

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
SOUTHERN DISTRICT

SUPERIOR COURT

Docket No. 226-2025-CV-00705

DANA ALBRECHT

Plaintiff,

vs.

GORDON J. MACDONALD, solely in his official capacity as Chief Justice of the New Hampshire Supreme Court, and his successor(s) in office;

ANNA BARBARA HANTZ MARCONI, solely in her official capacity as Senior Associate Justice of the New Hampshire Supreme Court, and her successor(s) in office;

PATRICK E. DONOVAN, solely in his official capacity as Associate Justice of the New Hampshire Supreme Court, and his successor(s) in office;

MELISSA COUNTWAY, solely in her official capacity as Associate Justice of the New Hampshire Supreme Court, and her successor(s) in office;

BRYAN K. GOULD, solely in his official capacity as Associate Justice of the New Hampshire Supreme Court, and his successor(s) in office;

DIANNE MARTIN, in various official capacities and in her individual capacity, and her successor(s) in office;

SHERRY HIEBER, in various official capacities, and her successor(s) in office;

CHRISTOPHER M. KEATING, in various official capacities, and his successor(s) in office;

NEW HAMPSHIRE JUDICIAL BRANCH;

DRUMMOND WOODSUM & MACMAHON, P.A.;

CHARLES M. ARLINGHAUS, in his official capacity as Director of the Department of Administrative Services, and his successor(s) in office;

NEW HAMPSHIRE DEPARTMENT OF ADMINISTRATIVE SERVICES;

JOHN FORMELLA, solely in his official capacity as Attorney General of the State of New Hampshire, and his successor(s) in office;

KELLY AYOTTE, solely in her official capacity as Governor of the State of New Hampshire, and her successor(s) in office;

NEW HAMPSHIRE EXECUTIVE BRANCH;

SHERMAN PACKARD, solely in his official capacity as Speaker of the New Hampshire House of Representatives, and his successor(s) in office;

NEW HAMPSHIRE LEGISLATIVE BRANCH;

STATE OF NEW HAMPSHIRE;

Defendants.

COMPLAINT
(JURY TRIAL DEMANDED)

Plaintiff, Dana Albrecht, *pro se*, alleges on knowledge as to his own actions, and otherwise upon information and belief:

I. Introduction

1. This is a complaint for declaratory and injunctive relief arising from the misuse of public funds and the systematic denial of government transparency at the highest levels of New Hampshire’s judiciary.
2. In April 2025, while claiming budget crises that threatened courthouse closures and layoffs, Chief Justice Gordon MacDonald orchestrated a scheme allowing his longtime associate to collect nearly \$50,000 in taxpayer funds through a sham two-day “layoff”¹ and subsequently issued a statement defending the transaction.²

1 Todd Bookman, *In midst of budget crisis, an unusual move helped ally of NH Chief Justice collect \$50K*, N.H. PUB. RADIO (Oct. 23, 2025), <https://www.nhpr.org/nh-news/2025-10-23/new-hampshire-judicial-branch-supreme-court-whistleblower-complaint-gordon-macdonald-nhdoj> (attached as Exhibit 1).

2 Todd Bookman, *NH Supreme Court defends \$50,000 payout to top Judicial Branch employee*, N.H. PUB. RADIO (Oct. 31, 2025), <https://www.nhpr.org/nh-news/2025-10-31/nh-supreme-court-defends-50-000-payout-to-top-judicial-branch-employee> (attached as Exhibit 2).

3. When Plaintiff sought records about this transaction under Part I, Article 8 of the New Hampshire Constitution,³ the Judicial Branch refused to produce a single document, instead spending public funds on outside counsel to defend its concealment.⁴
4. This matter now requires the Court's intervention to vindicate fundamental constitutional principles: that government exists for the common benefit, not private enrichment; that public officials must be accountable to the people; and that no branch of government is above the law.
5. This is not a request for an advisory opinion. Real taxpayer funds have been misspent, actual constitutional violations have occurred, and concrete remedies are sought. The 2018 amendment to Part I, Article 8 explicitly grants taxpayers standing to challenge improper spending, superseding any prior judicial restrictions on such standing. See [*Carrigan v. N.H. Dep't of Health & Human Servs.*, 174 N.H. 362 \(2021\)](#) (abrogating [*Duncan v. State*, 166 N.H. 630 \(2014\)](#)).

II. Parties

6. Plaintiff Dana Albrecht is an individual residing in Nashua, Hillsborough County, New Hampshire. He is a taxpayer and eligible voter within the State. His mailing address is 131 Daniel Webster Hwy #235, Nashua, NH 03060.
7. Defendant Gordon J. MacDonald is sued solely in his official capacity as Chief Justice of the New Hampshire Supreme Court. He is a public officer of the Judicial Branch of the State of New Hampshire. His mailing address is 1 Charles Doe Drive, Concord, NH 03301.

³ Email from Dana Albrecht to N.H. Judicial Branch (Oct. 23, 2025) (requesting records under Part I, Article 8 of the N.H. Constitution regarding NHPR reporting on Chief Justice MacDonald and Martin payout) (attached as Exhibit 3).

⁴ Letter from Demetrio Aspiras, Drummond Woodsum & MacMahon, P.A., to Dana Albrecht (Nov. 14, 2025) (denying Right to Know request on behalf of N.H. Judicial Branch) (attached as Exhibit 4).

8. Defendant Anna Barbara Hantz Marconi is sued solely in her official capacity as Senior Associate Justice of the New Hampshire Supreme Court. She is a public officer of the Judicial Branch of the State of New Hampshire. Her mailing address is 1 Charles Doe Drive, Concord, NH 03301.
9. Defendant Patrick E. Donovan is sued solely in his official capacity as Associate Justice of the New Hampshire Supreme Court. He is a public officer of the Judicial Branch of the State of New Hampshire. His mailing address is 1 Charles Doe Drive, Concord, NH 03301.
10. Defendant Melissa Countway is sued solely in her official capacity as Associate Justice of the New Hampshire Supreme Court. She is a public officer of the Judicial Branch of the State of New Hampshire. Her mailing address is 1 Charles Doe Drive, Concord, NH 03301.
11. Defendant Bryan K. Gould is sued solely in his official capacity as Associate Justice of the New Hampshire Supreme Court. He is a public officer of the Judicial Branch of the State of New Hampshire. His mailing address is 1 Charles Doe Drive, Concord, NH 03301.
12. Defendant Dianne Martin is sued in multiple official capacities: (a) as Director of the Administrative Office of the Courts; (b) as General Counsel to the Judicial Branch; and (c) as an employee of the Judicial Branch on or after March 3, 2025. In each such role, her successor(s) in office are also named. Her business mailing address is 1 Granite Place, Suite N400, Concord, NH 03301.
13. Defendant Dianne Martin is also sued in her individual capacity for conduct outside the lawful scope of her official duties. Her personal mailing address is 189 South Road, Deerfield, NH 03037.
14. Defendant Christopher M. Keating is sued in multiple official capacities: (a) as Interim Director of the New Hampshire Administrative Office of the Courts; and (b) as State Court Administrator of the New Hampshire Judicial Branch. In

each such role, his successor(s) in office are also named. His mailing address is 1 Granite Place, Suite N400, Concord, NH 03301.

15. Defendant Sherry Hieber is sued solely in her official capacity as former General Counsel of the Judicial Branch's Office of Bar Admissions during the relevant time period. Her mailing address is 1 Granite Place, Suite N400, Concord, NH 03301.
16. Defendant New Hampshire Judicial Branch is a governmental entity exercising the judicial power of the State under Articles 72-A and 73-A of the New Hampshire Constitution. Its mailing address is 1 Granite Place, Suite N400, Concord, NH 03301.
17. Defendant Drummond Woodsum & MacMahon, P.A. is a law firm serving as outside counsel to the Judicial Branch in matters related to this action. Its mailing address is 670 N. Commercial Street, Suite 207, Manchester, NH 03101.
18. Defendant Charles M. Arlinghaus is sued in his official capacity as Director of the New Hampshire Department of Administrative Services, the agency that approves, processes, and pays executive payroll and benefits, including any disbursements to judicial employees. He is named to ensure any fiscal irregularities were not executed without oversight, and to provide an opportunity for corrective response. His mailing address is 25 Capitol Street, Concord, NH 03301.
19. Defendant Department of Administrative Services is a state agency within the Executive Branch and the entity ultimately responsible for processing all state payroll, including the funds challenged in this complaint. Its mailing address is 25 Capitol Street, Concord, NH 03301.
20. Defendant John Formella is sued solely in his official capacity as Attorney General of the State of New Hampshire. The Attorney General has independent

statutory authority to investigate and prosecute violations of RSA 643:1, as demonstrated by the recent prosecution of Justice Hantz Marconi. He is named to provide an opportunity to exercise that authority here. He also has a dual role to defend state officials. His mailing address is 1 Granite Place South, Concord, NH 03301.

21. Defendant Kelly Ayotte is sued in her official capacity as Governor of the State of New Hampshire. While the Executive has not taken action to date, it possesses constitutional authority to exercise oversight, initiate investigation, and respond to serious allegations of judicial misconduct. She also has the power to direct state agencies and request investigations. The complaint alleges no wrongdoing by the Governor. Her mailing address is 107 North Main Street, Concord, NH 03301.
22. Defendant Executive Branch of the State of New Hampshire is named to ensure all executive functions are implicated for purposes of structural relief and to provide an opportunity for appropriate action under Article 10 of the New Hampshire State Constitution. Its mailing address is 1 Granite Place South, Concord, NH 03301.
23. Defendant Sherman Packard is sued in his official capacity as Speaker of the House. He is the presiding officer of the body vested with redress powers under Article 32. He is not accused of wrongdoing but is named to facilitate potential legislative oversight. His mailing address is 70 Old Derry Road, Londonderry, NH 03053-2218.
24. Defendant Legislative Branch of the State of New Hampshire is the constitutional branch empowered to grant redress of grievances under Article 32. It is named to ensure jurisdictional inclusion for that remedy. Its mailing address is State House, Room 311, 107 North Main Street, Concord, NH 03301.

