, which affirmed, and then to the U.S. Supreme Court. The Supreme Court granted *certiorari* but vacated the decision in light of a recent decision out of the Sixth Circuit and remanded for a decision in light of that case. The matter then went back to the First Circuit where the decision was again affirmed.

The Plaintiffs were represented by Attorney Michael Sheehan, Esq. Attorney Sheehan is Senior Counsel at Liberty Utilities, and can be reached at Michael.sheehan@libertyutilities.com, [REDACTED]

20. If currently a judge, list at least three significant cases over which you have presided, the dates of the cases and, if they resulted in a written opinion by you, attach copies of those opinions. Please list the counsel of record in those cases and provide their current business telephone numbers.

N/A

21. If your practice involved trial work, list the case names, judges, opposing counsel and dates of the three most recent cases you have either tried to conclusion or in substantial part before a court and state whether you were lead counsel. Please include the business telephone numbers of all opposing counsel in those cases. If currently a judge, list the three most recent cases over which you presided (which are now concluded) and if they resulted in a written opinion by you, attach copies of those opinions. Please list the counsel of record in these cases and provide their

current business telephone numbers. If your practice involved administrative litigation, list case names, administrative hearing officers, opposing counsel and dates of the most recent adjudicative hearings you have either litigated to conclusion or in substantial part before a federal or state administrative agency, and state whether you were lead counsel. Please include the business telephone numbers of all opposing counsel in those cases. If your practice involved corporate or probate work, identify, if possible, the most recent matters, including business transactions or matters specific to your practice area, that you have concluded or substantially concluded, opposing counsel, dates of any such matters and whether you were lead counsel. Please include the business telephone numbers of all opposing counsel in those matters.

- State v. Joshua Luscomb. Docket No. 211-2018-CR-64

Date: July 15, 2020
Judge: Hon. James O'Neill
Opposing Counsel:
Wade Harwood, Esq.
Sisti Law Offices
387 Dover Road
Chichester, NH 03258
[REDACTED]

- State v. Joseph Britt. Docket No. 211-2018-CR-20

Date: August 5, 2019
Judge: Hon. James O'Neill
Opposing Counsel:
Marcia Rosenn, Esq,
Sheehan, Schiavoni, Jutras & Maglicchetti, LLP
70 Bailey Blvd.
Haverhill, MA 01830
[REDACTED]

- State v. Keith Chandler. Docket No. 211-2017-CR-554

Date: May 9, 2019
Judge: Hon. James O'Neill
Opposing Counsel:
Nicholas Brodich, Esq. and Caroline Brown, Esq.
Tarbell and Brodich, P.A.
45 Centre Street
Concord, NH 03301
[REDACTED]

22. Attach any legal memoranda, trial court opinions or Supreme Court briefs that you personally wrote (three if you are applying to be a judge on the Supreme Court; two if you are applying to be a judge in any other court). If you did not author any of these materials in the last year, be sure to include copies of your most recent memorandum or brief. If you are a judge, attach copies of three opinions that you wrote on challenging tort or constitutional questions (you may, but need not, provide such opinions if you have attached at least three written opinions in response to question 16 above.)

I have appended as Attachment "B" three writing samples -- two older Supreme Court briefs and one more recent legal memorandum which I authored this month.

EMPLOYMENT HISTORY

23. Since graduation from law school, have you ever been engaged in any occupation, business, or professional pursuits other than the practice of law? If so, give details, including dates, and state whether you were a principal, director, officer, or had a controlling interest in any business during this time.

No.

24. Since becoming a member of a bar, have you ever been discharged from employment for any reason or have you ever resigned after being informed that your employer intended to discharge you?

No.

CIVIC AND COMMUNITY INVOLVEMENT

25. List all organizations other than bar, judicial, and professional associations to which you have devoted substantial time as a member or volunteer, including civic, charitable, educational, social and fraternal organizations. State whether you were an officer or director of these organizations.

- St. Paul's Church, Concord, NH. I have served on several ad hoc committees and have been a member of the church choir for many years.
- Central New Hampshire VNA and Hospice. I have been a member of the Board of Trustees from 2018 to Present.
- Huot Technical Center, Laconia, N.H. Advisory Board, 2018 to Present.
- Greater Lakes Child Advocacy Center, Advisory Board, 2019 to Present.

26. Have you ever held appointive or elective public office other than judicial office? If so, give details, including the office involved, whether elected or appointed, and the length of your service, giving dates. If you have ever been a successful candidate for elective public office, please identify the office(s) and the date(s).

- Belknap County Attorney, August 2017 to Present
- Town of Sanbornton, Board of Selectmen. 2006 – 2012 (Chairman, 2010 – 2012)
- Town of New Hampton, Zoning Board of Adjustment, 2018 to Present.

27. Have you served in the military? If so, give dates, branch of service, rank, present status and type of discharge.

No.

PERSONAL

28. Date and place of birth.



29. Please provide the name(s) and occupation(s) of your spouse or former spouse(s). Please note that if the Commission interviews you, you will be asked to address and family, medical, or other personal issues which could adversely affect your fitness to serve on the court. You may also be asked about other matters which could adversely affect, or could appear to others to adversely affect, your fitness for judicial appointment and be asked to provide information regarding the same.

I am currently unmarried. I was married twice previously. My former spouses are:

- Jean R. Beaty. Ms. Beaty is the Technical Deputy for the Puerto Rico Medicaid Enrollment and Eligibility Project, working for Allegis Group, out of Atlanta, Georgia.
- Renee Danielle Deschaine. Ms. Deschaine is the President/CEO of Solopreneur Advantage, LLC, in Naples, FL.


