

Lex Loci: Charles DeGrandpre's Labor of Love

Interview by Dan Wise and Attorney Jeanmarie Papelian

Charles DeGrandpre has put down his writing pen after more than 40 years of writing *Lex Loci*. Under his stewardship, the quarterly review of key New Hampshire Supreme Court cases was delivered with wit and style; it featured trenchant and courageous analysis, and –always– it was eagerly awaited.

The column was originated in 1963 by Marshal Abbey, an associate at the McLane law firm in Manchester. Like the *Bar Journal* in those days, the column appeared infrequently and was sober and straightforward. You might even say dull.

In 1966, DeGrandpre wrote his first *Lex Loci* column, filling in for G. Peter Guenther, another attorney at the McLane law firm, who had succeeded “Marsh” Abbey. In the Spring 1968, Vol. 10, #3 issue, DeGrandpre replaced Guenther as the regular author of *Lex Loci*, a duty he faithfully – often gleefully – discharged until the fall of 2008.

For DeGrandpre, who turns 73 in July 2009, giving up the column is part of a gradual retirement. “I am not going to follow the tradition of those attorneys who never retire,” he declares. “I have wonderful grandchildren and a lot of interests. I want to be able to stop at the right time.”

He leaves behind an impressive and entertaining body of work, a chronicle of the evolution of law in New Hampshire from the late 1960s until the end of 2008. While DeGrandpre is not shy about his accomplishments, neither is he preoccupied with them. After a long conversation with him intended to be about *Lex Loci*, an interviewer’s notes are more about the practice of law in four turbulent decades than it is about the glory and fame of writing *Lex Loci*.

Charlie maintains he didn’t do it for the extra money – there was none. He didn’t do it to advance his career. Although he became a partner shortly after taking it over, DeGrandpre says he rarely received recognition within the firm for it.

DeGrandpre did not write the column to curry favor with judges. He never did much litigation, anyway. And while he was not stingy with praise, he also was unsparing when he felt an opinion conflicted with



good sense.

No, Charles DeGrandpre apparently wrote the *Lex Loci* column for one main reason: the fun of it. Forty years of fun.

“No one read much in the Journal; it was so serious,” DeGrandpre says. “I decided to put more of a spin on the column; I tried to put some humor in it.”

“I always enjoyed writing the column. It was a great change of pace from the rest of my work,” he adds. His secretary for 11 of those years, Jo Catalino, can testify to that. “He had such fun writing that column,” she says. “No matter what he was doing in his life or how busy he was, he had to write that column. It took priority over everything – including fishing.” (In 40 years, only twice did he turn the writing duties over to others – Bruce Felmy and Ralph Holmes, McLane colleagues, both pinch-hit for him while he was away on his legendary long vacations.) “When he was writing it, sometimes he would be laughing his head off,” she said. “He would come up to me, all excited. He would say, ‘This is a good one!’”

Some opinions highlighted in the column, one suspects, were chosen less for their anticipated impact on precedent, than their susceptibility to a pun. While the column regularly had flashes of a learned, wry humor, DeGrandpre took his role as regular observer of the court’s jurisprudence

seriously. He was not timid. He was generous in praise of opinions he thought were cogent or courageous; he was direct and critical when he saw a flawed line of reasoning. He also wasn't afraid to label an opinion as a game-changer — an especially significant point since the column was a rare source of commentary on NH legal issues in those days. In today's era of instant and easy access to communications, it is easy to overlook that the *Lex Loci* column was a distinct solo rather than just another voice in the crowded “blawg-o-sphere.”

Though openly commenting on his column would have been frowned upon, some who have served on the Supreme Court acknowledge that they paid attention to his work.

“He was a free spirit, but he was a voice of reason in the Bar,” observes retired Associate Justice William Johnson, who served on the Supreme Court from 1985 to 1999. When he was on the bench, Johnson said he — as well as other justices — were curious to see the *Lex Loci* interpretation of an opinion. “He called things as he saw them,” he adds.

William Batchelder, who sat on the court from 1981 to 1995, said DeGrandpre's role was “enormously important — his column was very important in calling attention to the formation of the common law.”

