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Education

Harvard Law School, Cambridge, MA J.D., *magna cum laude*, 1985
Haverford College, Haverford, PA B.A., 1982, departmental honors in political science

Employment

Getman, Stacey, Schulthess, and Steere, PA, Bedford, NH 6/1/00 to Present
Partner (2004-present)

Franklin Pierce Law Center, Concord, NH 10/20/97 to 5/31/00
Director, Criminal Practice Clinic;
Assistant Clinical Professor

New Hampshire Public Defender Program, 9/8/85 to 9/30/87
Manchester and Nashua, NH and 2/1/89 to 10/17/97
Trial Attorney;
Major Crimes Attorney (homicide defense statewide) (1994-1997)

Hill and Barlow, Boston, MA, 1/9/88 to 1/31/89
Litigation Associate

Experience and Professional Involvement

- Tried more than sixty-five cases before New Hampshire juries.
- Current practice includes civil and commercial litigation, federal litigation, criminal defense, including post-conviction defense, appeals and trials in all courts.
- President, New Hampshire Association of Criminal Defense Lawyers (11/08 to present) (Secretary 11/04 to 11/08; Webmaster since 12/01 and Board Member since 11/98).
- Recipient of the New Hampshire Association of Criminal Defense Lawyers' *2004 Champion Of Justice* award.
- Member, Criminal Justice Act Panel and Subpanel for Major Crimes and Complex Cases for the U.S. District Court for the District of New Hampshire (2005 to present)
- Member, Federal Court Advisory Committee for the U.S. District Court for the District of New Hampshire (2/10 to present)
- Member, State of New Hampshire Executive Branch Ethics Committee (3/10 to present)

- Member, Executive Committee and CLE subcommittee, Batchelder-Daniel Webster Inn of Court (8/09 to present)
- Member, New Hampshire Bar Association (Committee on Legislation (1998-2000); and Rules of Criminal Procedure Committee (1992-1993).
- Member, National Association of Criminal Defense Lawyers
- Member, National College for DUI Defense
- Member, TriState Defense Lawyers Association
- Member, Defense Research Institute
- Taught Advanced Appellate Advocacy (2005), Criminal Practice (1997-2000), and Advanced Trial Advocacy (1993-1994) at Franklin Pierce Law Center; Taught Criminal Law and Procedure at Rivier College (early 1990s) and lectured extensively at seminars and workshops for lawyers.

Published Decisions

State v. Flodin, 59 N.H. 358, 986 A.2d 470 (N.H. 2009) (aggravated felonious sexual assault) (criminal law)^{***}

State v. Dodds, 159 N.H. 239, 982 A.2d 377 (N.H. 2009) (falsifying physical evidence) (criminal law)^{***}

State v. Bell-Rogers, 159 N.H. 178, 977 A.2d 1017 (N.H. 2009) (criminal procedure) (identification techniques)^{***}

State v. Veale, 158 N.H. 632, 977 A.2d 1017 (N.H. 2009) (competency) (procedural due process) (criminal procedure)^{***}

In Re Concord Teachers (New Hampshire Retirement System), 158 N.H. 529, 969 A.2d 403 (N.H. 2009) (public pensions)^{***}

Derry Senior Development, LLC. v. Town of Derry, 157 N.H. 441, 951 A.2d 170 (N.H. 2008) (zoning and planning)^{*}

Clark & Lavey Benefits Solutions Inc. v. Education Development Center Inc., 57 N.H. 220, 949 A.2d 143 (N.H. 2007) (fiduciary duty) (civil procedure)^{*}

In Re Bayview Crematory, LLC., 155 N.H. 781, 930 A.2d. 190 (N.H. 2007) (class certification)^{*}

State v. Brum, 155 N.H. 408, 923 A.2d 1068 (N.H. 2007) (evidence) (criminal procedure)^{***}

State v. Miller, 155 N.H. 246, 921 A.2d 942 (N.H. decided April 18, 2007) (evidence) (criminal procedure)^{***}

State v. Kepple, 155 N.H. 257, 922 A.2d 661 (N.H. decided April 18, 2007) (ineffective assistance) (criminal law)^{****}

State v. McGill, 903 A.2d 1016, 153 N.H. 813 (N.H. 2006) (evidence)^{***}

White v. Coplan, 399 F.3d 18 (1st Cir. 2005) (amicus brief) (criminal procedure)