25. Defendant State of New Hampshire is the ultimate sovereign under whose constitution this action is brought. The State is named solely to effectuate full equitable and declaratory relief. Its mailing address is 1 Granite Place South, Concord, NH 03301.
26. Defendants in ¶¶7–11 are collectively referred to as the “Judicial Officers.”
27. Defendants in ¶¶12–15 are the “Administrative Judicial Defendants.”
28. Defendants in ¶¶18–19 are the “Administrative Services Defendants.”
29. Defendants in ¶¶20–22 are the “Executive Branch Defendants.”
30. Defendants in ¶¶23–24 are the “Legislative Branch Defendants.”
31. All defendants in ¶¶6–25 are collectively referred to as the “State Defendants.”

III. Jurisdiction and Venue

32. This Court has subject matter jurisdiction pursuant to [RSA 491:7](#).
33. This Court has personal jurisdiction over the defendants by virtue of their contacts with New Hampshire and, for state defendants, their status as state actors.
34. Venue is proper in this Court pursuant to [RSA 507:9](#) because Plaintiff resides in Hillsborough County, New Hampshire.

IV. Facts Plead

The NHPR Investigation and Initial Revelations

35. On October 23, 2025, New Hampshire Public Radio (“NHPR”) published an investigative report titled “In midst of budget crisis, an unusual move helped ally of NH Chief Justice collect \$50K” by reporter Todd Bookman.

36. The NHPR investigation revealed that in April 2025, while Chief Justice MacDonald was warning of budget crises and potential layoffs, he orchestrated a nearly \$50,000 payout to his longtime associate Dianne Martin.
37. According to NHPR's reporting, which was based on state payroll records, personnel files, and at least one whistleblower complaint, Martin was "laid off" from state government for exactly 48 hours (April 2-3, 2025) and then immediately rehired on April 4, 2025.
38. This 48-hour gap allowed Martin to cash out \$43,548 in unused sick and vacation time, plus \$6,307 in "termination pay" – benefits that state employees cannot access when simply transferring between positions.

The Whistleblower's Allegations

39. NHPR obtained handwritten notes through a public records request documenting a whistleblower's complaint to the Department of Administrative Services.
40. The whistleblower stated that the layoff and rehire scheme was the "chief's idea" – referring to Chief Justice MacDonald – and that "Dianne won't accept the transfer because she wants the layoff payout \$."
41. The whistleblower specifically told state officials that "Chief wants to lay her off for a week and then rehire her into a new role."
42. Despite these serious allegations of orchestrated financial misconduct, there is no evidence that the Department of Administrative Services referred the matter to law enforcement or took any corrective action.

The Martin-MacDonald Relationship

43. Martin and MacDonald have a long professional relationship dating back to 2017 when MacDonald, as Attorney General, elevated Martin to serve as his chief of staff.
44. When MacDonald became Chief Justice in 2021, Martin followed him to the Judicial Branch, taking the position of Director of the Administrative Office of the Courts at a salary of \$143,000.
45. In March 2025, Martin was removed from her director position but remained on the Judicial Branch payroll.
46. On March 27, 2025, Martin was offered the position of General Counsel/Director of Bar Admissions with an April 4 start date and a salary of \$154,109.

The Sham Layoff Transaction

47. Instead of Martin directly transitioning to her new position, the Judicial Branch laid her off on April 1, 2025 – five days after she had already been offered and accepted the new position.
48. The April 1 layoff letter, signed by interim director Christopher Keating, cited a “reorganization” and the “abolishment” of Martin’s position.
49. This claimed “abolishment” was false – Keating himself continued serving in the director role for six more months until October 2025.
50. Martin was rehired on April 4, 2025, exactly as planned in her March 27 offer letter.
51. On April 18, 2025, Martin received her regular paycheck plus the additional \$49,855 payout resulting from her two-day “layoff.”

The Five-Month Double Payment

- 52. When Martin assumed her new role on April 4, 2025, the position was already occupied by Sherry Hieber, who had held it for 14 years.
- 53. Both Martin and Hieber were paid salaries exceeding \$154,000 to perform the same job from April through September 2025 – a five-month overlap.
- 54. The Judicial Branch’s own personnel policies limit “overlapping appointments” to a maximum of two weeks.
- 55. This five-month overlap cost taxpayers approximately \$128,000 in redundant salary payments during a claimed budget crisis.

The Budget Crisis Context

- 56. Throughout winter and spring 2025, Chief Justice MacDonald repeatedly warned the legislature about dire budget constraints.
- 57. In April 2025 – the same month as Martin’s \$49,855 payout – MacDonald announced a hiring freeze and warned of potential layoffs.
- 58. MacDonald told legislative committees that budget cuts might force courthouse closures and delays in jury trials, describing these as “tough choices” that were “not ideal.”
- 59. Despite these claims of financial crisis, the Judicial Branch found funds to: (a) pay Martin nearly \$50,000 in special benefits; (b) pay two people over \$154,000 each for the same job; and (c) give Martin a raise shortly after hiring her.

The NHJB’s Response and Cover-Up

- 60. Following NHPR’s October 23, 2025 report, the Judicial Branch initially refused to answer any questions, stating only that it “does not comment on any matters involving personnel.”

61. On October 31, 2025, after public pressure mounted, four Supreme Court justices (MacDonald, Donovan, Countway, and Gould) issued a statement defending the transaction as consistent with “standard personnel policies.”
62. Notably, Justice Anna Barbara Hantz Marconi did not sign this statement, and the justices provided no documentation supporting their claims.
63. The October 31 statement contained demonstrable falsehoods, including the claim that Martin’s director position was “eliminated” as part of a “reorganization” when in fact the position continued to be filled.

Plaintiff’s Attempts to Obtain Records

64. On October 23, 2025, immediately following the NHPR report, Plaintiff submitted a Right to Know request to the Judicial Branch (NHJB) pursuant to Part I, Article 8, seeking all records related to the NHPR story and the Martin payout.
65. Plaintiff specifically requested “all correspondence received by the NHJB from NHPR, and responses provided to NHPR in connection with this story.”
66. On November 14, 2025, the Judicial Branch, through outside counsel Drummond Woodsum (Attorney Demetrio Aspiras), refused to produce any records whatsoever.
67. Drummond Woodsum claimed that Part I, Article 8 only permits access to “court records” filed in connection with judicial proceedings, despite Plaintiff’s request clearly seeking records about financial administration and potential misconduct.
68. This blanket refusal to produce even basic correspondence with the media demonstrates the Judicial Branch’s intent to conceal evidence of wrongdoing.

Legislative Response

69. State Representative Ross Berry publicly called the personnel maneuver “concerning” and stated he would support a legislative hearing.
70. Representative Berry stated: “The courts are going to look at it and say, was it legal? So I think as an elected official, my response would be, ‘Well, let’s try to make it illegal because you shouldn’t be doing this. Just because you can doesn’t mean you should.’”
71. SEIU President Rich Gulla confirmed that union members cannot cash out benefits when transferring positions, calling Martin’s arrangement “peculiar” and stating that state employees “deserve to know that the people running the departments are operating in an ethical manner.”
72. Despite public calls for investigation and accountability, the NHJB continues to refuse transparency while spending public funds on outside counsel to defend its concealment of records.

V. Matters of law plead common to all counts

Judicial Immunity Does Not Bar This Action

73. To the extent any defendant may claim judicial immunity, such immunity does not apply here because the challenged conduct involves administrative and executive functions, not judicial acts.
74. Under the functional approach articulated in [*Gibson v. Goldston*, 85 F.4th 218, 224 \(4th Cir. 2023\)](#), “Issuing an order is a judicial function; carrying that order out is an executive one.”
75. The orchestration of Martin’s sham layoff, the manipulation of personnel rules to generate a \$49,855 payout, and the concealment of records are quintessentially administrative and executive acts, not judicial determinations.

76. Chief Justice MacDonald was not acting in his adjudicative capacity when he directed Martin's layoff scheme. He was acting as the administrative head of the Judicial Branch, managing personnel and finances. MacDonald was not resolving a case or controversy, interpreting law, or exercising judicial discretion – he was managing personnel and orchestrating a financial transaction.
77. Similarly, the refusal to produce public records is an administrative decision about transparency and accountability, not a judicial ruling in any case or controversy.
78. Even absolute judicial immunity does not protect judges when they perform administrative, legislative, or executive functions. See [*Supreme Court of Virginia v. Consumers Union*, 446 U.S. 719, 731 \(1980\)](#) (judges not immune when promulgating bar admission rules); [*Forrester v. White*, 484 U.S. 219, 229 \(1988\)](#) (judge not immune for administrative decision to fire probation officer).
79. Moreover, judicial immunity does not apply to acts taken in the complete absence of jurisdiction. [*Stump v. Sparkman*, 435 U.S. 349, 356-57 \(1978\)](#). No judge has jurisdiction to orchestrate financial fraud or violate personnel rules for personal favoritism. Such conduct is not merely erroneous but wholly outside the judicial function. Additionally, judicial immunity does not bar prospective injunctive relief. [*Pulliam v. Allen*, 466 U.S. 522 \(1984\)](#).
80. The relief sought here – disgorgement of improperly paid funds, production of public records, and prospective injunctive relief – does not interfere with any judicial decision-making function but rather addresses administrative misconduct.

