

JOHN BURWELL GARVEY
Professor and Director
Daniel Webster Scholar Honors Program
University of New Hampshire School of Law
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EDUCATION:

Leadership New Hampshire 1993 (selected for first class)
Naval Justice School, Newport, RI - 1978 (1 of 36)
Suffolk University Law School, Boston, MA - J.D. *cum laude* 1978 (2 of 104)
Harvard College, Cambridge, MA - A.B. *cum laude* 1974
(Harvard Fellows Scholarship)

BAR ADMISSIONS:

Supreme Court of Kansas - 1978
U.S. District Court of Kansas - 1979
Supreme Court of New Hampshire - 1981
U.S. District Court of New Hampshire - 1981
Supreme Court of the United States - 1984
Supreme Judicial Court of Massachusetts - 1985

PROFESSIONAL EMPLOYMENT:

October 2009 – present:
The Nelson A. Rockefeller Center, 6082 Rockefeller Hall, Dartmouth College,
Hanover, NH 03755

Position:
Program faculty, Management Leadership Development Program. Teach *Problem Solving, Decision Making and Negotiation: An Introduction to Being Intentional*, (Each trimester since October 2009)

January 2006 – present:

Practice:

Private mediator and arbitrator, 2 White Street, Concord, NH 03301

Wide range of complex civil matters including: civil rights; commercial; construction; employment; environmental; insurance; medical malpractice; personal injury (including TBI and catastrophic injury). Experience includes mediation of “priest cases” and “prison guard” sexual assault cases.

July 2005 – present:

University of New Hampshire School of Law, 2 White Street, Concord, NH 03301

Position:

Professor of Law and Director of the Daniel Webster Scholar Honors Program – a first in the nation alternative bar licensing program. Further information available at:

<http://www.piercelaw.edu/websterscholar/>. Teach various litigation and practice-related courses, including evidence, pretrial advocacy, negotiations, alternative dispute resolution, and client-counseling.

November 1995 – December 2005:

Sulloway & Hollis, P.L.L.C., 9 Capitol Street, Concord, NH 03302-1256

Practice:

General partner and trial attorney in one of the oldest and largest law firms in New Hampshire, concentrating in plaintiff's personal injury, consumer class actions, medical malpractice defense, and commercial litigation; active mediation practice; chair of litigation department 2002-2005.

March 1994 - November 1995:

Attorney John Burwell Garvey, Anguilla, British West Indies and Concord, NH

Practice:

Trial counsel and consultant on selected civil cases, including personal injury, medical malpractice and education reform. Represented international clients in Anguilla and traveled to the U.S. for litigated matters.

November 1981 - March 1994:

Sulloway & Hollis, 9 Capitol Street, Concord, NH 03302-1256

Practice:

Associate from 1981-1985. General partner from 1986-1994. Time devoted to wide range of litigated matters, including medical malpractice, commercial litigation, construction and personal injury.

October 1978 - November 1981:

U.S. Navy Judge Advocate General's Corps

Practice:

Navy lieutenant/attorney. Assigned to Naval Legal Service Office, Newport, RI. Prosecution and defense of over 200 criminal cases. Major felony experience, including manslaughter, rape, sodomy, armed robbery, aggravated assault, forgery, drugs, larceny, obstruction of justice. Presided as judge on numerous summary courts-martial. Wide range of legal assistance. Ranked 1st of 14 lieutenants in fitness report. Awarded Navy Achievement Medal.

Other Teaching:

Adjunct Professor of Law (in evidence) Franklin Pierce Law Center, 1985-1987; 2000-2002; 2004-2005. Adjunct professor, Hawthorne College (business law), 1985 (?).

Chaired and presented in connection with numerous Continuing Legal Education seminars, including evidence, remedies, uninsured motorists, products liability and trial

practice. Frequent presenter to lawyers, students, doctors and health industry professionals on deposition techniques, trial advocacy and malpractice issues. Authored comprehensive handbook for health care professionals regarding the law of confidentiality of medical records. Presented to District Court Judges of New Hampshire on evidence.

Significant Cases:

Gonyeo v. Pellegrino (NH Superior Court, 2001), represented plaintiff Gonyeo in obtaining verdict with interest and costs of \$1.1 million dollars.

Woodward v. Great American Life Insurance (Court of Common Pleas, Hamilton County Ohio, 2000), represented primarily teachers in a class action of holders of tax sheltered annuities, resulting in \$22 million settlement.

Hikel v. T.H.E. Community Apostolic Order (Vermont Superior Ct., 1994), represented plaintiff Hikel in obtaining personal injury verdict in excess of \$1 million.