In the days before electronic communication made it possible to read the work of the court without leaving your office, DeGrandpre regularly spent time reading opinions or doing research in the Supreme Court law library. In the early years, he asked the Supreme Court Clerk to read a draft of the column to ensure accuracy. He got to know and sometimes lunched with law clerks at the court. Justice Batchelder, he said, sometimes “clued me into opinions” that he thought might be interesting for the column.

While the column was a pleasure and an outlet for his sense of humor and his wide-ranging appetite for literature, it was not what made DeGrandpre renowned in the NH legal community. Instead, his professional reputation chiefly rests on his prominence as a trust and estates attorney, enhanced by his writing (and periodically updating) an authoritative, three-volume treatise, *New Hampshire Probate Law and Procedure*. Helping to rewrite the state's adoption statute (after serving on a Governor's commission reviewing laws affecting children) he proudly acknowledges as an accomplishment of his career.

THE WRITING PROCESS

As remarkable as it is to consider writing such a column for 40-plus years, the feat is more impressive in light of how the legal profession, and the world has changed during that time span. The Supreme Court's opinions weren't read on the day of their issuance via e-mail. Unless it involved individuals or entities with newsworthy names, it would take weeks, months, even years for a justices' opinion to register in the consciousness of attorneys, save for the mention that DeGrandpre made of it in his column in the *Bar Journal*.

DeGrandpre said he tried to keep up with opinions throughout the year, reading them, highlighting quotes and noting issues that interested him. When deadline loomed, he gathered his material and picked up the tape recorder.

“I usually dictated the column all the way through at one sitting,” he remembers. “I would prep for it by reading cases and highlight-

ing quotes from the opinions of interest. I always picked out the cases involving lawyers, and looked for the big issues, and the opinions that contributed to the common law.”

The column was the product of multiple drafts, usually dictated to a secretary who, after receiving the inevitable revisions from DeGrandpre, would retype the entire column for yet another go-round.

“I would type it up, and then he would review it and make changes all over the place,” recalls Catalino. He might even add more material. “He would write, ‘See the tape’ and he would dictate it,” she says.

“We always met the deadline,” she adds with pride. “Of course, Charlie never really knew what the *real* deadline was. I always told him a date that was a week before it was actually due. Then when we would get to that day and I would call Donna [Parker, managing editor and designer of the *Bar Journal*] and ask if we could have a couple more days. That way, we always met the deadline.”

DEGRANDPRE'S BACKGROUND

Charlie grew up in Jaffrey, NH and attended Clark University in Worcester, Mass., as history major, (honors in English history.) He attended the University of Michigan Law School and upon graduating, received interest in employment from two law firms. Unfortunately, he had a commitment to serve in the Army that had been deferred while he was in school. In the summer of 1961, he was hired on a temporary basis to do title work for the McLane firm, which at that point had 10 lawyers. Just before he left to finish his service in the Army, partner Arthur Greene told Charlie to come back if he was still looking for a job after his Army stint. Charlie took that to mean he had a job. “In the summer of 1962, I came back and said, I'm here,” assuming that I had been offered a job,” DeGrandpre recalls. That raised some eyebrows, DeGrandpre later found out, since no one other than Attorney Greene knew he had been hired. DeGrandpre says Greene was inclined to him as he was a Michigan Law graduate, and the firm had just lost Michigan alum, David Nixon. At the time, the firm consisted of Kenneth Graf, John Carleton, John McLane, Sr., John McLane, Jr., Robert Raulerson, Peter Guenther, Stanley Brown, Harriett Mansfield, Jack Middleton and Arthur Greene.

At the same time as DeGrandpre joined McLane, the firm hired John Graf, another fresh law school graduate. Partner John McLane, Sr., hosted a big party to introduce Charlie and John Graf to the Manchester bar.



Harriett Mansfield, one of the only female members of the Bar, was a partner at the McLane firm and a mentor to DeGrandpre. A former bank teller, Mansfield was hired by John McLane, Sr., as his assistant. She took a law school correspondence course and passed the bar in 1930.

