

David L. Nixon – Honorary Member
June 17, 2008 - Responses to NHBA 50-Year Member Survey

Name: David L. Nixon

1. *Please tell us how you feel about reaching this milestone.*

I still enjoy the practice of law, and working hard.

2. *Where were you born, raised and educated?*

I was born in Concord, MA at the Emerson Memorial Hospital on March 19, 1932, half a mile or so from my grandfather, Martin Williams', farm on Williams Road in West Concord, MA. My father was an electrician with the New England Power Company in Tewksbury, MA. Until the 3rd grade, we lived in No. Billerica, MA, an adjoining town. Then, when his outfit (Company C, 181st Infantry Regiment 26 [Yankee] Division) was "federalized" in 1940 and he was transferred to the Fitchburg, MA Division of the New England Power Company, we moved to No. Leominster, MA where I completed my education at Leominster High School before going on to Wesleyan University (1949-'53) and University of Michigan Law School (1955-'58) after two years in the Army (1953-'55).

3. *Are you a veteran? If so, where did you serve? Are there any comments you would like to make about your time in the military?*

Yes. I served in the Army at Camp Gordon, GA, Ft. Myer, VA, and Ft. Meade, MD. I had volunteered for a two-year hitch. (You could do that then.) I felt I owed my country in that they allowed me to finish college on a draft-deferred basis; and I had lost a dear friend, Chappy Spencer, on Park Chop Hill, in Korea. I lost the sight of my left eye in a rifle accident in infantry basic training in the fall of 1953, but completed my term of service in the Signal Corps and Field Artillery (2nd Army, Nike Division) at Ft. Meade, MD. I also played safety and quarterback for the Ft. Meade, MD 2nd Army "Generals" football team, which was near-undefeated in the fall of 1954.

I was discharged from the Army as a two-year volunteer in June of 1955 because the U.S. budget was running low, and President Eisenhower offered service people who were going on to professional schools an opportunity for "early release." I feel my time in the military was very worthwhile, and would do it again. The GI Bill, and the VA disability compensation I received (and still receive), allowed me to go to law school when otherwise I would not have been able to afford it.

4. *Why did you decide to become a lawyer?*

I decided to become a lawyer largely because of the influence of the father of one of my dearest friends, Richard J. Levinson, Esq. of Perth Amboy, NJ. Dick Levinson's father was himself a lawyer, and at a "Dad's Day Weekend" that we ran at the Chi Psi Fraternity at Wesleyan University, Middletown, CT about 1951-'52, Dick's father suggested that law school

might be worthwhile for me to consider. I recall my Irish mother saying, “Oh, Dave, you don’t want to be a lawyer.” (She didn’t think much of lawyers.) I took the LSAT’s cold turkey and got into about the 70th percentile, as I recall. So, I forgot about practicing law until I got in the Army and had everybody in the world telling me what to do. I thought that lawyers had (and still think they have) a unique opportunity to improve the lives of those around them. In addition, they have the opportunity for a degree of independence and decision-making opportunities about their own lives not always enjoyed by people in other fields. So, I applied to Harvard Law School (my only choice – I didn’t know much about law schools), and was rejected. I’d been admitted to Harvard as an undergraduate; but decided to go to Wesleyan. So Harvard and I are even. I then got in my car and drove ten hours in the rain from Ft. Meade, MD to Cambridge MA to “plead my case” with then Harvard Dean of Admissions Louis C. Toepfer. He listened to my story about being a disabled vet, married, an honor student, Class President and Football Co-Captain at Wesleyan, and then said, “That’s very interesting, Mr. Nixon. But in the opinion of The “Law School,” you do not have the makings of a good lawyer.” That gave me the motivation to call Vic Butterfield, the President of Wesleyan at the time, and ask his advice. He suggested Boston University Law School, the University of Michigan Law School; and on my own I thought about applying to the University of Colorado Law School. I applied to all three and got into all three. I decided to go to the University of Michigan, in part because I’d heard it was a good law school, and that Ann Arbor was like a “small New England town.” It was. Last I heard of Louis C. Toepfer he was an antique dealer.