Qualified Immunity Does Not Shield Individual Liability

81. Defendant Martin is also sued in her individual capacity for her knowing participation in the scheme to extract \$49,855 in unauthorized public funds through manipulation of personnel rules.
82. To the extent Martin claims qualified immunity, such immunity does not apply where an official violates “clearly established statutory or constitutional rights of which a reasonable person would have known.” [*Harlow v. Fitzgerald*, 457 U.S. 800, 818 \(1982\)](#).
83. The right to be free from government officials misappropriating public funds for private benefit has been clearly established since the founding. *See* N.H. Const. Part I, Article 10 (government shall not be used for “private interest or emolument”); [*Opinion of the Justices*, 88 N.H. 484, 486 \(1937\)](#) (“money raised by taxation can be used only for public purposes and not for the advantage of private individuals”).
84. A reasonable official in Martin’s position would have known that: a) State employees cannot cash out accrued leave when transferring between positions; b) Orchestrating a sham two-day “layoff” to circumvent this rule violates both personnel policies and constitutional provisions; c) Accepting nearly \$50,000 through such manipulation constitutes improper emolument.
85. Martin’s participation was knowing and deliberate. According to the whistleblower’s contemporaneous statement, “Dianne won't accept the transfer because she wants the layoff payout \$.” She was offered the new position on March 27, accepted it, then participated in the fictitious “layoff” on April 1-3 specifically to trigger the payout.
86. No reasonable official could believe that manipulating personnel rules to extract \$49,855 in taxpayer funds for personal benefit was lawful. The very need to orchestrate a sham layoff demonstrates consciousness of wrongdoing.

87. The elaborate nature of the scheme – requiring precise timing, false documentation, and coordination between multiple officials – demonstrates consciousness that legitimate channels were unavailable.
88. As an attorney licensed to practice in New Hampshire (NH Bar #15350), Martin would be held to an even higher standard of knowledge regarding the lawfulness of governmental conduct. Moreover, Martin cannot claim she was merely following orders or relying on supervisory approval. She actively participated in and benefited from the scheme, receiving funds she knew other state employees could not lawfully access.
89. Should this Court find Martin liable in her individual capacity and order disgorgement, such personal liability is appropriate where, as here, an official knowingly participates in extracting public funds through deliberate circumvention of clear rules.
90. Indeed, under [RSA 91-A:8, IV](#), officials who violate clearly established rights “may also be required to reimburse [a] public body or public agency for any attorney’s fees or costs.” The same principle supports requiring disgorgement of ill-gotten gains obtained through knowing violation of constitutional and statutory provisions.

VI. Causes of Action

COUNT ONE

(Violation of N.H. Const. Pt. I, Art. 8 – Taxpayer Standing, Improper Spending)

91. The Plaintiff repeats and realleges paragraphs 1 through 90 stated above.
92. Part I, Article 8 of the New Hampshire Constitution provides that “any individual taxpayer eligible to vote in the State shall have standing to petition

the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision.” See [Carrigan v. N.H. Dep’t of Health & Human Servs., 174 N.H. 362 \(2021\).](#)

93. The \$49,855 payment to Martin constitutes spending of public funds.
94. This spending violated state personnel rules and constitutional provisions. Specifically, it circumvented personnel policies that prohibit employees from cashing out accrued leave when transferring between positions within state government, and it violated the Judicial Branch’s own two-week limit on overlapping appointments.
95. The spending further violated Part I, Article 10’s requirement that government be instituted for “the common benefit” and not for “the private interest or emolument of any one man,” as these funds served no public purpose but solely enriched a favored individual.

COUNT TWO

(Violation of N.H. Const. Pt. I, Art. 8 – Double Payment - Hieber/Martin
Overlap)

96. The Plaintiff repeats and realleges paragraphs 1 through 95 stated above.
97. In addition to the \$49,855 payout, the Judicial Branch spent public funds to pay both Martin and Hieber salaries exceeding \$154,000 each to perform the same General Counsel position from April through September 2025 – a five-month overlap.
98. This five-month overlap violated the Judicial Branch’s own personnel policies, which explicitly limit “overlapping appointments” to a maximum of two weeks.

99. This double payment for a single position – costing taxpayers approximately \$128,000 in redundant salaries – during a claimed budget crisis constituted an improper and wasteful spending of public funds in violation of Article 8.

COUNT THREE

(Violation of N.H. Const. Pt. I, Art. 10 – Emolument Clause)

100. The Plaintiff repeats and realleges paragraphs 1 through 99 stated above.
101. Part I, Article 10 provides that government is “instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men.”
102. The term “emolument” encompasses any profit, gain, advantage, or benefit arising from public employment beyond regular authorized compensation.
103. The orchestrated \$49,855 payment to Martin constituted an improper emolument – an extraordinary benefit extracted from public funds through manipulation of personnel rules.
104. This payment served no legitimate public purpose. Martin performed no additional work, provided no additional service, and generated no public benefit in exchange for nearly \$50,000. She was already transitioning to a new position with a higher salary.
105. The payment was achieved through a sham transaction – a fictitious two-day “layoff” designed solely to circumvent personnel rules that prohibit employees from cashing out benefits when transferring positions.
106. Martin received this special benefit solely because of her relationship with Chief Justice MacDonald, who orchestrated the scheme according to the whistleblower’s contemporaneous complaint.

107. No other state employee could access such benefits when simply changing positions within state government, as confirmed by SEIU President Rich Gulla’s public statement.
108. “It is an underlying principle of our government that money raised by taxation can be used only for public purposes and not for the advantage of private individuals.” [*Opinion of the Justices*, 88 N.H. 484, 486 \(1937\)](#).
109. By orchestrating this payment, MacDonald used government for “the private interest or emolument” of his favored associate rather than “the common benefit” of the community, in direct violation of Article 10.

COUNT FOUR

(Violation of N.H. Const. Pt. I, Art. 8 – Accountability and Transparency)

110. The Plaintiff repeats and realleges paragraphs 1 through 109 stated above.
111. Part I, Article 8 requires that government officials be “at all times accountable” to the people and that government be “open, accessible, accountable and responsive.”
112. The defendants violated this provision by orchestrating Martin’s sham layoff and payout through deliberate obfuscation – falsely claiming the position was “abolished” when it continued to be filled, timing the layoff to occur over just 48 hours to minimize detection, and processing the transaction in a manner designed to avoid scrutiny.
113. The defendants further violated this provision by refusing to answer NHPR’s questions about the transaction, initially claiming they cannot comment on “personnel matters,” and then issuing a statement containing demonstrable falsehoods only after public pressure mounted.

114. The defendants compounded these violations by refusing to produce any records in response to Plaintiff's Right to Know request, instead hiring outside counsel to defend their concealment, thereby using public funds to avoid public accountability.
115. These actions demonstrate a pattern of conduct designed to shield improper financial transactions from public view, directly contradicting Article 8's mandate that officials be "at all times accountable" to the people.

COUNT FIVE

(Violation of RSA 643:1 – Official Oppression)

116. The Plaintiff repeats and realleges paragraphs 1 through 115 stated above.
117. [RSA 643:1](#) provides that a public servant commits official oppression when he "knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office" or when he "knowingly commits an unauthorized act which purports to be an act of his office."
118. As Chief Justice, MacDonald has duties clearly inherent in his office to ensure the proper administration of the Judicial Branch, including the lawful expenditure of public funds, compliance with personnel rules, and maintaining public trust in the judiciary's integrity.
119. The factual record establishes probable cause to believe MacDonald violated [RSA 643:1](#) when he orchestrated Martin's sham layoff to generate a \$49,855 payout, as documented by the whistleblower's contemporaneous statement that this was the "chief's idea."
120. MacDonald knew this scheme circumvented personnel rules – no other state employee can cash out benefits when transferring positions, and the two-day "layoff" was a transparent fiction designed solely to trigger the payout.

121. MacDonald benefited “another” (Martin, his longtime associate) through this unauthorized manipulation of personnel procedures, while harming the public by misappropriating nearly \$50,000 during a claimed budget crisis.
122. These facts establish probable cause warranting criminal investigation by the Attorney General pursuant to his duties under [RSA 7:6](#) to investigate and prosecute official misconduct, as demonstrated by his recent prosecution of Justice Hantz Marconi under this same statute. Should a conflict of interest exist, the Attorney General should appoint a special prosecutor to ensure independent review.
123. This Court should refer this matter to the Attorney General for investigation, or in the alternative, declare that probable cause exists for such investigation, leaving the executive branch to explain any decision not to pursue criminal charges.

COUNT SIX

(Violation of Part I, Article 8 – Failure to Produce Records)

124. The Plaintiff repeats and realleges paragraphs 1 through 123 stated above.
125. On October 23, 2025, Plaintiff submitted a Right to Know request to the Judicial Branch pursuant to Part I, Article 8, seeking all correspondence and records directly related to the NHPR story about Chief Justice MacDonald and the Martin payout.
126. The Judicial Branch, through outside counsel Drummond Woodsum, refused to produce any responsive records, claiming that Part I, Article 8 only grants access to “court records” filed or generated in connection with judicial proceedings.

127. This refusal violates Part I, Article 8, which requires government officials to be “at all times accountable” to the people and mandates that government be “open, accessible, accountable and responsive.”
128. The requested records – including correspondence between the Judicial Branch and NHPR regarding a matter of significant public interest involving the potential misuse of public funds – are governmental records that must be disclosed under Article 8.
129. The Judicial Branch’s blanket refusal to produce any records – not even correspondence with the media about a published story – constitutes an unreasonable and extreme restriction on the public’s right of access to governmental records.
130. The Judicial Branch cannot claim these records relate to “personnel matters” exempt from disclosure when four justices themselves chose to issue a public statement about the transaction, thereby waiving any claimed confidentiality.

COUNT SEVEN

(Violation of Part I, Article 8 – Legal Fees to Conceal Misconduct)

131. The Plaintiff repeats and realleges paragraphs 1 through 130 stated above.
132. The Judicial Branch has expended public funds to retain outside counsel (Drummond Woodsum) to oppose disclosure of records related to Martin’s payout.
133. The expenditure of public funds to prevent public access to records about the use of public funds perverts the purpose of government, which exists to serve the people, not to conceal its operations from them.

