



Robert A. Stein

Founder

603.228.1109

rstein@steinlawfirmpllc.com

Since his admission to the bar in 1971, Bob has been consistently winning cases on behalf of his clients at the trial and the appellate level. His current practice concentrates on:

- Civil litigation
- Products liability litigation
- Probate litigation
- Litigation involving the distribution of large marital assets
- Criminal defense
- Appellate law

Bob's guiding principle is to "win" for his clients. "Winning" means judgments in his clients favor. It may also, in appropriate cases, mean a cease fire, should appropriate negotiations result in a "win," a large monetary settlement, or an appropriate resolution of a complex matter. Bob has the knowledge, experience, and wisdom to fight the right fights, to advocate for his clients' cause, and the judgment to know when to seek alternative resolutions. His practice involves trying cases, large and small, complex or simple, multi-party or single party. When clients hire Bob, they acquire the entire Stein Law Firm's team of talented lawyers, who often work collaboratively on their case.

Bob is a Fellow of the International Society of Barristers (ISOB), a Fellow of the American Board of Trial Advocates (ABOTA), and a nationally and internationally-known trial advocacy instructor. For more than two decades, he has been listed repeatedly and in multiple categories in *Best Lawyers in America*. Bob has an AV® Peer Review Rating in the distinguished legal directory *Martindale-Hubbell®*, and has been selected for inclusion in *SuperLawyers* in New England for 2007 through 2013 editions.

Litigation and Appellate Law: With more than 43 years of trial experience, Bob is well known as one of New Hampshire's premier litigators. Throughout his career, Bob has represented individuals in a wide variety of complex disputes. In all cases, Bob's goal is to achieve a solid victory for his clients. To date, he has argued approximately 35 appeals in the First and Third Circuit Courts of Appeal, the Pennsylvania Supreme Court, the Pennsylvania Superior Court, and the New Hampshire Supreme Court.

Products Liability: Bob has represented plaintiffs and defendants in products liability cases. Some examples are a worker whose pelvis and entire bony structure from the waist down was crushed when tons of concrete released prematurely from a concrete form. Bob also successfully represented a woman who was burned over 60 to 75% of her body by a combination of a faulty woodstove and highly hazardous and flammable robe.

Probate Litigation: Bob has been called upon recently with regard to contested matters in the New Hampshire Probate Court involving millions of dollars of families contesting against claims or bringing claims against various wills and trusts.

Criminal Defense: Bob first gained criminal defense experience early in his career as a member of the Philadelphia Public Defender's office. Initially representing indigent criminal defendants accused of a variety of offenses, it was not long before he served primarily as defense attorney for alleged bank robbers. Once he moved to New Hampshire, Bob became one of the founding attorneys of the New Hampshire Public Defender System. Today, Bob continues to have an active criminal defense practice representing individuals charged with felonies, negligent homicide, and serious misdemeanors.

Bob has practiced criminal law at the international level. Bob participated in a historic war crimes trial when he appeared in The Hague before the International Criminal Tribunal for the Former Yugoslavia (ICTY), where he defended Dario Kordic, a former Bosnian Croat politician accused of mass murder of hundreds of Bosnian civilians. Bob initially became involved in this case for the purpose of training Croatian colleagues in cross examination skills, but went on to assume the important role of lead counsel in Kordic's defense. Kordic was acquitted of the most serious half of the charges against him, after a three year trial.

Representative Appellate Cases

- *Baker v. Dennis Brown, 121 NH 640 (1981)*. Tortious interference with contractual relations where a realtor persuaded a third party to intervene in a contract and undercut the plaintiff's rights to purchase a home. Bob persuaded the Supreme Court to adopt the tort of tortious interference with a contractual relation even though there was no "privity" between the parties.
- *Shafmaster v. Shafmaster, 138 NH 469 (1994)*. Dismissal of the case was reversed on appeal when Bob proved to the Supreme Court of New Hampshire that fraud in affidavits could serve as grounds for setting aside a divorce settlement agreement. The initial divorce was based on a financial affidavit which was later proved to be fraudulent and dishonest, and the case was opened, remanded, and the enhanced assets re-divided.
- *LeBlanc v. Honda, 145 NH 579 (1997)*. This case set the standard for appropriate comment by counsel on racial or ethnic origins. Bob's representation of a major car manufacturer in this products liability case showed the New Hampshire Supreme Court that his client was deprived of a fair trial because of the inflammatory racial comments made by plaintiff's counsel. The judgment was reversed, a new standard set for appropriate comments, and the matter remanded for a new trial.
- *State v. Surace, NH SCt, 3JX, 2007-0422 (May 20, 2008)*. The initial appeal in this case was by the State, appealing Bob's victory in suppressing blood alcohol tests relative to a double negligent homicide matter in which the defendant struck a motorcycle with a driver and a passenger. The Supreme Court affirmed the suppression of the blood alcohol. On remand, the State dismissed the felony charges and brought two misdemeanor charges on which the defendant was prosecuted, and the defendant took an appeal to the Supreme Court relative to improper conduct

of the prosecution in its closing arguments. The Court reversed the conviction and remanded the case, *State v. Surace*, 162 NH 17 (2011).