Sworn under the pains and penalties of perjury.

1/27/21
Date


Signature of Applicant

STATE OF NEW HAMPSHIRE
COUNTY OF Belknap

Personally appeared the above-named Andrew Livernois, and made oath that the within statements subscribed to by him/her are true to the best of his/her knowledge and belief.

 NP
Notary Public/Justice of the Peace

ANNIE DANNIELLE FARRINGTON
NOTARY PUBLIC
State of New Hampshire
My Commission Expires
November 14, 2023

Judicial Application of Andrew B. Livernois

Attachment A

The following is a list of the reported appellate decisions in which I appeared as counsel for one of the parties.

1st Circuit Court of Appeals: *Verizon New England, Inc. v. Maine Public Utilities Comm'n, et al.*, 509 F.3d 1 (2007); *Roy v. Stanley*, 110 Fed. Appx. 139 (2004); *Ainsworth v. Stanley*, 317 F.3d 1 (2002); *Kiman v. N.H. Dep't of Corrections*, 301 F.3d 123 (2002); *Wilson v. Shumway*, 264 F.3d 120 (2001); *Laro v. New Hampshire*, 259 F.3d 1 (2001); *Ainsworth v. Risley*, 244 F.3d 209 (2001); *McLaughlin v. Warden*, 201 F.3d 427 (1999)

N.H. Supreme Court: *N.H. Association of Counties v. State of New Hampshire*, 158 N.H. 284 (2009); *N.H. Assoc. of Counties v. Commissioner, N.H. Dep't. of Health and Human Services*, 156 N.H. 10 (2007); *Residents Defending Their Homes v. Lone Pine Hunters' Club*, 155 N.H. 486 (2007); *Starr v. Governor*, 154 N.H. 174 (2006); *Rymes Heating Oils v. Commissioner, N.H. Dep't. of Safety*, 151 N.H. 472 (2004); *In re New Hampshire Fireworks, Inc.*, 151 N.H. 335 (2004); *Saviano v. Director, N.H. Div. of Motor Vehicles*, 151 N.H. 315 (2004); *In re Baldoumas Enterprises, Inc.*, 149 N.H. 736 (2003); *DeVere v. State*, 149 N.H. 674 (2003); *In re Support Enforcement Officers I & II*, 147 N.H. 1 (2001); *DeVere v. Attorney General*, 146 N.H. 762 (2001); *In re Manchester Transit Authority*, 146 N.H. 454 (2001)

Appellate Division, N.Y. Supreme Court: *People v. Williams*, 180 Misc. 2d 313, 692 N.Y.S.2d 582 (1999)

SUPPLEMENTAL MATERIAL FOR JUDICIAL APPLICATION

In Re: Andrew B. Livernois

In support of my renewed application for a judicial appointment, please find my updated response to question #21 on the application.

21. If your practice involved trial work, list the case names, judges, opposing counsel and dates of the three most recent cases you have either tried to conclusion or in substantial part before a court and state whether you were lead counsel. Please include the business telephone numbers of all opposing counsel in those cases. If currently a judge, list the three most recent cases over which you presided (which are now concluded) and if they resulted in a written opinion by you, attach copies of those opinions. Please list the counsel of record in these cases and provide their current business telephone numbers. If your practice involved administrative litigation, list case names, administrative hearing officers, opposing counsel and dates of the most recent adjudicative hearings you have either litigated to conclusion or in substantial part before a federal or state administrative agency, and state whether you were lead counsel. Please include the business telephone numbers of all opposing counsel in those cases. If your practice involved corporate or probate work, identify, if possible, the most recent matters, including business transactions or matters specific to your practice area, that you have concluded or substantially concluded, opposing counsel, dates of any such matters and whether you were lead counsel. Please include the business telephone numbers of all opposing counsel in those matters.

Three Most-Recent Jury Trials

- a. State v. John Gannon (April 3, 2023).

Judge: Hon. Elizabeth Leonard.

Opposing Counsel: John Bresaw, Esq.
Friedman & Bresaw, PLLC
44 Main Street
Meredith NH 03253
[REDACTED]

- b. State v. Benjamin Rourke (May 22, 2023)

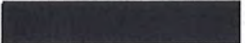
Judge: Hon. Elizabeth Leonard

Opposing Counsel: Allison Schwartz, Esq.
Friedman & Bresaw, PLLC
44 Main Street
Meredith NH 03253
[REDACTED]

c. State v. Daniel Hodgman (August 7, 2023)

Judge: Hon. David Attori

Opposing Counsel: Robin Davis, Esq.
N.H. Public Defender's Office
408 Union Avenue
Laconia, NH 03246



SUPPLEMENTAL MATERIAL FOR JUDICIAL APPLICATION

In Re: Andrew B. Livernois

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- a. State v. Matthew Hagen (Feb. 6, 2023).

Judge: Hon. Elizabeth Leonard.

Opposing Counsel: Caroline Smith, Esq.
N.H. Public Defender's Office
408 Union Avenue
Laconia, NH 03246
[REDACTED]

- b. State v. James Bledsoe (Jan. 23, 2023)

Judge: Hon. Elizabeth Leonard

Opposing Counsel: Catherine Baumann, Esq.
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- c. State v. Jeramy Hodges (Nov. 14, 2022)

Judge: Hon. Elizabeth Leonard

Opposing Counsel: John Bresaw, Esq.
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