134. Every dollar spent on outside counsel to oppose transparency is a dollar unavailable for the Judicial Branch's claimed budget crisis and core judicial functions.
135. These legal expenditures constitute improper spending of public funds under Article 8's taxpayer standing provision, as they serve no legitimate public purpose but rather compound the original misconduct by using additional public funds to conceal it.
136. The Judicial Branch cannot lawfully use taxpayer funds to prevent taxpayers from learning how their funds were spent, particularly when the underlying transaction itself violated personnel rules and constitutional provisions.

COUNT EIGHT

(Declaratory Judgment – Proper Interpretation of *Petition of Union Leader*)

137. The Plaintiff repeats and realleges paragraphs 1 through 136 stated above.
138. The Judicial Branch, through counsel, asserts that [*Petition of Union Leader Corp.*, 147 N.H. 603 \(2002\)](#), limits Article 8 access exclusively to records “filed or generated in connection with judicial proceedings.”
139. This interpretation is overly restrictive and inconsistent with the plain language and purpose of Part I, Article 8.
140. *Petition of Union Leader* held that the court would not “expand” the definition of court records to include records “unrelated to the superior court’s adjudicatory function.” [147 N.H. at 606](#).
141. Records directly related to the Judicial Branch’s response to credible allegations of financial misconduct by its Chief Justice are related to the court’s functions, even if not strictly adjudicatory.

142. The Judicial Branch’s interpretation would absurdly exclude even press releases or public statements posted on the Judicial Branch’s own website from the definition of “governmental proceedings and records.”
143. Plaintiff seeks a declaration that records concerning the administration and financial management of the Judicial Branch, including those responsive to Plaintiff’s October 23, 2025 request, are subject to disclosure under Part I, Article 8.
144. Moreover, the 2018 amendment to Article 8, which explicitly grants taxpayers standing to challenge improper spending, necessarily implies a right to access records documenting such spending, as the right to challenge would be meaningless without the ability to obtain information.

COUNT NINE

(Preservation of Claim - *Petition of Union Leader* Was Wrongly Decided)

145. The Plaintiff repeats and realleges paragraphs 1 through 144 stated above.
146. For purposes of appellate preservation only, Plaintiff contends that [*Petition of Union Leader Corp.*, 147 N.H. 603 \(2002\)](#), was wrongly decided to the extent it restricts Part I, Article 8 access solely to records filed in connection with judicial proceedings.
147. Part I, Article 8’s plain language – requiring that “all magistrates and officers of government are...at all times accountable” to the people – necessarily encompasses disclosure of records that enable such accountability, not merely those filed in court cases.
148. The 1784 understanding of “accountability” would have included the ability to review records of how public officials conduct public business and spend public funds. As the NH Supreme Court has recognized, constitutional language “is to be always understood and explained in that sense in which it was used at the

time when the constitution...was adopted.” [*New Hampshire Motor Transport Ass'n v. State*, No. 2003-0641 \(Apr. 19, 2004\)](#) (quoting [*Opinion of the Justices*, 121 N.H. 480, 483 \(1981\)](#)).

149. Should the issue undergo appellate review, the factors for reconsidering precedent strongly favor overruling *Union Leader's* restrictive interpretation. See [*Seacoast Newspapers v. City of Portsmouth*, 173 N.H. 325, 338 \(2020\)](#) (overruling prior precedent and identifying *stare decisis* factors including whether the rule has proven “outdated, unworkable, or inconsistent with later decisions”). The 2018 constitutional amendment fundamentally altered Article 8’s landscape by granting taxpayers explicit standing to challenge improper spending – a right that becomes meaningless if taxpayers cannot access the very records documenting such spending.
150. Plaintiff acknowledges this argument is foreclosed in Superior Court but makes it here solely for purposes of preservation.

COUNT TEN

(Violation of N.H. Const. Pt. I, Art. 10 – Equal Protection)

151. The Plaintiff repeats and realleges paragraphs 1 through 150 stated above.
152. The Judicial Branch provided Dianne Martin with a benefit – the ability to cash out accrued annual and sick leave while transferring between positions within the same branch of government – that is categorically unavailable to other state employees under standard personnel policy and practice.
153. State employees who transfer between positions, without a break in service, are ordinarily prohibited from liquidating unused leave balances. This principle was confirmed publicly by SEIU President Rich Gulla, who stated: “Union members can’t cash out benefits when transferring positions,” calling Martin’s

arrangement “peculiar” and contrary to expectations of ethical public administration.

154. The Judicial Branch’s decision to grant Martin a special cash benefit – nearly \$50,000 in accrued leave and termination pay – while denying the same to other employees in similar circumstances, constitutes arbitrary and unequal treatment. Under Part I, Article 10 of the New Hampshire Constitution, “the law cannot discriminate in favor of one citizen to the detriment of another.” [*Opinion of the Justices*, 144 N.H. 374 \(1999\)](#) (citing [*State v. Pennoyer*, 65 N.H. 113 \(1889\)](#)).
155. Even under the deferential standard of rational basis review, disparate treatment must be supported by a legitimate public purpose. There is no rational justification for awarding Martin – who had already accepted a new job in advance – a benefit that no similarly situated employee could lawfully obtain. The payout was not based on hardship, workload, tenure, or merit, but rather on her favored relationship with Chief Justice MacDonald. Indeed, the 48-hour “layoff” was transparently engineered solely to trigger benefits unavailable through legitimate channels.
156. This preferential treatment undermines the uniform application of public employment rules and violates the constitutional guarantee of equal protection. It also erodes public confidence in the fairness and integrity of state government by demonstrating that benefits are selectively awarded to insiders while denied to the broader class of public servants.

COUNT ELEVEN

(Violation of Part I, Article 10 – Equal Protection – Disparate Treatment from Media)

157. The Plaintiff repeats and realleges paragraphs 1 through 156 stated above.

158. Plaintiff is an “individual taxpayer eligible to vote in the State” who exercises his rights under Part I, Article 8 to seek government records and accountability.
159. Professional media outlets, including NHPR, have published detailed stories about the Martin payout based on records and information provided by or obtained from the Judicial Branch.
160. NHPR’s reporting included specific details about personnel records, internal communications, and financial transactions that could only have come from access to governmental records or sources within the Judicial Branch.
161. When Plaintiff requested the same or similar records on October 23, 2025, the Judicial Branch refused to produce any records whatsoever, claiming they were not subject to disclosure.
162. The Judicial Branch later issued a public statement defending the transaction, demonstrating their willingness to discuss these matters publicly with media while simultaneously claiming they cannot provide records to citizens.
163. The Judicial Branch has thus treated Plaintiff differently from professional media organizations, providing access or information to established media while denying the same access to an individual citizen.
164. Part I, Article 10 provides that “the law cannot discriminate in favor of one citizen to the detriment of another.” [*State v. Pennoyer*, 65 N.H. 113, 114 \(1889\)](#).
165. At the time of the founding, there were no professional journalists in the modern sense, and “the press” referred to the printing press – the ability of any citizen to disseminate ideas to the public.
166. The United States Supreme Court has consistently refused to grant increased First Amendment protection to institutional media over other speakers. *See*

[Bartnicki v. Vopper, 532 U.S. 514 \(2001\)](#) (applying same First Amendment protections to media and non-media speakers); [Cohen v. Cowles Media Co., 501 U.S. 663 \(1991\)](#) (press has no special immunity from general laws); [Branzburg v. Hayes, 408 U.S. 665 \(1972\)](#) (no special journalist privilege against grand jury subpoenas).

167. Similarly, this Court cannot distinguish between Plaintiff and employees of professional media corporations under Articles 8 and 22 of the State Constitution without violating equal protection principles.
168. By providing records or information to NHPR and other media outlets while categorically refusing to provide any records to Plaintiff, the Judicial Branch has violated Plaintiff's rights to equal protection under Part I, Article 10.
169. This disparate treatment is particularly egregious given that Plaintiff explicitly invoked his constitutional rights under Part I, Article 8 and made a formal written request, while media outlets may have relied on informal relationships or traditional press access.
170. The Judicial Branch cannot constitutionally maintain a two-tiered system of access where professional media receives information about government misconduct while individual citizens seeking the same information are denied.

COUNT TWELVE

(Violation of Part I, Article 35 – Impartial Administration of Justice –
Appearance of Partiality)

171. The Plaintiff repeats and realleges paragraphs 1 through 170 stated above.
172. Part I, Article 35 of the New Hampshire Constitution provides:

“It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial

interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.”

173. The test for the appearance of partiality is an objective one: “whether an objective, disinterested observer, fully informed of the facts, would entertain significant doubt that justice would be done in the case.” [*Tappl v. Zukatis*, 162 N.H. 285, 289 \(2011\)](#).
174. The objective standards implementing due process “do not require proof of actual bias.” [*Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 883 \(2009\)](#). Rather, the question is whether, “under a realistic appraisal of psychological tendencies and human weakness,” the interest “poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.” [*Id.* at 883-84](#).
175. The law firm Drummond Woodsum currently serves as outside counsel to the Judicial Branch Administrative Office of the Courts, defending the Judicial Branch’s refusal to produce records concerning the Martin payout.
176. Simultaneously, Drummond Woodsum maintains an active litigation practice representing private clients before New Hampshire courts in matters unrelated to its representation of the Judicial Branch.
177. When Drummond Woodsum attorneys appear before New Hampshire judges representing private clients, those judges know that Drummond Woodsum also serves as counsel defending the Judicial Branch itself.
178. For instance, when Drummond Woodsum represents a private client in a civil appeal before the New Hampshire Supreme Court, the very justices deciding that case know the firm is simultaneously defending their branch against allegations of financial misconduct and concealment of public records.