5. *Please tell us about significant career positions you’ve had (before and/or after law school) such as: place of employment (law firm, city); in what areas of the law do/did you practice?*

See information from David Nixon’s law firm website at
http://nixon-law.com/att_dln.html

6. *What achievements are you most proud of professionally? Are there any cases or moments in your career that were particularly memorable for you?*

I enjoyed very much being Secretary-Treasurer of the NHBA 1965-69 working with and for such wonderful gentlemen as Presidents Dick Upton, Jack Sheehan, Bill Harrington, and Fred W. Hall, Jr. (a veteran of the 1st Division [“Big Red 1”], the Omaha Beach landings at D-Day [check *Saving Private Ryan*], a former Governor’s Councilor, and Chairman of the Board of Trustees of the University of New Hampshire), who served his term as President of the NHBA during that period. I also enjoyed my years as President of the NHBA, 1980-81; and my six years in New Hampshire government, 1969-74, including having been selected as Outstanding First Year Legislator in 1969, and as President of the New Hampshire Senate in 1973-74.

In terms of professional effort, the case I have the fondest memories of was Murphy v. Portsmouth Hospital, 1976, a \$1.5 million medical malpractice verdict (the largest one in New England up to that time), which John Peltonen and I put together and tried in the Hillsborough County Superior Court/North. The parents of a little boy who was the victim of medical

malpractice, resulting in his becoming a blind, spastic, deaf paraplegic, wouldn't accept the \$1 million settlement offer that was presented to them because they "wanted to see what the jury would do with 'our little boy'". The jury did all right by their little boy, and the parents were the kind of people who, after a trust fund was set up, adopted at least two other physically-disabled children, and raised them with their own son.

7. *Who are/were your role models in the field of law or elsewhere?*

The late Chief Justice Frank R. Kenison of the New Hampshire Supreme Court. I met him through my former law partner, John W. King, who was at the time Democratic Leader in the House of Representatives, and was later elected Governor, went on the Superior Court, the Supreme Court, and was appointed and confirmed as Chief Justice of the New Hampshire Supreme Court, and who was obviously one of my friends and mentors. Frank R. Kenison was kind to me and all lawyers of all ages, particularly younger ones whom he took a liking to. When I was trying to hold onto John W. King's law practice after he, as my boss, was elected Governor of New Hampshire in 1962, I had only weekends to write briefs. I would go up to the old Supreme Court Library (where the New Hampshire State Library now is) with a pillow, and spend the weekend in the stacks. Chief Justice Kenison was always there on Saturdays and Sundays, and loaned me a key so I could have access to go out and get something to eat, stay overnight, etc. He was very helpful to me when I was in the Legislature and encouraged me at all times. He favored the law being used as a means of helping people in need despite doctrinaire, if not Draconian, obstacles to relief and remedies constructed by conservative Congresses, legislators, and federal and state judges. During his years at the helm, the New Hampshire Supreme Court was considered, along with that of California, one of the best and most "people-oriented" in the country. Alas, those days are gone by; but some of us will never give up hope they may return.

Another mentor was Harriet Mansfield, who was the "managing director/partner" of McLane, Carleton, Graf, Greene & Brown in 1958 when I was hired. She and I would work weekends, she going through old files and "weeding them out," and I, scared as hell, talking to her about how to become a good lawyer.

Robert Griffith and Joe Kerrigan, of the Hamblett & Kerrigan law firm in Nashua, were both excellent lawyers; and Bob Griffith was a wonderful Superior Court and Supreme Court Justice. Joe Kerrigan was a most professional and enjoyable trial lawyer. Also, the late Martin F. Loughlin, who served as a solo practitioner, then in partnership with James V. Broderick, Jr., then as Justice and Chief Justice of the New Hampshire Superior Court, and then as Associate Justice of the U.S. District Court here in New Hampshire. Marty was a veteran of the Battle of the Bulge (Patton's 3rd Army). After retirement, he served as of counsel to this law firm. He and I would have lunch 1-2 times per week and talk about "The Good Old Days" and laugh about the foibles and follies of 1950's and 1960's law practice. Any lawyer who ever practiced before him will tell you that Marty Loughlin was the best, nicest, and most enjoyable judge to try a case before.