- *Shelton, et al v. Tamposi, et al, Hillsborough County Probate Court #316-2007-E Q-2109; and 164 NH 490 (2012)* This was a landmark and precedent setting case in which a probate judge applied, in what is believed to be the first time in the history of the United States, an *in terrorem* clause to divest a litigant who challenged her father's well-crafted estate and trust. The Court went on to make a finding of bad faith against the plaintiff, removed the trustee, and awarded attorneys' fees.
- *Orvis v. Leisure Life*, 165 NH 324 (2013); and *Gray v. Vermont Castings, Orvis, and Leisure Life, Rockingham County Superior Court #07-C-953*. This is a personal injury case involving a woman who suffered burns to 60% of her body of a defective wood stove and robe. Half the case was settled with the stove manufacturer for a substantial sum of money, and the remainder tried to verdict. There were also complicated appellate issues regarding assignments, which the Supreme Court resolved and set the new standard for indemnification and assignments.

Personal Information

Bob balances the practice of law with his other love, teaching trial advocacy. In 1973, he attended the second session of the National Institute for Trial Advocacy (NITA), and has been teaching trial advocacy throughout the United States and abroad ever since. He has served as an adjunct professor of trial advocacy and/or lecturer at Franklin Pierce Law Center, Hofstra University, Harvard University, Widener University, Cardozo Law School, and Emory Law School. He served, and continues to serve, as a faculty member and team leader for NITA programs in New York, North Carolina, Colorado, California, Indiana, New Jersey, and New England, as well as having served as the original program director of the New England NITA Regional. Bob regularly leads seminars on achieving the rank of solicitor advocates for private law firms and law societies in Ireland and England.

Bob graduated *magna cum laude* from Washington Jefferson College in 1968 with a B.A. in English and minors in Philosophy and History. At Washington Jefferson, Bob was president of the student body. He won the John Livingston Lowes Award in English, and was elected to Phi Beta Kappa. He was also elected to the history, philosophy, and journalism honorary societies. In 1971, after receiving his J.D. from the University of Michigan Law School, Bob joined the Philadelphia public defender's office where he served at the trial, appellate and federal divisions. In 1975, he moved to New Hampshire and became the Merrimack County Public Defender before entering private practice in 1978.

When not trying cases, Bob remains active in the New Hampshire Civil Liberties Union, on whose Board he has been a member since 1975. He was also on the Board of the International Society of Barristers Foundation, and served as its president. Bob is an active tennis player whose motto is "age and treachery will always overcome youth and skill."

Bob can be reached at rstein@steinlawpllc.com or by calling 603-228-1109.

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Practice Areas:

- Civil litigation
- Products liability litigation
- Probate litigation
- Litigation involving the distribution of large marital assets
- Criminal defense
- Appellate law

Bar Admissions:

- Pennsylvania (1971)
- U.S. District Court for the Eastern District of Pennsylvania (1971)
- Third Circuit Court of Appeals (1974)
- New Hampshire Supreme Court (1975)
- U.S. District Court for New Hampshire (1977)
- First Circuit Court of Appeals (1979)
- U.S. Supreme Court (1986)
- International Criminal Tribunal for the Former Yugoslavia (1998)

Honors:

- International Society of Barristers (ISOB,) Fellow (1995-Present), Board of Governors (1999-2005)
- International Society of Barristers (ISOBF) Foundation, Board of Governors (2005-2008), President (2008)
- American Board of Trial Advocates (ABOTA), Fellow (1993-Present)
- *Best Lawyers in America* (1989-Present) in multiple categories
- *Super Lawyers New England*® (2007-2018 Editions)
- *Martindale-Hubbell** AV-Rating
- National Institute for Trial Advocacy (NITA), Honorable Prentice H. Marshall Faculty Award for Development of Innovative Teaching Methods (2006)
- New Hampshire Civil Liberties Union (NHCLU), Board of Directors (1975-Present), Bill of Rights Award recipient (1997)
- *America's Leading Lawyers*
- Bar Register of Pre-eminent Lawyers (2005-Present)
- *Who's Who in American Lawyers*
- *BestofUs.com*
- *Who's Who in American Executives*
- Phi Beta Kappa