A review of DeGrandpre's columns over the years reveals certain tendencies: he tended to frown on judgments that were pro-insurance carrier; he was skeptical about granting leeway to sometimes-capricious land-use boards; he was passionate about the protection of children. ...and tended to find decisions about the Public Employee Labor Relations Board especially sleep-inducing.

"It was very unusual in those days for a law firm in New Hampshire to hire two lawyers at the same time," DeGrandpre explained.

Although the firm at that time did not encourage specialization, DeGrandpre found himself doing mostly transactional work while the younger Graf worked on litigation. Although the firm gradually began to gravitate toward specialization, partner Brown vehemently opposed it, calling it "departmentalization."

"I grew up [in the profession] having to do it all," DeGrandpre notes, "I am a better office [transactional] lawyer for having done litigation."

Nevertheless, DeGrandpre said he was an advocate for division of labor and increasingly found himself handling corporate, utilities and estate work, mentored by Miss Mansfield, a notable personage in the firm — a partner whose name was not in the firm name, and its business manager. Mansfield had been a teller at Amoskeag Bank until she was hired by the senior McLane as his secretary. "He mentored her and when she took the Bar after taking a law school correspondence course, she passed with the highest score that year," says DeGrandpre.

When slip opinions arrived from the Supreme Court in the mail, Brown insisted that all of the associates read all of them. Since he was already into that reading habit, coupled with his love of writing, Charlie was eager to replace Guenther as the Lex Loci writer when Guenther gave up writing the column in 1968.

Range of subjects

In addition to identifying important opinions, DeGrandpre's column never shied from expressing opinions about the court's work. A review of DeGrandpre's columns over the years (*see article elsewhere in the issue.*) reveals certain tendencies: he tended to frown on judgments that were pro-insurance carrier; he was skeptical about granting leeway to sometimes-capricious land-use boards; he was passionate about the protection of children. He had a weakness for quoting opinions about used car sales gone wrong; he delighted in the use of archaic Latinisms; and tended to find decisions about the Public Employee Labor Relations Board especially sleep-inducing.

Asked about his favorite columns, he cites his description of a criminal case discussing the work of two-member police investigative team, withholding to the last paragraph that one of the partners was a bloodhound, and he still chortles at the imaginative term he dreamed up to describe an element of the male anatomy.

The most difficult period of time for him as the Lex Loci commentator was during the impeachment crisis. "I felt the court had gone astray. The Court [in attorney discipline decisions] was chiding lawyers for appearances of impropriety, and what they had done had left them with an appearance of impropriety." DeGrandpre is aware that some judges whom he greatly respected were hurt by his comments.

Over those many years of writing, Charlie says he received relatively little direct feedback on the column, positive or negative. Sometimes he would share a draft with colleague Bruce Felmy to ask, "Am I going too far?"

Nevertheless, people come to the column with high expectations, he said. "I had one lawyer upset with the analysis who called me up to say, 'Don't you read the briefs?' He actually expects me to have not only read the opinion but all of the briefs!"

"One of my worst mistakes was to attribute an opinion to Chief Justice Broderick that was actually written by Justice Dalianis," he said. "Justice Broderick wrote back, thanking me for my criticism," and pointing out that it wasn't his opinion, but it was written by Justice Dalianis. DeGrandpre then wrote to Justice Dalianis (with a copy to Justice Broderick), apologizing and remarking, in a tone of mock-fulsome praise, that he should have realized it was Dalianis's, as it was so well-written.

Asked whether he will miss writing the column, DeGrandpre said, "Yes, I will, but I continue to revise my probate treatise with the assistance of my partner, Bill Zorn.

At the 2009 New Hampshire Bar Association Annual Meeting in June, Charlie will be honored with the Distinguished Service to the Legal Profession award. For more information about the meeting, visit www.nhbar.org.



Charles DeGrandpre, pictured as a college undergraduate, was a Jaffrey, NH native who attended Clark University and then the University of Michigan Law School before his admission to the Bar in 1961.