

McLane News

FEBRUARY 2010

Jennifer Parent to Receive Hollman Award



Jennifer L. Parent

McLane congratulates Director **Jennifer Parent** for being chosen as the 2009 recipient of the Judge Philip S. Hollman Gender Equality Award. The Hollman Award is granted by the New Hampshire Bar Association in recognition of a lawyer who promotes gender equality throughout the legal system.

Among her many contributions to gender equality both within and outside the firm, Jennifer was a founding member of the New Hampshire Women's Bar Association and served successive terms as Secretary, Vice President and President of the organization. As the current Vice President and incoming President-elect of the New Hampshire Bar

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Jack Middleton To Receive Distinguished Service to the Public Award



Jack B. Middleton

McLane congratulates Director **Jack Middleton** on being chosen to receive the New Hampshire Bar Association's Distinguished Service to the Public Award along with Attorneys David Nixon and Kimon Zachos. The collective award recognizes the career-long dedication of each recipient to public service and highlights the force for public good that the enduring and close friendship of the three recipients represents.

Jack Middleton, Dave Nixon, of Nixon Raiche Manning & Vogelmann, and Kim Zachos, of Sheehan Phinney Bass + Green, have been friends for more than 50 years. These three Manchester attorneys, all leaders in their law firms and in many community organizations, get together almost every month for breakfast and, through the years, have collaborated on many professionalism and community leadership initiatives, over ham and eggs.

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Employer Access to Employee Electronic Data



Cameron G. Shilling

It's difficult for employers to know the legal boundaries of an employee's privacy when it comes to the myriad forms of communication now available.

If an employee uses a work-issued cell phone to send personal text messages, does the employer have a right to read the messages? Or are the texts private information of the employee that are protected from employer review? Does it matter that the employee pays for text charges over a specified limit? Does it matter that the employer is a state agency?



In December, the U.S. Supreme Court implicitly agreed to address these matters by accepting the City of Ontario v. Quon case for review. The case began when Sgt. Jeff Quon sued the City of Ontario, California, after the City reviewed text messages sent by him on City-issued pagers. Quon asserted that the text review violated his rights under the Fourth Amendment, which forbids unreasonable government searches. The Ontario Police Department had an official policy that reserved to the Department the right to monitor "network activity, including e-mail and Internet use," without mention of text messages. But Sgt. Quon's superior had adopted an informal policy that officers who paid for charges in excess of 25,000 characters per month would not have their messages inspected. Although the Supreme Court may decide the Quon case on narrow grounds particular to government employers, the Court may use the case to provide guidance about employee privacy in the Internet era more generally.

Until more clarity emerges in this area, employers should exercise caution when reviewing employees' electronic communications. *If you have questions about these matters, please contact **Cameron G. Shilling** at 603-628-1351 or cameron.shilling@mclane.com.*

Upcoming Events



Mon., Feb. 22, 2010 -
**"The Probate Process
From Start To Finish"**

sponsored by the
National Business
Institute, will be held at

the Radisson Hotel, Manchester,
NH. McLane attorney **Denis Dillon**
will be one of the presenters. Call
NBI at 1-800-930-6182 or visit
www.nbi-sems.com for more
information or to register.

Fri., March 19, 2010 - **"New
Hampshire Not-For-Profit
Corporations & Associations"**

sponsored by the NH Bar
Association, will be held from 9:00
a.m. to 4:30 p.m. at the NH Bar
Association Seminar Room in
Concord, NH. McLane attorneys
Richard Samuels and **William Zorn**
will be among the presenters. For
more information or to register,
contact the NHBA at
(603) 224-6942 or visit
<http://www.legalspan.com/nhbar>.

Thu., March 25, 2010 - **"Evidence
and Expert Testimony Best
Practices: Supporting Your Case"**

sponsored by the National Business
Institute, will be held at the Executive
Court Banquet Center in
Manchester, NH. McLane attorney
Bruce Felmy will be one of the
presenters. Call NBI at
1-800-930-6182 or visit
www.nbi-sems.com for more
information or to register.

Fri., March 26, 2010 - **"Explore the
Fundamentals of Basic Estate
Planning"** sponsored by the NH Bar

Association, will be held from 9:00
a.m. to 4:30 p.m. at the NH Bar
Association Seminar Room in
Concord, NH. McLane attorneys
Alexandra Breed and **Bob Wells**
will be among the presenters. For
more information or to register,
contact the NHBA at (603) 224-6942
or visit <http://www.legalspan.com/nhbar>.

McLane Announces Publication of Groundbreaking New Resource Guide on Divorce in New Hampshire Edited by Jeanmarie Papelian



Jeanmarie M. Papelian

McLane is proud to announce the publication of the New Hampshire Divorce Practice and Procedure Guide, edited by Director **Jeanmarie Papelian**. The Divorce Practice and Procedure Guide is the first in a series of New Hampshire practice manuals published by Massachusetts Continuing Legal Education | New England™. Several leading McLane attorneys contributed to the Guide. **Dave DePuy** authored a chapter on division of the marital estate; **John Rich** compiled a practical guide to the complex area of retirement assets; **Charla Stevens** contributed a chapter on health insurance; Margaret Kerouac wrote a chapter concerning child support; **Beth Fowler** covered tax considerations; and, in addition to editing the Guide, **Jeanmarie Papelian** addressed both discovery and collaborative law.

In all, twenty-six attorneys contributed to the Guide, each well-known and respected in the area of divorce and marital relations. "The list of contributors reads like a 'Who's Who' of New Hampshire's leading divorce practitioners from across the state. My ability to tap into such a wide range of expertise right inside McLane made the job of pulling together such a comprehensive guide much easier." Jeanmarie said. "The Guide is a ground-breaking resource in the range and depth of issues it covers, and will be a much welcomed, definitive resource for any family law practitioner" she added.

If you are interested in purchasing your own copy of *A Practical Guide to Divorce in New Hampshire*, contact MCLE at 1-800-966-6253 or visit http://www.mcle.org/books-cds/books-catalog.cfm?product_code=2100346B00.

Jack Middleton to Receive Distinguished Service to the Public Award *(Continued from page 1)*

"Their service is exemplary because of its duration of more than five decades, and the profound influence that service has had on those who have known them," said James Tenn, President of the New Hampshire Bar Association. "Such service is extraordinary and these individuals deserve to be honored." Attorney Tenn will present the Award at the NH Bar Association's mid-year meeting in February 2010. *(From the NHBA web site.)*

Jennifer Parent to Receive Hollman Award *(Continued from page 1)*

Association, Jennifer will have the distinction of having served both as President of the NH Women's Bar Association as well as of the NH Bar Association. Jennifer is also a former recipient of the Trailblazer in the Law Award, the Robert Kirby Award, and a Union Leader "Forty Under 40" Business Leader.

Jennifer will receive her award at the NH Midwinter Bar Gender Equality Breakfast on Friday, February 12th. If you would like to attend the Gender Breakfast to congratulate Jennifer or if you would like to learn about the findings of the recent 10-year survey on the status of women in the profession, please visit the New Hampshire Bar Association web site at www.nhbar.org.

For more information by telephone, call (603) 625-6464.