Professional Memberships:

- International Society of Barristers (ISOB), Fellow (1995-Present); Board of Governors (1999-2005)
- Foundation, International Society of Barristers (ISOB) Foundation, Board of Governors (2005-2008), President (2008)
- New Hampshire Association of Criminal Defense Lawyers
- National Association of Criminal Defense Lawyers
- American Justice Association
- New Hampshire Civil Liberties Union (NHCLU), Board of Directors and Member (1975-Present), Bill of Rights award recipient (1997)
- American Civil Liberties Union, Member (1971-Present)
- Pennsylvania Bar Association (1971-Present)
- New Hampshire Bar Association (1975-Present)

Publications:

- "Tips from the Trenches," American Bar Association *Journal*
- "When the Boundary is Crossed: A Protocol for Attorneys and Mental Health Professionals," American Journal of Forensic Psychology; American Journal of Forensic Psychiatry; co-authored with Elliot L. Atkins, Ed.D.
- "Drills Compendium," National Institute for Trial Advocacy (NITA) (co-authored with Ben Rubinowitz, Esq.) (2006)

Presentations:

- Panelist, New Hampshire Bar Association: "Can't We All Just Get Along?" (2014)
- Hofstra University, Trial Advocacy Course, Faculty (1984-Present)
- National Institute for Trial Advocacy, Northeast Regional, Faculty (1984, 1985; Team Leader 1985-Present)
- National Institute for Trial Advocacy, Master Advocates Program, Team Leader (1988-Present)
- National Institute for Trial Advocacy, Mid-Central Program, Team Leader, Indiana University (March 2003-2013)
- Presenter, United States District Court for the District of New Hampshire, Federal Practice Institute, Concord, New Hampshire: "Electronic Evidence and Exhibits" (2012)
- National Institute for Trial Advocacy, New York City Regional Program, Team Leader (March/April/May 2003-2009)
- National Institute for Trial Advocacy, Law Society, Dublin, Republic of Ireland (2002, 2005), Belfast, Northern Ireland (2002 - 2009)
- National Institute for Trial Advocacy, College of Law, London, England (2003)
- Presenter, International Society of Barristers Annual Meeting, Nevis, West Indies: "Life in the Bubble" (March 2002)
- National Institute for Trial Advocacy, National Session, Boulder, Colorado, Faculty (1993, 1994, 1998, 2000, 2001, 2012, 2013; Team Leader 1995, 2002)
- Moderator, United States District Court for the District of New Hampshire, Federal Practice Institute (December 2000, December 2002)

- Panelist, American Bar Association, Litigation Section Annual Meeting, "Mauet and the Master" (Phoenix, Arizona, May 2001)
- National Institute for Trial Advocacy, Southeast Regional Team Leader (2000, 2002, 2003)
- Emory University School of Law, Trial Advocacy Workshop (May, 1998)
- Presenter, New Hampshire Psychological Association (1998)
- National Institute for Trial Advocacy, Southeast Regional Session, Faculty (1995, 1998)
- Harvard Trial Advocacy Workshop (January, 1997)
- Presenter, New Hampshire Public Defender Program, Deposition Seminar (May 1995)
- National Institute for Trial Advocacy, Pacific Regional Session (Faculty, 1994)
- Presenter, 20th International Congress on Law and Mental Health, "Patient-Therapist Boundary Violations: A Protocol for Attorneys and Mental Health Professionals" Presenter, American College of Forensic Psychiatry (1993)
- Presenter, American College of Forensic Psychology (1993)
- New Hampshire District and Municipal Court Judges Seminar, Lecturer, "DWI-Evidentiary Problems" (1984, 1990)
- New Hampshire Continuing Legal Education Seminar, Lecturer, "DWI-The Offense and the Defense" (1984, 1989)
- National Institute for Trial Advocacy, Mid-Atlantic Session, Faculty (March 1987)
- New Hampshire Continuing Legal Education Seminar, Lecturer, "Criminal Practice" (1983)
- Franklin Pierce Law Center, Concord, New Hampshire, Instructor, "Trial Advocacy" (1975, 1976)
- University of Pennsylvania, Hill Hall Program Instructor, "Poverty and the Criminal Law - A Seminar" (1973, 1974)
- Pennsylvania State Defender Conference, Carlisle, Pennsylvania, Lecturer, "Interstate Extradition" (1973, 1974)
- National Institute for Trial Advocacy, Deposition Skills Programs
- Widener University School of Law, Trial Advocacy Workshop
- National Institute for Trial Advocacy, teacher trainings held at Notre Dame University, Harvard University, University of Toronto School of Law, and National Education Center