179. This dual role creates an impermissible appearance of partiality that violates Article 35's guarantee of impartial administration of justice.
180. An objective, disinterested observer would entertain significant doubt about whether justice would be done when Drummond Woodsum appears before judges whose employer the firm simultaneously represents.
181. Under a realistic appraisal of psychological tendencies and human weakness, judges may consciously or unconsciously favor the law firm that defends their branch of government, creating a risk of actual bias or prejudgment.
182. Opposing counsel and parties forced to litigate against Drummond Woodsum in New Hampshire courts are denied their Article 35 right to impartial judges "as impartial as the lot of humanity will admit."
183. The Judicial Branch cannot constitutionally maintain this arrangement where its outside counsel simultaneously appears before its judges representing other clients.
184. Either Drummond Woodsum must serve exclusively as the Judicial Branch's outside counsel and refrain from appearing before New Hampshire courts in other matters, or it may practice like any other law firm without the special relationship to the Judicial Branch – but not both.
185. By allowing Drummond Woodsum to maintain this dual role, the Judicial Branch violates the fundamental guarantee of impartial administration of justice.

COUNT THIRTEEN

(Declaratory Judgment - RSA 99-D:2 Violates Separation of Powers)

186. The Plaintiff repeats and realleges paragraphs 1 through 185 stated above.

187. [RSA 99-D:2](#) authorizes the Attorney General (executive branch) to provide legal representation to judicial branch officials in certain circumstances.
188. This statute violates Part I, Article 37's separation of powers doctrine as applied here, where it would allow the executive branch to defend judicial branch officials accused of misusing public funds, thereby creating an inherent conflict between the Attorney General's duty to investigate and prosecute official misconduct and the duty to defend those same officials.
189. The Judicial Branch has its own attorneys to defend its interests without executive branch involvement, as evidenced by its retention of private outside counsel (Drummond Woodsum) in this very matter.
190. As the NH Supreme Court recognized in [Petition of Judicial Conduct Committee, 151 N.H. 123, 126 \(2004\)](#), "the regulation of the conduct of judges is the prerogative and responsibility of the judiciary and not of the legislature" – and by extension, not of the executive branch.
191. Allowing the Attorney General to both prosecute judicial officials (as with Justice Hantz Marconi) and defend them (as [RSA 99-D:2](#) contemplates) creates an untenable conflict of interest that undermines public confidence in the integrity of both branches.
192. This Court should declare that [RSA 99-D:2](#) cannot constitutionally be applied to authorize executive branch defense of judicial officials in matters involving allegations of financial misconduct or misuse of public funds.

COUNT FOURTEEN

(Redress of Grievances to Legislature – Article 32)

193. The Plaintiff repeats and realleges paragraphs 1 through 192 stated above.

194. Part I, Article 32 of the New Hampshire Constitution provides: “The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”
195. This constitutional provision, unchanged since 1784, embodies the fundamental principle that the people retain the sovereign right to petition their government for redress when public officials violate the law or abuse their positions.
196. The term “redress” as understood at the founding meant “to remedy, to repair, to relieve from” wrongs and grievances. 2 Webster’s American Dictionary of the English Language 53 (1828).
197. While [*Richard v. Speaker of the House*, 286 A.3d 1135 \(N.H. 2022\)](#) held that Article 32 does not require the legislature to hold hearings on every remonstrance, it does not limit the legislature’s constitutional authority to investigate misconduct and provide remedies when it chooses to do so.
198. The New Hampshire Legislature possesses broad investigative powers inherent in its legislative function, including the power to investigate misconduct in other branches of government to inform potential legislative reforms or impeachment proceedings.
199. The Legislature controls the Judicial Branch’s budget through the appropriations process and has the authority to condition funding on compliance with fiscal accountability measures.
200. Part II, Article 73 of the New Hampshire Constitution vests in the House of Representatives “the sole power of impeachment” for “bribery, corruption, malpractice or maladministration, in office.”

201. The misconduct alleged herein – orchestrating sham transactions to divert public funds for private benefit – falls squarely within the scope of “corruption” and “maladministration” that the Legislature has constitutional authority to investigate.
202. The Legislature also possesses the authority to enact statutory reforms to prevent future occurrences of the misconduct alleged herein, including: prohibiting manipulation of personnel rules to generate unauthorized payouts; requiring disclosure of all payments to judicial branch employees exceeding normal salary; establishing independent oversight of judicial branch finances; and creating whistleblower protections for those who report financial misconduct.
203. This Complaint serves the dual purpose of seeking judicial relief and constituting a formal petition to the legislative defendants for redress of grievances under Article 32.
204. Plaintiff specifically requests that Speaker Packard convene legislative hearings to investigate the Martin payout, examine the Judicial Branch’s financial practices, and consider appropriate remedial legislation.
205. Should the Legislature exercise its constitutional authority to investigate and remedy the misconduct alleged herein, such action would constitute an effective means of redress under Article 10, demonstrating that our system of checks and balances remains functional despite the violations alleged in this complaint.
206. Plaintiff seeks a declaration that the Legislature possesses full constitutional authority to investigate the misconduct alleged herein, to hold public hearings, to compel testimony and production of documents, and to enact appropriate remedial legislation or pursue impeachment if warranted.

COUNT FIFTEEN

(Executive Power to Prosecute Judicial Officials – Article 10 Enforcement Mechanism)

207. The Plaintiff repeats and realleges paragraphs 1 through 206 stated above.
208. Plaintiff seeks declaratory relief that the Executive Branch of New Hampshire government – including the Office of the Attorney General and the Office of the Governor – possesses the lawful authority and responsibility to investigate and, if warranted, criminally prosecute members of the Judicial Branch for violations of [RSA 643:1](#) (Official Oppression).
209. This authority was recently exercised in the criminal prosecution of Justice Anna Barbara Hantz Marconi, a sitting Associate Justice of the New Hampshire Supreme Court, under [RSA 643:1](#) and related statutes.
210. Accordingly, the Executive Branch cannot disclaim its authority to take action against similar alleged misconduct by other judicial officers, including the Chief Justice.
211. The Attorney General’s duty to enforce the criminal laws applies equally to all public officials, regardless of branch, as no person is above the law in our constitutional system. *See* N.H. Const. Pt. I, Art. 10 (“the law cannot discriminate in favor of one citizen to the detriment of another”); [State v. Pennoyer, 65 N.H. 113, 114 \(1889\)](#).
212. Plaintiff asserts that this lawsuit, properly served on Governor Ayotte and Attorney General Formella, constitutes formal invocation of the right to redress under Part I, Article 10 of the New Hampshire Constitution, and provides a procedural opportunity for the Executive Branch to act.

COUNT SIXTEEN

(Declaratory Judgment – Part I, Article 10 – Perversion of Government Ends
and Effectiveness of Redress)

213. The Plaintiff repeats and realleges paragraphs 1 through 212 stated above.

214. Part I, Article 10 of the New Hampshire Constitution requires:

“Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government.”

215. This Court has long recognized that Article 10 embodies fundamental principles of equal protection and prohibits the use of government for private benefit. [*State v. Pennoyer*, 65 N.H. 113, 114 \(1889\)](#); [*Opinion of the Justices*, 144 N.H. 374 \(1999\)](#).

216. In the instant case, the orchestrated \$49,855 payment to Martin demonstrates that “the ends of government are perverted” within the meaning of Article 10, as public funds were diverted for “the private interest or emolument” of a favored individual.

217. The Judicial Branch’s refusal to provide any records about this transaction while simultaneously claiming budget crises demonstrates that “public liberty [is] manifestly endangered” through the denial of transparency and accountability.

218. However, Plaintiff expressly acknowledges that “all other means of redress” are not “ineffectual” at the present time – indeed, this very lawsuit provides a constitutionally appropriate means of redress.
219. Plaintiff seeks a narrow declaratory judgment that: (a) in this specific instance, the ends of government were perverted when public funds were used for private emolument; (b) public liberty was manifestly endangered by the lack of transparency and accountability; but (c) this judicial proceeding itself constitutes an effective means of redress within the meaning of Article 10.
220. This interpretation gives full effect to Article 10’s text while recognizing that the availability of judicial review provides the peaceful, lawful remedy our constitutional system contemplates.
221. Should this Court grant any substantial relief requested herein, such relief would conclusively demonstrate that effective means of redress existed, thereby negating any suggestion that extraordinary measures would be warranted in this instant case.
222. Alternatively, should the legislature review and address these matters as requested in Count Fourteen, such legislative oversight would similarly constitute effective redress.
223. Alternatively, should the executive branch review and address these matters as requested in Count Fifteen, such executive oversight would similarly constitute effective redress.
224. Plaintiff emphasizes that this Count seeks only a declaration about the specific governmental conduct at issue and the effectiveness of constitutional litigation as a remedy – nothing more.

VII. CONCLUSION

225. The Plaintiff repeats and realleges paragraphs 1 through 224 stated above.
226. In sum, this matter presents the precise circumstances contemplated by Article 10 of our New Hampshire Constitution: public funds have been systematically diverted for private emolument through orchestrated schemes that mock the rule of law; transparency and accountability have been denied through blanket refusals to produce public records and the expenditure of public funds to conceal wrongdoing; a web of personal relationships has corrupted the administration of justice, with the Chief Justice enriching his longtime associate while claiming financial crisis to the legislature; and the structural integrity of government has been compromised by allowing the judiciary's outside counsel to appear before the very judges whose interests they defend. These actions demonstrate that the ends of government have been perverted from serving the common benefit to enriching favored insiders.
227. Public liberty is manifestly endangered when the highest judicial officer can orchestrate financial schemes with impunity, when whistleblowers are ignored, when the press receives information denied to citizens, and when those charged with upholding the law instead violate it.
228. Yet Plaintiff maintains faith in our constitutional system and seeks only the remedies the law provides. Should this Court grant any substantial relief requested herein – whether ordering disgorgement of ill-gotten funds, compelling production of wrongfully withheld records, or declaring the unconstitutionality of the challenged practices – such relief would demonstrate that our system of checks and balances, though tested, remains functional. Alternatively, should the legislature investigate these matters pursuant to Count Fourteen, or should the executive branch prosecute wrongdoing pursuant to Count Fifteen, such actions would equally vindicate the principle that in New

Hampshire, government exists for the common benefit, not private enrichment. The very availability of this lawsuit, with its multiple avenues for relief across all three branches of government, proves that while the ends of government may have been perverted in this instance, the means of redress through our constitutional system remain effectual – so long as at least one branch fulfills its duty to the people.