Hull v. Municipality of San Juan, 356 F.3d 98 (1st Cir. 2004) (civil procedure)^{***}

Remsburg v. Docusearch, 816 A.2d 1001, 149 N.H. 148 (N.H. 2003) (invasion of privacy)^{*}

Ellsworth v. Warden, 333 F.3d 1 (1st Cir. 2003) (*en banc*) (criminal procedure)^{*}

Second Generation Properties v. Pelham, 313 F.3d 620 (1st Cir. 2002) (telecommunications)^{*}

State v. Foss, 804 A.2d 462, 148 N.H. 209, (N.H. 2002) (criminal law)^{***}

State v. Monroe, 776 A.2d 734, 146 N.H. 15 (N.H. 2001) (criminal procedure)^{**}

State v. Frost, 686 A.2d 1172, 141 N.H. 493 (N.H. 1996) (criminal law)^{***}

State v. Rhoades, 655 A.2d 414, 139 N.H. 432 (N.H.1995) (criminal procedure)^{***}

State v. Vincent, 648 A.2d 478, 139 N.H. 45 (N.H. 1994) (criminal procedure)^{***}

* Counsel on appeal and in the trial court; ** Counsel on appeal and for an earlier underlying jury trial

*** Counsel for appeal only; **** Counsel for post-conviction proceedings in the trial court and on appeal

Recent Unpublished Decisions

Gembitsky v. Desteph, United States Bankruptcy Court for the District of New Hampshire, 09-11681-MWV (2010) (statutes of limitations) (securities fraud) (unfair business practices) (common law fraud)

N.H. State Employees Association v. State of New Hampshire and New Hampshire Retirement System, Merrimack County Superior Court, 09-E-286 (2010) (public pensions) (constitutional law)

New Hampshire Judicial Retirement System (and New Hampshire Retirement System as Intervenor) v. Gardner, Merrimack County Superior Court, 08-E-352 (2009) (public pensions) (constitutional law)

PFIP LLC. et. al. v. You Fit, Inc. et. al., United States District Court for the District of New Hampshire, 08-cv-271-JL (2009) (personal jurisdiction)

Local Government Center et. al. v. Louise Staples, Coos County (New Hampshire) Superior Court, 07-E-055 (2009) (collateral estoppel)

State v. Michael Brown, Rockingham County Superior Court, 06-3344 (2008) (ineffective assistance) (criminal law and procedure) (evidence) (attempted murder) (voluntarily renunciation)

State v. Louise Staples, New Hampshire Supreme Court, 2006-0681 (2008) (evidence) (expert witnesses) (criminal law and procedure) (theft by deception/fraud)

Becker v. Casper, Hillsborough County (New Hampshire) Superior Court, Northern District, 05-C-733 (2007) (invasion of privacy)

Clark & Lavey Inc. v. Educational Development Center Inc, Hillsborough County (New Hampshire) Superior Court, Southern District, 05-C132 (2006) (insurance brokerage/fiduciary duty/ fraud)

State v. Trotta, Rockingham County (New Hampshire) Superior Court, 06-S-464 to 468 (2006) (search and seizure)

Yekimoff v. David Seastrand, et. al., U.S. District Court for the District Of New Hampshire, 2004 DNH 052 (civil rights), *aff'd by unpublished order*, Slip Op. 04-1459 (1st Cir. 1/7/05), *rehearing den.*, (1st Cir. 2/17/05), *and cert. den.* 126 S.Ct. 82 (2005).

Chatila v. Aranco Oil Company, U.S. District Court for the District Of New Hampshire, 2003 DNH 039 (petroleum marketing practices act)

Dandley v. Bishop Guertin High School, Hillsborough County (New Hampshire) Superior Court, Southern District, 02-C-170 (2003) (statute of limitations) (clergy abuse)

Unova, Inc. v. Z-Flex, U.S. Patent and Trademark Trial and Appeal Board, Opposition No. 115,544 (2002) (trademark opposition)

Monroe v. Coplan, U.S. District Court for the District Of New Hampshire, 2002 DNH 209 (habeas corpus) (murder) (involuntary confessions) (Miranda rule)

Remsburg v. Docusearch, U.S. District Court for the District of New Hampshire, 2002 DNH 035 (personal jurisdiction) and 2002 DNH 080 (fair credit reporting act)