Claremont v. Governor Stephen Merrill (NH Supreme Ct., 1993), represented plaintiff school districts as co-counsel in a constitutional challenge to the present method of educational funding in New Hampshire. NH Supreme Court unanimously ruled that children are entitled to an adequate education provided by the State of New Hampshire.

Christian Mutual Life Insurance Company v. Kemper Securities (NH Superior Ct. 1993), represented plaintiff Christian Mutual in a multi-million dollar misrepresentation claim. Settled after weeks of trial at close of evidence. Exact details were confidential.

U.S. v. Ansari (U.S. Navy, 1981), defended Dr. Ansari in trial and appeal on charge of manslaughter, in first known military prosecution of a doctor for the unintentional death of a patient. (Handled appeal as civilian.) Non-unanimous manslaughter conviction reversed on appeal (NCMR, 1982).

PROFESSIONAL ACTIVITIES:

Supreme Court Evidence Rules Revision Committee, co-chair, 2012 - present
Continuing Legal Education Committee, NHBA 2010 – present
New Hampshire Legal Assistance/Legal Advice and Referral Center Advisory Board
2009 - present
Transitions in Practice Steering Committee, NHBA 2008 - present
Committee on Cooperation with the Courts, NHBA chair 1999 – 2001; member 1997-
2001
New Hampshire Superior Court appointed and trained mediator for
Alternate Dispute Resolution Program 1992
U.S. District Court appointed and trained mediator, 1999
Maritime Law Association member 1989-2005
American Arbitration Association Arbitrator, commercial and accident cases
1984-2005

Rules of Evidence Committee, NHBA
New Hampshire Association for Justice (formerly New Hampshire Trial Lawyers
Association) 1982- 2010
American Bar Association 1978-present
New Hampshire Legal Assistance Board of Directors 1982-1983

HONORS:

E. Donald Dufresne Award for Outstanding Professionalism, New Hampshire Bar
Association 2011
Best Lawyers in America (Arbitration, Mediation and Personal Injury)
Super Lawyers (ADR)
Martindale Hubbell A/V Rated
Who's Who in America
Who's Who in American Law
New Hampshire Civil Liberties Union "Bill of Rights" Award recipient for
efforts in Claremont case 1997
Navy Achievement Medal 1981
American Bar Association Award for Professional Merit 1978
American Jurisprudence Book Award for Torts 1976

CIVIC INVOLVEMENT:

Red River Theatres Major Donors Committee 2011- present
New Hampshire Civics Education Task Force 2009 – present
Ausbon Sargent Land Preservation Trust, vice-chair 2010-present; trustee 2007-2010;
vice-chair 2002 to 2003; trustee 2000-2001
New London Outing Club, immediate past president 2005; president 2002-2004; vice
president, 2000 - 2002; soccer and baseball coach 1998-2002
Leadership New Hampshire, Alumni Steering Committee, 1996-2001
Anguilla (high school) Debate Team, co-coach 1994-1995
Merrimack County, NH Adult Diversion Program, director 1992-1994
Franklin Educational Task Force, conceptual creator and member 1990-1992
Franklin Citizen's Action Network, Franklin, NH, co-founder and president 1989-1994
Vineyard Playhouse, Martha's Vineyard, MA, director 1988-1991
Spaulding Youth Center, Northfield, NH, trustee 1985-1994
Franklin Regional Hospital, Franklin, NH vice president, trustee, executive committee
and liaison to medical staff 1985-1994
City of Franklin, Master Plan Review and Update Committee member 1984-1985
Boy Scouts of America, Eagle Board of Review member 1983-1985
City of Franklin, Downtown Revitalization Committee - Community Block
Development Grant 1983-1984

PUBLICATIONS:

Books:

Alternative Dispute Resolution: Negotiation, Mediation, Collaboration and Arbitration, Skills and Values Series, (LexisNexis, pending spring 2013).

Book Chapters:

New Hampshire Divorce Law Practice Manual. Chapter 17, "Selected Evidentiary Issues". MCLE. 2009.

Handbooks:

"Confidentiality of Medical Records" (1991)

Articles:

"New Hampshire's Performance-Based Variant of the Bar Examination: The Daniel Webster Scholar Honors Program Moves Beyond the Pilot Phase", *The Bar Examiner* (August 2010)

"Making Law Students Client-Ready: A New Model in Legal Education". *Duke Forum for Law and Social Change*. Publication July 2009

"Trial is Defined as a Failure to Settle", *New Hampshire Trial Bar News*. March 2009

"Mediator is an Action Noun", *NH Bar Journal* (Summer 2005)

"What is Litigation and How Great is the Risk?", *Home Furnishings Retailer* (Dec. 2004)

"Chief Justice Walter H. McLaughlin, A View from the Bench", 8 *The Advocate* 2 (1997)

