

MICHAEL S. LEWIS

EXPERIENCE

Rath, Young, and Pignatelli, P.C., Concord, NH, February 2013- present
Shareholder; Litigation, Tax, and Financial Institutions Practice Groups. Practice includes regional, and national clients in trial and appellate matters in state and federal courts and agencies. Areas of practice include state and federal constitutional law, administrative law, health care law, free speech and press law, freedom of religion law, media law, commercial law, employment law, construction law, criminal law, federal and state tax law, energy law, and the law of child welfare.

Vermont Law School, *Adjunct Professor of Law*, June 2020-present. Instructor in evidence, commercial and contract law, with a focus on issues regarding consumer contracting in the modern economy. Among top ten percent of cited scholars on the social science research network, 2019-2020. Scholarship ranked in the top ten contracts and commercial law downloads, September 2020.

University of New Hampshire School of Law, *Adjunct Professor of Law*, January 2018-present. Instructor in commercial and contract law, with a focus on issues regarding consumer contracting in the modern economy.

New Hampshire Department of Justice, Concord, NH, July 2007- February 2013
Assistant Attorney General, Criminal Justice Bureau; Homicide Unit Member (Fall 2011-February 2013). Lead prosecutor in homicide, public integrity, financial fraud, tax fraud, and other criminal matters. Briefed and argued numerous appeals before New Hampshire Supreme Court.

Arnold and Porter LLP, Washington, D.C., September 2005- July 2007
Associate; Litigation Practice Group. Represented individuals and businesses in civil and criminal litigation matters. Represented indigent criminal defendants in D.C. Superior Court *pro bono*.

United States District Court, Concord, NH, August 2004- August 2005
Law Clerk to Chief Judge Paul Barbadoro. Assisted federal district court judge as law clerk in federal civil and criminal actions before the court.

EDUCATION

University of California Berkeley School of Law, J.D., May 2004

Activities: *California Law Review*, Book Reviews and Essays Editor,
Moot Court Board, Director of Appellate Advocacy.

Kenyon College, B.A. in Political Science with distinction, May 2000

Honors: *Magna Cum Laude*, Phi Beta Kappa.

SELECTED PUBLICATIONS

- *A Negotiated Instrument: Proposing a Safer Contract for Consumers (And Not Just a Smarter One)*, __ Ga. St. U. L. Rev. __ (forthcoming 2021-2022).
- *Education Contracts of Adhesion in the COVID-19 Pandemic*, 2021 U. Ill. L. Rev. Online 1 (2021) (with Leah A. Plunkett).
- *Pervasive Infancy: Reassessing the Contract Capacity of Adults in Modern America*, 19 U.N.H. L. Rev. 69 (2020).
- *Standing Ruling Makes No Sense*, N.H. Bar News (July 15, 2020) (with Hon. Charles Douglas).
- *Evil History: Protecting Our Constitution Through an Anti-Originalism Canon of Constitutional Interpretation*, 18 U.N.H. L. Rev. 261 (2020).
- *Confronting a Monument: The Great Chief Justice in a Time of Historical Reckoning*, 17 U.N.H. L. Rev. 315 (2019).
- *The greatest civil rights crisis in NH History: Why hasn't the state stepped up to address its massive child protection failures*, New Hampshire Business Review (Sept. 28, 2018).
- *Unpacking the county attorney's belated position on bail reform*, Concord Monitor (Member, Board of Contributors) (May 24, 2018).
- *Why Marsy's Law may harm victims*, New Hampshire Business Review (Mar. 2, 2017).
- *With Marsy's Law, officials seek to ride state constitution into Jurassic Park*, Concord Monitor (Member, Board of Contributors) (Jan. 17, 2017).

- *A win against bureaucratic encroachment, In NH Securities Bureau case, judge reaffirms right to a jury trial*, New Hampshire Business Review (Dec. 21, 2017).
- *Portrait of a Man*, Concord Monitor (Member, Board of Contributors) (Dec. 9, 2017).
- *Laws of Humanity*, Concord Monitor (Member, Board of Contributors) (Oct. 11, 2017).
- *Government Lawyering in NH Needs Attention*, New Hampshire Bar News (Sept. 20, 2017).
- *'Fatal Flaws' of DCYF Raise Concerns over AG's 'Duty to Defend'*, New Hampshire Bar News (June 21, 2017).
- *Questions of life and death for Neil Gorsuch*, Boston Globe (Mar. 18, 2017).
- *Sessions vs. our 'better angels'*, Concord Monitor (Member, Board of Contributors) (Apr. 26, 2017)
- *Undue Influence: An Analysis of NH Trust Docket Rulings*, New Hampshire Bar News (Mar. 22, 2017).
- *A father-son talk about the Electoral College* Concord Monitor (Member, Board of Contributors) (Dec. 18, 2016).
- *What About Our Other Rights Under the Constitution?* Concord Monitor (Member, Board of Contributors) (Oct. 11, 2015) (with Leah Plunkett).
- *Tax Challenges for Commercialized Controlled Substances*, Tax Notes (Oct. 5, 2015).
- *Don't Bank on It: Local regulations only scratch the surface of worries for NH's budding medical marijuana industry*, New Hampshire Business Review (Sept. 3, 2015).
- *Finding Tom Sawyer*, Concord Monitor (Member, Board of Contributors) (Aug. 6, 2015) (with Leah Plunkett).
- *How Could Justice Roberts Be So Right and Yet So Wrong?*, Concord Monitor (Member, Board of Contributors) (July 10, 2015) (with Leah Plunkett).

- *Constitutional Interpretation and the Evolution of Arms*, Concord Monitor (Member, Board of Contributors) (June 25, 2015) (with Leah Plunkett).
- *Clinton Call for Criminal Justice Reform Rooted in Old Wisdom*, Concord Monitor (June 14, 2015) (with Leah Plunkett).
- *New Hampshire Scope's Manual Trial: Insurance department case shows how administrative law has "evolved,"* New Hampshire Business Review (June 12, 2015).
- *State of Mind Exceptions*, MCLE Practical Manual on Evidence (2010).
- *Old Age and Judging*, New Hampshire Bar Journal (Spring 2006).

BAR ADMISSIONS

New Hampshire (2004); Washington, D.C. (2006); United States Tax Court (2013); Massachusetts (2014)

BOARD SERVICE

- Current Board Member, New Hampshire Legal Assistance.
- Past Board Member, New Hampshire Women's Foundation.
- Past Member, N.H. Judicial Selection Commission, Governor Margaret Wood Hassan.

AWARDS

New England Rising Star (Administrative Law), Super Lawyers. Awarded annually to attorneys under age 40 who demonstrate "outstanding" achievement in a practice area; sole award recipient in region for administrative law (2013, 2014).

Robert E. Kirby Award, New Hampshire Bar Foundation. Awarded annually to one practicing attorney under age 35 who epitomizes "traits of civility, courtesy, perspective, and excellent advocacy" (2012).

Forty Under Forty, New Hampshire *Union Leader*. Awarded annually to class of young leaders in New Hampshire (2011).