Ne-San, Inc. v. Acadia Insurance, Rockingham County (New Hampshire) Superior Court 01-E-327 (insurance coverage) (environmental damages exclusions)

Recent Presentations

Ethics Panel, presentation at the New Hampshire Bar Association's Midwinter Meeting CLE on February 12, 2010 (Manchester, NH)

The Fifth Amendment Privilege In Civil Litigation, panel presentation at the Webster/Batchelder Inn of Court, December 2, 2009 (Bedford, NH)

The Intoxilyzer 5000EN For Dummies, lecture presentation at the New Hampshire Bar Association's CLE on DWI Cases on December 3, 2008 (Concord, NH)

Drafting A Winning Appellate Brief and Making An Ethical Appeal, lecture presentation at the National Business Institute's CLE on Successfully Navigating The Appeals Process on June 24, 2008 (Manchester, NH)

To Catch A (Government Employed) Predator: The Defense Of An Internet Solicitation Case, lecture presentation at the N.H. Public Defender and Contract Counsel training CLE on January 25, 2008 (Concord, NH)

Developments In The Law: Business Law Cases Decided In The District Of New Hampshire And The First Circuit In 2007, lecture presentation at the New Hampshire Bar Association's September, 2007 Federal Practice Institute CLE (Bedford, NH)

"InternationalShoe.com"—Personal Jurisdiction In The Internet Age, lecture presentation at the New Hampshire Bar Association's June, 2007 CLE on Internet Law (Concord, NH).

Massachusetts Misdemeanors As Career Offender Predicates Under The Federal Sentencing Guidelines, lecture presentation at the June, 2007 CLE for Criminal Justice Act Attorneys sponsored by the U.S. District Court for the District of New Hampshire (Concord, NH).

The Forensics (In Computer And Pornography Cases), panel moderator and presenter at the New Hampshire Association of Criminal Defense Lawyer's May 2007 CLE on Pornography And Computer Crimes (Bedford, NH).

Presentation And Exclusion Of Expert Testimony Under The Rules Of Evidence, lecture presentation at the New Hampshire Public Defender Program's 2006 annual training program (Lincoln, NH).

Jury Selection Techniques And Practices, lecture presentation at the New Hampshire Association of Criminal Defense Lawyers' 2005 CLE on Advanced Trial Techniques (Bedford, NH).

The Impact Of State v. Kidder, panel presentation at the New Hampshire Bar Association's 2004 Annual Meeting CLE (Portsmouth, NH).

Developments In The Law, panel presentation at the New Hampshire Bar Association's 2002 Federal Practice Institute CLE (Concord, NH).

Delivering The Goods: The Legal Aspects Of Managing The Sales Process, panel presentation at Getman, Stacey's 2002 seminar for clients and business persons (Manchester, NH).

Post-Conviction Litigation And Extraordinary Writs, presentation at the New Hampshire Association Of Criminal Defense Lawyers' 2002 CLE (Concord, NH).

What Civil Practitioners Should Know About The Federal Wiretap And Stored Communications Acts, presentation at the New Hampshire Bar Association's 2001 CLE (Concord, NH).

Sentencing Advocacy, presented at the New Hampshire Association of Criminal Defense Lawyers' 2000 CLE (Hampton, NH).

Litigating The Admissibility Of Prior False Allegations In Sexual Assault Cases, presentation at the New Hampshire Association of Criminal Defense Lawyers' 1999 CLE.

Cutting Edge Litigation Issues: Defense Use Of Rule 404(b) Evidence, presentation at the New Hampshire Public Defender Program's statewide training retreat, 1998.

Restitution In Criminal Cases, presentation at the New Hampshire Association of Criminal Defense Lawyers' 1997 CLE (Manchester, NH).

Cutting Edge Litigation Issues: Restitution In Criminal Cases, presentation at the New Hampshire Public Defender Program's statewide training retreat, 1997 (Waterville Valley, NH).

Pretrial Preparation Of The Complicated Sexual Assault Case, presentation at the New Hampshire Association of Criminal Defense Lawyers' 1994 CLE.

Bar Admissions

New Hampshire State and Federal District Courts (1985)

Massachusetts State and Federal District Courts (1987)

U.S. Court of Appeals for the First Circuit (2002)

U.S. Supreme Court (1998)

Additional information available at www.AndrewSchulman.com