VIII. DEMAND FOR RELIEF

WHEREFORE, Plaintiff Dana Albrecht, respectfully requests that this Court:

- A) Declare that the \$49,855 payment to Martin violated Part I, Articles 8 and 10 of the New Hampshire Constitution;
- B) Declare that the five-month double payment to Martin and Hieber violated Part I, Article 8;
- C) Order disgorgement of improperly paid funds;
- D) Enjoin future similar payments or personnel manipulations;
- E) Declare that the Judicial Branch's refusal to produce records violated Part I, Article 8;
- F) Declare that *Petition of Union Leader* does not bar access to governmental records concerning the administration and financial management of the Judicial Branch;
- G) Order the Judicial Branch to produce all records responsive to Plaintiff's October 23, 2025 Right to Know request;
- H) Declare that the Judicial Branch violated Plaintiff's equal protection rights by providing records or information to media outlets while denying the same to Plaintiff;

- I) Order the Judicial Branch to provide Plaintiff with all records or information previously provided to media outlets regarding the Martin payout;
- J) Enjoin the Judicial Branch from discriminating between professional media and individual citizens in providing access to governmental records;
- K) Declare that the Judicial Branch's arrangement allowing Drummond Woodsum to serve as its outside counsel while simultaneously appearing before New Hampshire judges violates Part I, Article 35;
- L) Enjoin the Judicial Branch from retaining outside counsel who simultaneously maintain litigation practices before New Hampshire courts;
- M) In the alternative, enjoin Drummond Woodsum from appearing before New Hampshire courts in any matter other than its representation of the Judicial Branch for so long as it serves as the Judicial Branch's counsel;
- N) Declare that RSA 99-D:2 violates separation of powers as applied to this case;
- O) Declare that, in this specific instance involving the Martin payout, the ends of government were perverted and public liberty manifestly endangered within the meaning of Part I, Article 10;
- P) Declare that this judicial proceeding, if successful in any substantial part, constitutes an effective means of redress within the meaning of Part I, Article 10;
- Q) Declare that the legislature has authority to investigate and remedy the misconduct alleged herein;
- R) Declare that the Attorney General and/or the Executive branch has authority to investigate the misconduct alleged herein;
- S) Award Plaintiff his reasonable costs and attorney's fees;
- T) Grant such other relief as the Court deems just and proper.

VII. JURY DEMAND

The Plaintiff, Dana Albrecht, demands a trial by jury on all disputed issues of fact so triable in accordance with New Hampshire law.

Respectfully submitted,



DANA ALBRECHT

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November 6, 2025.

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In midst of budget crisis, an unusual move helped ally of NH Chief Justice collect \$50K

New Hampshire Public Radio | By **Todd Bookman**

Published October 23, 2025 at 5:30 AM EDT



LISTEN • 6:16



New Hampshire Department Of Justice

Dianne Martin, left, served as Gordon MacDonald's chief of staff at the Attorney General's office. She would follow him to the New Hampshire Supreme Court, after he was confirmed as the court's chief justice. (Photo from 2019)

Earlier this year, Chief Justice Gordon MacDonald warned of layoffs and delayed trials due to tight budgets. But at the same time, according to a whistleblower, MacDonald helped orchestrate a nearly \$50,000 payout for his former chief of staff.

When Gordon MacDonald was New Hampshire Attorney General, he tapped Dianne Martin, a lawyer at the Department of Justice, to serve as his chief of staff.

Two years later, when MacDonald became chief justice of the New Hampshire Supreme Court, Martin followed her former boss, taking a top job working for him as head of the court's administrative office.

In April of this year, Martin landed yet another high paying job under MacDonald: overseeing applications for those hoping to practice law in New Hampshire.

But instead of Martin transferring directly into that position, something strange took place. Martin was laid off from state government for two days, then immediately rehired.

While this 48-hour gap in Martin's employment may have seemed just a technicality — a bureaucratic blip — it was also lucrative. It allowed her to cash out unused sick and vacation time, and other benefits, for a total payment of nearly \$50,000. Typically, state employees are only able to cash out their unused sick and vacation time when they retire or are laid off.

The payout came at a time when the New Hampshire judiciary was facing a budget crisis. In the same month that the payouts were made, the chief justice announced a hiring freeze, and **warned of looming layoffs** if state budget writers slashed any more funding.

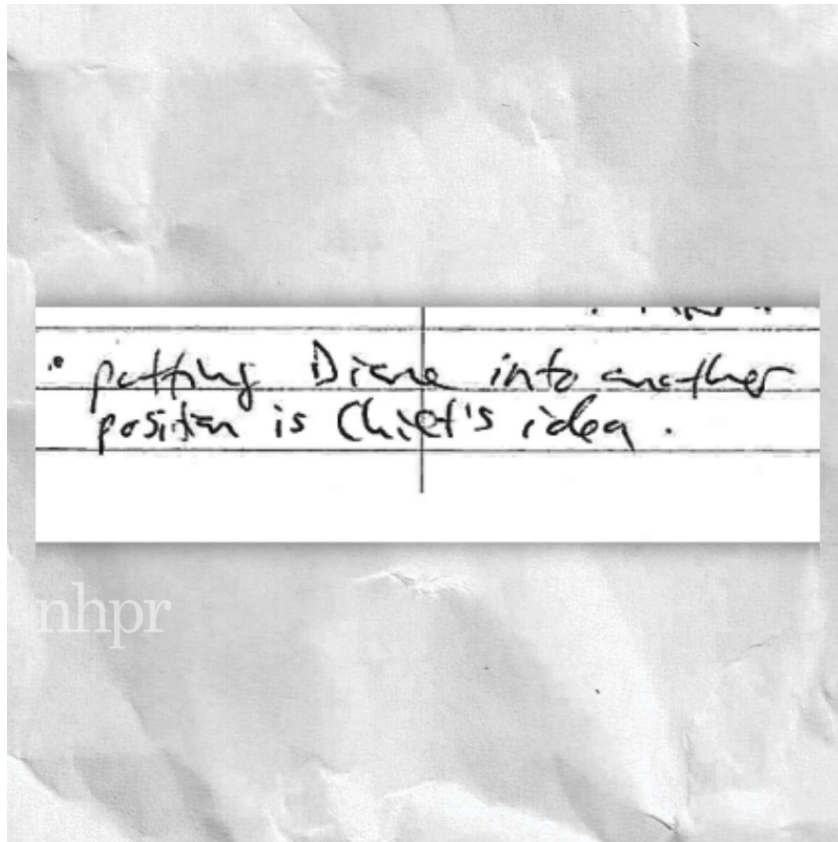
The unusual personnel move — which NHPR confirmed through state payroll records, personnel files and at least one complaint made by a state employee — has not been previously made public. At least one whistleblower alleges the layoff and immediate rehiring was done at Martin's request, with the assistance of MacDonald. That person called it the "chief's idea."

NHPR sent a detailed list of questions to the New Hampshire Judicial Branch about the payments and whether MacDonald had any role in orchestrating Martin's personnel moves. A court spokesperson declined to answer specific questions, saying only that "the New Hampshire Supreme Court oversees all personnel decisions within the Judicial Branch and does not comment on any matters involving personnel."

The moves are raising questions among some in state government. New Hampshire
to Rep. Ross Berry, a Republican from Weare, said the personnel maneuver was

“concerning” and said he would support holding a legislative hearing to question judicial officials about Martin’s payout.

“This isn't something that I think you can allow the courts to just handle themselves,” said Berry. “You're talking about a significant amount of taxpayer money.”



Record Obtained Through Right To Know Request

A whistleblower alleges that Chief Justice Gordon MacDonald helped orchestrate a \$50,000 payout to a top ally.

The ‘chief’s idea’?

While Martin’s most recent job titles may sound obscure, she’s in fact held two of the most important behind-the-scenes roles in the state Judicial Branch over the past year. As director of the Administrative Office of the Courts, she was responsible for running the business end of a sprawling court system — overseeing spending, human resources, communications, court security, IT, and more. In her current position, as head of the Office of Bar Admissions, she’s in charge of the process by which new lawyers get approved to practice in the state.

While Martin has largely worked under the radar in these positions, her movement between the two roles is laid out in a series of internal personnel records and publicly

available payroll figures.

Timeline of Dianne Martin's recent state employment

Nov. 15, 2021	Martin appointed director of NH Administrative Office of the Courts, the top administrative job in the judicial branch
Mar. 3, 2025	Martin removed as director, remains on the court's payroll
Mar. 27, 2025	Martin offered position as judicial branch general counsel, with an April 4 start date
Apr. 1, 2025	Martin laid off from the judicial branch, officials cite "reorganization"
Apr. 4, 2025	Martin rehired, now as general counsel at the NH Judicial Branch
Apr. 18, 2025	An additional \$49,856 is reflected in Martin's paycheck, a result of her cashing out her unused sick and vacation time during her 48-hour layoff

Created with [Datawrapper](#)

After the New Hampshire Judicial Branch announced that Martin would no longer serve as director for the Administrative Office of the Courts, she was offered a new job overseeing the Office of Bar Admissions. Her offer letter for that position was dated March 27, with a proposed start date for the following week, at a salary of \$154,109.

But instead of directly transitioning into that position, the Judicial Branch instead laid Martin off on April 1 — five days after she was offered the new job — according to a second letter obtained by NHPR. That letter refers to a “reorganization” within the judiciary and the abolishment of her position.

Then, she was rehired and began her new position on April 4.

The 48-hour layoff, lasting April 2 to April 3, cleared the way for Martin to cash out her unused sick and vacation time, which were valued at \$43,548. She also received \$6,307 in “termination pay,” based on her length of employment at the Judicial Branch.

How we reported this story

We used multiple sources to ensure the accuracy of our reporting about the \$50,000 payout and the moves that preceded it. That included publicly available government payroll records and internal personnel records that we verified with multiple people with experience working in state government. We also obtained records of a whistleblower’s complaint about the transaction through a Right to Know request. We offered

Judicial Branch officials the opportunity to respond to the facts reported in this story, which they declined.