"The Last Word on Initiative Petitions - Who Has It?", 8 *The Advocate* 40 (1976)

PRESENTATIONS SINCE 2005:

Evidence 2012: Hearsay and Important Exceptions and Ethical Issues in Evidence, presenter (and written materials) at NHBA CLE in Concord, NH (scheduled May 2012)

Making Law Students Client-Ready: A New Model in Legal Education, Annual TePoel Lecture at Creighton Law Review Symposium (March 2012)

Advocating for Your Client and Ethical Issues in Mediation, presenter (and written materials) at NHBA CLE in Concord, NH (November 2011)

Assessment Through Standardized Clients, plenary speaker (and written materials) at Interviewing and Counseling Teaching Workshop, Albany School of Law (November 2011)

Standardized Clients and SIMPLE (SIMulated Professional Learning Environment): learning professionalism through simulated practice, co-presenter at Future Ed III Conference, New York Law School (April 2011)

The Importance of Student Assessment: presenter at American Association of Law Schools Annual Meeting, San Francisco, CA (January 2011)

The Daniel Webster Scholar Honors Program: an Alternative Licensing Program, luncheon speaker at Society of American Law Teachers Teaching Conference, Honolulu, HA (December 2010)

Standardized Clients and SIMPLE (SIMulated Professional Learning Environment): learning professionalism through simulated practice, co-presenter at Future Ed II Conference, Harvard Law School (October 2010)

Best Practices for Mediation, presenter (and written materials) at United States District Court and New Hampshire State Court joint CLE at USDC in Concord, NH (September 2010)

50 Ways to Lose Your License: Encounters in Ethics, presenter (and written materials) at Pierce Law Alumni CLE in Concord, NH (June 2010)

Methods of Collaboration with the Bench, Bar and Law Schools: Using the Daniel Webster Scholar Honors Program as a Model, presenter (and written materials) at New England Bar Association Annual Meeting in Newport, RI (October 2009)

Legal Education at the Crossroads v. 3.0: Conference on Assessment, plenary presenter (and written materials) at University of Denver, Sturm College of Law, Denver, CO (September 2009)

Best Practices for Mediation: Tips for Litigators to Maximize Client Opportunity, presenter (and written materials) at Pierce Law Alumni CLE in Concord, NH (May 2009)

Evidence 2009: Hearsay and Important Exceptions, Plus Under-Used but Important Impeachment Techniques, presenter (and written materials) at NHBA CLE in Concord, NH (May 2009)

2009 Medical Malpractice Screening Panels: Tips for Successful Mediations, presenter (and written materials) at NHAJ CLE in Manchester, NH (March 2009)

Evidence and Expert Testimony Best Practices: Supporting Your Case, presenter (and written materials) at NBI CLE in Manchester, NH (March 2009)

Educational Inequity: Costs, Causes, and Effects, presenter (and written materials) at Duke University School of Law in Durham, NC (February 2009)

Legal Education at the Crossroads: Ideas to Implementation Conference, plenary presenter (and written materials) at University of Washington in Seattle, WA (September 2008)

Winning Your First Civil Jury Trial, presenter at NBI CLE in Concord, NH (September 2008)

Mediator is an Action Noun, presenter (and written materials) at Northern Kentucky University Chase School of Law in Highland Heights, KY (September 2008)

Daniel Webster Scholar Program, History and Overview, presenter at Northern Kentucky University Chase School of Law in Highland Heights, KY (September 2008)

Carnegie Workshop on Student Assessment, presenter (and written materials) at New York University, in New York, NY (June 2008)

The Mediator's Perspective on Properly Preparing, Timing, and Presenting Your Case, presenter (and written materials) at NHAJ CLE in Manchester, NH (May 2008)

Making Law Students Client-Ready: A New Model in Legal Education, plenary session presenter (and written materials) at Future of Legal Education Conference, Georgia State University, Atlanta, GA (February 2008)

Evidentiary Issues In Nilsson v. Bierman, panel presenter (and written materials) at NHTLA CLE in Manchester, NH (October 2007)

Attacking Opposing Expert Testimony, panel presenter (and written materials) at NBI CLE in Manchester, NH, (May 2007)

The Daniel Webster Scholar Honors Program: An Alternative to the Traditional Bar Exam, panel presenter at ABA Annual Meeting, Section of Legal Education in Honolulu, HA (August 2006)

Understanding and Presenting Evidence, A Comparison of NH and Federal Rules of Evidence, panel presenter (and written materials) at NHBA CLE in Concord, NH (May 2006)

Teaching Judges How to Mediate, panel presenter (and written materials) to NH Superior Court Judges, Jackson, NH, (September 2005)

REFERENCES:

Available upon request