I could name others, such as Jack Sheehan, Bill Phinney, Kenneth Graf, Stanley Brown (he was the best trial lawyer I ever saw or worked with; I had the pleasure and honor of carrying his bags for about three years while I was with the McLane office); Bill Green of the Sheehan

office; Kim Zachos (whom I first met at Wesleyan in 1950-'51, in the dorms, where he was peddling cleaning and laundry, and I was hawking sandwiches and milk); he later became Deputy Speaker of the N.H. Legislature, and was my State Chairman when I ran as a Republican (I've been a Democrat since 1986) in the Republic Primary against incumbent Meldrim Thomson. That was Watergate Year. Alas. Jack Middleton (who was assigned, as "senior associate" in the McLane office, to teach me how to search and abstract titles!); Bob Taft of Peterborough (another alum of the McLane office, who's been a steadfast friend since 1958); the above-mentioned Fred W. Hall, Jr. of Rochester; Fred Upton of the Upton firm, a fine lawyer and scholar who served as President of the NHBA; and, of course, his brother, Dick, who was President of the New Hampshire Bar when I was elected Secretary-Treasurer in 1965; Phil Peters of Wadleigh, Starr, Peters, Dunn & Kohls, with whom I had many courtroom battles; Paul E. Nourie of Wiggin & Nourie, a most articulate and capable insurance defense lawyer, who always was kind and considerate to me, even while knocking me and my client into the left-field bleachers; and too many others to fit into this small space.

8. *Please highlight the community activities of the greatest significance to you:*

I enjoyed serving as Town Counsel to the Town of New Boston; my 40 years as Chair of the Scholarship Committee of the Hillsborough County Law Enforcement Association; the years I devoted to serving the clients of New Hampshire lawyers as the first Chair of the New Hampshire Bar Association's Mediation Committee; my years as a volunteer Mediator in the New Hampshire Superior Court System; and representing battered women and children as a DOVE attorney under the auspices of the New Hampshire DOVE Program and its pro bono referral systems. I have also enjoyed my five years as Chair of the Manchester/William B. Cashin Senior Activity Center fundraising effort, which so far has brought in pledges and donations in excess of \$500,000, to improve the quality of the facilities and programs for Manchester seniors, at 151 Douglas Street in Manchester, and thus the lives of the hundreds of senior citizens who enjoy the programs there.

9. *Please tell us about your family (marriage(s), children, etc.)*

I was married for 37 years to Janet E. (Rich) Nixon. We had 7 children (we lost the first one at birth at Walter Reed General Hospital in Washington, DC in 1955). Although we lost one wonderful grandson, Clifford Nyquist, my eldest daughter, Leslie, has been blessed with twins May 7, 2007 (at age 51!); so I now have 7 wonderful grandchildren. I am presently married to a most gracious and caring person, Patricia D. Nixon, and am enjoying the benefits of being a stepdad to her three fine and caring children, two of whom are still in high school.

10. *What are you doing now? Are you still working as an attorney – or perhaps in some other field? If you are retired, please tell us about your retirement activities.*

I'm still working as a lawyer, most often five days a week plus Saturday and Sunday mornings. I try to play golf (i.e., "goof"); and I enjoy reading history and biography). I enjoy helping people find their way through the ever more complicated and difficult obstacles of the

law. I strongly believe in Part 1, Article 14th of the New Hampshire Constitution (adopted June 2, 1784),

“Legal remedies to be free, complete, and prompt. Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.”

I have recently (on the anniversary of D-Day) filed to run for the Legislature so as to (hopefully) serve during the 2009-2010 legislative years, if elected. I plan to continue to work hard to bring New Hampshire’s legal and judicial systems back to where they were in the days of the late and beloved Chief Justice Frank R. Kenison, the finest jurist (as well as fly fisherman) I’ve had the honor to know and learn from. Like the Legislature (Government), I strongly believe the legal system should be “of the people, by the people, and for the people.”