Martin's shuffling between positions is highly unusual, according to four people with experience in human resources for New Hampshire state government who have reviewed the matter at NHPR's request. One described the chain of events that culminated in Martin cashing out her benefits only to immediately begin a new job with the same state agency as "suspicious." (NHPR is not quoting these people by name as they expressed concern about the potential ramifications of criticizing top state officials.)

The irregular transactions did not go unnoticed, though. One whistleblower was so concerned about the payouts to Martin that they notified a top personnel official with the New Hampshire Department of Administrative Services, which oversees the state's payroll processing.

Handwritten notes from that conversation obtained by NHPR through a public records request show that the employee believed that the moves were the "chief's idea," an apparent reference to MacDonald. "Chief wants to lay her off for a week and then rehire her into a new role," the whistleblower said.

The whistleblower — who declined to speak with NHPR for this story — alleged that Martin wouldn't agree to a straightforward transfer into the new job. "Dianne won't accept the transfer because she wants the layoff payout \$," the whistleblower told the Department of Administrative Services official, who documented their conversation. The whistleblower's concerns were forwarded internally to other officials within that agency, but don't appear to have been shared with the New Hampshire Department of Justice.

When asked about any follow up made by state officials to the whistleblower's concerns, a lawyer for the Department of Administrative Services said "it would be improper for us to comment on the actions of another branch of government."

The Judicial Branch also did not respond to a series of questions about why Martin was laid off for two days and then rehired, or if the moves were coordinated by the chief justice.

It isn't clear if the maneuvers that resulted in Martin's payout violate any state laws or the judiciary's personnel rules, or if MacDonald's alleged involvement may run afoul of

the state's Code of Judicial Conduct, which instructs judges to avoid even "the appearance of impropriety" in their actions.

A spokesperson for the Attorney General's office said the office had no comment on if it was aware of or currently investigating Martin's personnel moves or MacDonald's alleged involvement.

**THE STATE OF NEW HAMPSHIRE
ADMINISTRATIVE OFFICE OF THE COURTS**

HON. CHRISTOPHER M. KEATING
INTERIM DIRECTOR

ONE GRANITE PLACE, SUITE N400
CONCORD, NH 03301
(603) 415-0665
ckeating@courts.state.nh.us

April 1, 2025

Dianne Martin
[REDACTED]

Dear Attorney Martin:

Your non-judicial position is being abolished as part of a reorganization. Effective close of business on April 1, 2025, you are being laid off pursuant to Personnel Rule 56. A layoff is non-prejudicial and non-disciplinary.

Your payout computation shall be as defined by the Personnel Rules, and shall include the following:

- o Unused accrued annual leave; up to a maximum of fifty (50) days;
- o Compensation for 50% of accumulated sick leave not to exceed sixty (60) days.
- o Compensation for terminal pay for qualifying administrative /exempt employees.

Payouts will be processed in the April 18, 2025 check.

Your benefits will continue through April 30, 2025.

You can contact the Human Resources Department at humanresources@courts.state.nh.us should you have any questions about wages, benefits, personnel rules, or any other matter concerning this employment action. You are also welcome to contact me at [REDACTED] or ckeating@courts.state.nh.us.

Best Regards,



Hon. Christopher M. Keating
Interim Director
Administrative Office of the Courts

Before she began her new role as general counsel, Martin was laid off for 48 hours, allowing her to collect her unused sick and vacation benefits, totaling nearly \$50,000.

Allies over the years

Over the past decade, Gordon MacDonald has ascended **to the top position** in New Hampshire's legal world. And for much of that time, Martin has worked closely with him.

MacDonald and Martin first became colleagues in 2017, when he was appointed by former Gov. Chris Sununu to serve as **New Hampshire Attorney General**. At the time,

Martin was a lawyer at the Department of Justice assigned to the transportation and construction sector.

In 2019, MacDonald elevated Martin to serve as his chief of staff. The job came with more responsibilities for Martin, and a nearly \$25,000 jump in pay. Martin would oversee day-to-day operations of the Department of Justice, including recruitment and retention of staff attorneys, as well as work on special projects.

Her time as chief of staff was brief, though. Later that year, Sununu **nominated Martin** to serve on the Public Utilities Commission, an influential state agency that in part oversees major utility expansions and electricity pricing.

During a public hearing on her nomination, officials from across state government **praised** Martin. In her opening remarks, she told the Executive Council that watching her parents raise nine children instilled in her the value of hard work, and the need to be nice.

“That’s a lot of personalities in one household,” she joked.

But two years into her six-year term at the Public Utilities Commission, Martin **left that job** to rejoin MacDonald – her former boss – who had since been confirmed as chief justice of the state Supreme Court. This time, MacDonald hired Martin to lead operations for the entire Judicial Branch. MacDonald announced the hiring in **a press release**, saying that Martin was “especially well prepared” for the role.

The job came with another jump in pay: a salary of more than \$143,000, compared to approximately \$130,000 that Martin was paid as a utilities commissioner.

As director of the court’s administrative office, Martin was tasked with overseeing the judiciary’s operations, as well as special projects, including an initiative championed by MacDonald aimed at improving the court’s response to people with mental health concerns who become involved in the criminal justice system.

But in early March of this year, the New Hampshire Supreme Court issued an administrative order announcing that Martin had departed from the director job, without providing any explanation, including whether she was forced out of the position. Circuit Court Judge Chris Keating was announced as her interim replacement. Salary records show that Martin remained on the state’s payroll for nearly a month, however, until April 1.

On March 27, she was formally offered the new position as general counsel leading the Judicial Branch's Office of Bar Admissions, with a start date of April 4, according to a job offer letter signed by Keating. In the new role, she would oversee the application and review process for people seeking to practice law in New Hampshire, including recent law school graduates.

Martin's position would be fully remote, the standard probationary period was waived, and she would see no gap in her health insurance coverage. And MacDonald would again be her direct supervisor.

NHPR asked Keating if he was instructed to offer Martin the position by MacDonald. He declined to comment, and instead referred to the judicial branch's statement.

Weeks into her new role, MacDonald submitted a request for a pay increase for Martin, according to a separate document obtained by NHPR. He cited her skills and experience, as well as her "working relationships in the Judicial Branch."

Publicly available state payroll information shows that on April 18, Martin received her normal paycheck, along with an additional \$49,856, a result of the liquidation of her unused sick, vacation and termination pay.



Todd Bookman/NHPR

The New Hampshire Supreme Court building in Concord, NH.

'Tough choices'

Martin's payout came at an unusually fraught time for the Judicial Branch.

NHPR
BBC World Service

Throughout the winter and spring of this year, MacDonald was **warning** state budget writers about the impact any proposed cuts would have on the state's justice system, including the closure of courthouses or delays in jury trials.

"Tough choices," MacDonald told members of a key House budget committee as he explained the impacts of possible cuts, including to court security, in the face of a slashed budget. "It's not ideal."

The branch's financial picture was so bleak that in April — the same month that Martin received her payout and raise — MacDonald **announced** a hiring freeze for all but the most critical court positions. He also warned about possible layoffs in the future.

The Judicial Branch did not respond to questions about its finances, or why it chose to offer Martin a raise in her new position at the same time it was warning lawmakers about the possible need for court closures.

Despite pressure to cut costs, when Martin took over her new job, she wasn't the only one being paid to fill the role. For the previous 14 years, Sherry Hieber oversaw the application process to practice law in the state, but in early 2025 she told court leadership about her plans to retire.

In an announcement posted on the court's internal messaging system, MacDonald told branch employees that Hieber and Martin would overlap during a transition period expected to last a "few months."

Payroll records show that Martin and Hieber — both earning salaries of more than \$154,000 — ended up holding the same job for five months, ending in early September when Hieber received her last state paycheck.

A Judicial Branch spokesperson declined to explain why it paid two people for a job previously performed by one person for nearly half a year, or if it violated its own personnel policies, which appear to cap "overlapping appointments" at a maximum of two weeks.



Todd Bookman / NHPR

New Hampshire Supreme Court Chief Justice Gordon J. MacDonald presiding over arguments Oct. 15, 2025.
(Todd Bookman photo / NHPR)

A benefit for one

Martin — a top state official with close ties to the chief justice — appears to have been able to arrange a benefit that other public employees are not able to access.

Rich Gulla, president of the SEIU, the largest public employee union in the state which represents some rank-and-file Judicial Branch employees, said that his members are not permitted to cash out their benefits while switching jobs, as Martin was allowed to do, under the terms of the union's contract.

He called Martin's brief layoff and subsequent rehiring "peculiar," and said other state employees deserve an explanation.

"I think that they deserve to know that the people running the departments are operating in an ethical manner," said Gulla. "This is very concerning."

In addition to calling for a public hearing, Rep. Berry said the payout to Martin could spur a move among lawmakers to ensure this type of payment does not occur in the future.

"The courts are going to look at it and say, was it legal? So I think as an elected official, my response would be, 'Well, let's try to make it illegal because you shouldn't be doing this,'" said Berry. "Just because you can doesn't mean you should."

Berry also praised the whistleblower for trying to shed light on the payments.

According to documents obtained in a public records request, that person followed up their initial phone call with an email to a human resources official in another state agency a week later. The person said that their “moral compass” would no longer let them work in the New Hampshire Judicial Branch, where there is “zero accountability for unethical behavior.”

“The NHJB will see fallout from these moves,” they wrote.

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NH Supreme Court defends \$50,000 payout to top Judicial Branch employee

New Hampshire Public Radio | By **Todd Bookman**

Published October 31, 2025 at 5:36 PM EDT



Todd Bookman/NHPR

New Hampshire Supreme Court Chief Justice Gordon MacDonald during oral arguments on Feb. 15, 2022.

Justices on the New Hampshire Supreme Court are defending an irregular personnel maneuver that allowed a top state court employee to collect nearly \$50,000 in employment benefits following a layoff that lasted just 48 hours.

The sitting justices — with the exception of Justice Anna Barbara Hantz Marconi — issued a [statement Thursday evening](#) saying that Dianne Martin's removal from her position as the top administrator of the state court system and subsequent hiring into a new role in the Judicial Branch two days later was in line with "standard personnel policies."

Chief Justice Gordon MacDonald, along with Justices Patrick Donovan, Melissa Countway, and Bryan Gould, issued the statement in response to [reporting by New Hampshire Public Radio](#) that described how Martin was able to cash out her unused sick and vacation time before transitioning into her new position, a benefit other state government employees are typically not granted when moving between state jobs.

The state Judicial Branch had earlier declined to respond to a detailed list of questions NHPR sent prior to publication, or respond to a whistleblower's allegations that MacDonald — who has a long professional relationship with Martin, including when she served as his chief of staff — helped orchestrate the payout.

Late Thursday, however, the justices issued a statement acknowledging “public interest” in the matter.

“The Court remains committed to responsible stewardship of public resources and to maintaining the effective administration of justice across the state,” the four justices wrote.

According to the statement, Martin was removed as director of the Administrative Office of the Courts on March 3 as part of a “reorganization” that called for the elimination of the position. The justices say that realignment was part of a cost-cutting review that began in early 2024.

On the same day Martin was removed from her position, however, the state Supreme Court announced an interim replacement for her in the role of director, calling into question the claim that the position was eliminated. In fact, the administrative director position would remain filled by Judge Chris Keating, Martin's replacement, until mid-October — a full six months — when the Judicial Branch then [formally announced](#) the abolishment of the position. (Keating now holds the title of State Court Administrator, a job that assumes many of the responsibilities of the former administrative director, along with other new responsibilities.)

Justices defend handling of Martin's transition

Internal personnel records obtained by NHPR showed that Martin was laid off on April 1 but was rehired into a new job as general counsel two days later. That brief gap in state employment cleared the way for Martin to cash out her unused sick and vacation time,

which was valued at \$43,548. She also received \$6,307 in “termination pay,” based on her length of employment at the Judicial Branch.

The justices did not respond to a series of questions from NHPR on Friday about why Martin was laid off for two days, instead of directly transitioning into the new position. The [statement from the court Thursday](#) said that the New Hampshire Department of Administrative Services, which oversees personnel policies for other branches of government, “reviewed” the transaction. A lawyer for that agency did not respond to a request for comment on when that review took place, or if it raised any concerns about the transactions involving Martin.

When Martin was rehired by the Judicial Branch on April 4 into a new role overseeing applications to practice law in the state, the job was already filled by a veteran in-house legal counsel, Sherry Hieber. Hieber had previously informed the court about her plans to retire that summer. Martin and Hieber would simultaneously hold the position for five months, with each earning a salary of more than \$154,000.

The position is funded entirely through bar admission and application fees, and doesn’t come out of the courts’ general fund budget, the justices said.

In defending the overlap, the justices said they “determined that Ms. Martin should work alongside her predecessor for several months before taking over as General Counsel so that she could absorb the institutional knowledge necessary to the execution of her responsibilities.”

The five-month overlap appears to violate the Judicial Branch’s own personnel rules, however, which state that any dual appointments to the same position cannot last longer than two weeks. A court spokesperson declined to respond Friday as to why the justices appear to have sidestepped their own rules.

The justices’ statement also did not address claims made by a whistleblower who said that moving Martin into the new position was the “chief’s idea,” an apparent reference to MacDonald. Handwritten notes obtained by NHPR through a public records request show that the whistleblower told a state official that “Dianne won’t accept the transfer because she wants the layoff payout \$.”

Martin remains employed with the Judicial Branch as a general counsel, and reports
NHPR
... ed by MacDonald.

Two of the state's current five Supreme Court justices were not sitting on the bench when Martin's job moves took place earlier this year. Gould, who signed onto Thursday's statement from the court, was only confirmed to his seat on the bench in September, months after Martin's change in jobs. Hantz Marconi, who did not sign Thursday's statement, was on administrative leave from the bench earlier this year, as she faced criminal charges related to attempting to meddle into an investigation involving her husband, the state's port director.

Earlier this week, Gov. Kelly Ayotte declined to comment on if she would support an investigation into the payments to Martin, saying it involved a separate branch of government. She did tell reporters, though, "that everyone in government, every branch, has to follow the laws and the rules. And so I want to make sure that happens."

On Thursday, top New Hampshire House Republicans said that they were preparing to take action when they return to Concord early next year on a range of issues involving the judiciary.

"I think we're going to see a number of cases come up over the next few months where the legislature uses our authority to hold the justices, the judicial branch, accountable," said Rep. Joe Sweeney, the House's deputy majority leader.

Sweeney declined to say which judicial officials or what conduct he sought to review.

"I think as we continue to uncover certain things that are happening behind the scenes, we'll then come out with different plans for different judges," he said.

Tags

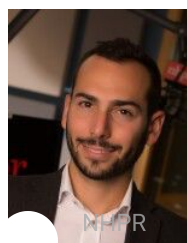
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As a general assignment reporter, I pursue breaking news as well as investigative pieces across a range of topics. I'm drawn to stories that are big and timely, as well as

BBC World Service

Subject: RE: "Right to Know" Request for Records
From: Av Harris <AHarris@courts.state.nh.us>
Date: 10/24/25, 09:39
To: Dana Albrecht <dana.albrecht@hushmail.com>, GeneralCounsel
<GeneralCounsel@courts.state.nh.us>
CC: "Demetrio F. Aspiras" <daspiras@dwmlaw.com>

Hi Dana,

Your request has been received. We will review it and get back to you with a more thorough response.

Thank you,
Av

Av Harris
Communications Manager/Public Information Officer
New Hampshire Judicial Branch
aharris@courts.state.nh.us
603-415-6770

From: Dana Albrecht <dana.albrecht@hushmail.com>
Sent: Thursday, October 23, 2025 1:22 PM
To: GeneralCounsel <GeneralCounsel@courts.state.nh.us>
Cc: Demetrio F. Aspiras <daspiras@dwmlaw.com>; Av Harris <AHarris@courts.state.nh.us>; Dana Albrecht <dana.albrecht@hushmail.com>
Subject: "Right to Know" Request for Records

EXTERNAL EMAIL WARNING! This email originated outside of the New Hampshire Judicial Branch network. Do not click on links or open attachments unless you recognize the sender and are expecting the email. Mouse over links to confirm the target before you click. Do not enter your username and password on sites that you have reached through an email link. Forward suspicious and unexpected messages to 'suspicious@courts.state.nh.us'.

Good afternoon,

Pursuant to N.H. Const. Pt. I, Art. 8, please produce to me copies of all correspondence (e.g. emails, documents) and other records that are directly related to today's story by NHPR about Chief Justice Gordon MacDonald:

- <https://www.nhpr.org/nh-news/2025-10-23/new-hampshire-judicial-branch-supreme-court-whistleblower-complaint-gordon-macdonald-nhdoj>

In particular, my request includes all correspondence received by the NHJB from NHPR, and responses provided to NHPR in connection with this story.

The records requested, while not filed in connection with a pending case, are **directly** related to the "adjudicatory functions" of the NHJB. See, e.g., [Petition of Union Leader, 147 N.H. 603, 605 \(2002\)](#) (PDF attached).

Moreover, the requested records are subject to disclosure under the plain language of Part I, Article 8 of the New Hampshire Constitution, which since 1784 has required all officers of government to be "at all times accountable" to the people -- a term that, as understood at the time of adoption, necessarily encompasses the disclosure of records enabling such accountability. See, e.g., [New Hampshire Motor Transport Ass'n v. State, No. 2003-0641 \(Apr. 19, 2004\)](#) (constitutional language "is to be always understood and explained in that sense in which it was used at the time when the constitution...was adopted") (quoting [Opinion of the Justices, 121 N.H. 480, 483 \(1981\)](#))).

I respectfully request your response within five business days.

Thank you for your consideration.

Sincerely,

Dana Albrecht



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Admitted in NH, ME

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Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

November 14, 2025

Dana Albrecht
via e-mail only

RE: Your October 23, 2025 Request for Records

Dear Mr. Albrecht,

My firm currently serves as outside counsel to the Administrative Office of the Courts.

I am in receipt of your October 23, 2025 email requesting “all correspondence (e.g. emails, documents) and other records that are directly related to today’s story by NHPR about Chief Justice Gordon MacDonald” and for which you note the request “includes all correspondence received by the NHJB from NHPR, and responses provided to NHPR in connection with this story.” The story you reference is: <https://www.nhpr.org/nh-news/2025-10-23/new-hampshire-judicial-branch-supreme-court-whistleblower-complaint-gordon-macdonald-nhdoj>

Part I, Article 8 only grants access to “court records,” i.e. those “records filed or generated in connection with judicial proceedings.” *Petition of Union Leader Corp.*, 147 N.H. 603, 606 (2002).

In your email, you acknowledge these records are “not filed in connection with a pending case,” but assert that they are still subject to access because, according to you, they are “directly related to the ‘adjudicatory functions’ of the NHJB,” citing to *Petition of Union Leader Corp.*

Although it does not appear the records you seek are in fact related to the court’s adjudicatory function, more fundamentally you misconstrue the holding of *Union Leader Corp.* In that case, the Court affirmed its longstanding precedent that Part I, Article 8 permits access only to court records, and then “decline[d] the invitation to expand the common, long-standing and well-accepted definition of court records under Part I, Article 8 to include records unrelated to the superior court’s adjudicatory function.”

Union Leader Corp. did not hold that Part I, Article 8 permits access to records that are merely “related to the adjudicatory functions.” Instead, the law remains that Part I, Article 8 permits access only to “records filed or generated in connection with judicial proceedings.” As you acknowledge your request does not seek such records.

I trust this resolves this matter.

Sincerely,

/s/ Demetrio F. Aspiras