

## **CALL TO ACTION re: NH Supreme Court nominee**

### ***Please Act by September 12, 2025***

1. Before September 12, **please contact your Executive Councilor to express concerns** about Governor Ayotte's nomination of Bryan Gould to the New Hampshire Supreme Court. **(Talking points and background information below).**

2. If possible, **please also attend the confirmation hearing** for this nomination on Sept. 12 at 10:30 A.M. in the Executive Council Chamber in the State House.

#### **Important Links:**

- [NH Executive Council Website](#)
- [Map of Executive Council Districts \(by Town\)](#)
- [Contact Members of the NH Executive Council](#)
- [Kent Street Coalition Guide to Contacting Elected Officials](#)

### **Talking Points and Background Information**

Kent Street is not seeking to be antagonistic. Yet there are valid questions to ask. The Executive Councilors need to know that we are paying attention at the grassroots level and that we will hold them accountable for their decisions. The accountability matters.

Below are a variety of concerns that you can address with your Executive Councilor ***in your own words***. Choose the one (or more) that you care about. It is important to raise these issues even though we can already anticipate the answers to questions.

1. **The Council must satisfy itself that Gould will be impartial and non-partisan (and perceived by the public to be so), follow the rule of law and have a respect for precedent**

We want our Executive Councilors to support the rule of law which is central to our system of government. For judges it means having respect for precedent which helps the people know what to expect and underpins the stability of the justice system by insulating court decisions from political trends. For judges it also means that the courts are populated by impartial, non-partisan judges so everyone can get a fair shake. It is a mistake to politicize judiciary appointments. No matter what your political beliefs are, you want a fair and impartial judge to decide your case. You might want someone who agrees with you politically, but the next time you may get someone who does not agree

with you politically and who may decide your next case. We are all better off with impartial, non-partisan judges who apply the law to anyone's case.

Judicial impartiality is a cornerstone of the legal system, ensuring that cases are decided fairly and without undue influence. The standard for judicial recusal is whether a reasonable person, knowing the facts, would question a judge's impartiality. Or, does the judge reasonably appear to be impartial. It is not whether a judge will be able to set aside his personal feelings.

**2. Given Gould's extensive lobbying involving environmental issues, the Council must explore: his positions on environmental issues, and his willingness to recuse himself from matters involving significant lobbying clients and the NH Department of Environmental Services.**

Gould has represented Casella Waste Systems, a Vermont company, and has lobbied for them at the legislature for years, most recently he represented them against the State of New Hampshire's Department of Environmental Services (NHDES) in Casella's effort to site a landfill in Dalton and next to Forest Lake State Park. The denial of the permit is currently on appeal to the NH Supreme Court.

Dalton is in Councilor Kenney's District. Whoever your Councilor is, ask your Councilor to explore Gould's environmental positions. Ask your Councilor to let you know whether Gould will recuse himself from matters involving Casella and the NH DES, both parties to his litigation.

This year, according to news reporting, Gould has already received \$99,050 in lobbying fees from Casella, with \$65,857 still outstanding, according to his financial filings with the Secretary of State. In 2024, he was paid \$72,804 for his lobbying work.

Gould also represented Acuity Management in connection with its effort to convert a small recycling center in Claremont to a massive construction and demolition debris waste site. Once again his client worked against the interests of the people. NHDES denied the permit in May of 2025. Acuity has appealed. Background: <https://www.clf.org/newsroom/new-hampshire-officials-reject-polluting-facility-in-claremont/> Another reason to recuse from cases involving NHDES.

**3. Given Gould's political background, the Council must determine whether he will recuse himself from cases involving the NH GOP, Governor Ayotte, and the Executive Council.**

Gould is highly partisan. He ran in the GOP legislative primary for legislator from Bedford, NH in 2018. He served as Vice-Chair of the NH GOP. He has represented the NH GOP, been Ayotte's gubernatorial campaign counsel, is a member of the Federalist Society. He represented the New Hampshire Republican State Committee in election law matters

(<https://www.democracydocket.com/wp-content/uploads/2022/06/2022-09-22-NHRSCs-Reply-iso-Motion-to-Intervene.pdf>), served as counsel to former Gov. Craig Benson (representing him in an action filed by the NHDP in 2004), and worked as special counsel to the New Hampshire Executive Council. Ask your Councilor to let you know whether Gould will recuse himself from cases involving the NH GOP, Governor Ayotte and the Executive Council.

**4. Because Gould has an extensive history of active, partisan involvement in election law cases and legislation, the Council must ask if he will recuse himself from cases involving election law and cases involving his former client, the NH Secretary of State.**

Gould's legal representation in election law cases has been partisan and hand-in-hand with Republicans. Ask your Councilor to let you know whether ask Gould will recuse himself from election law cases so we the people can be assured of his impartiality.

Some examples of Gould's election law involvement follows.

In 2017 the League of Women Voters of New Hampshire, the state Democratic Party and three people, two of whom are college students, filed suit against the State in response to the state legislature's passage that year of SB 3, which they claimed creates new, burdensome and discriminatory voter-registration requirements for New Hampshire residents. Bryan Gould was hired by the State to help defend SB3. The NH Supreme Court ended up holding SB3 unconstitutional, unanimously.

Ask your Councilor to let you know if Gould will disqualify himself from cases involving the NH Secretary of State.

Gould has represented then NH Secretary of State William Gardner in a 2019 election law case, *Casey v. Gardner*, involving a then newly passed statute (HB 1264) that changed the statutory definition of "resident." College students seeking to register to vote would have to qualify as "residents," forcing them to domesticate their out-of-state drivers' licenses and car registrations and thus incur significant administrative fees. The plaintiffs alleged that this new statutory provision abridged the right of college students in New Hampshire to vote. A court ruling held that out-of-state college students living in NH more than six months of the year needed to register their cars in New Hampshire and obtain New Hampshire driver's licenses irrespective of whether they planned to vote so no special burden had been placed on their right to vote.

Gould has testified at the legislature on election law bills.

Gould was a teacher at a seminar on Election Law hosted by the Republican National Lawyers Association.

**5. The Executive Council should explore with Gould his views about public education and his commitment to upholding decades of legal precedent regarding the State's duty to ensure fair funding of public schools.**

We know nothing of Gould's views on public education. He hasn't been involved in that issue during his professional life so far as we are able to determine. Your Executive Councilor should make sure that Gould will not vote to overturn 30 years of precedent (the Claremont cases) and that he will not become "the torpedo pointed right at the Claremont decision." As one GOP insider told the NHJournal.

<https://nhjournal.com/ayotte-taps-veteran-gop-attorney-bryan-gould-for-nh-supreme-court/>

Representative Terri O'Rourke from Cheshire County put it well here:

[https://democracynh.com/2025/bryan\\_gould](https://democracynh.com/2025/bryan_gould) : "On July 1st, the NH Supreme Court agreed with a 2023 Superior Court ruling that the state must radically increase education "base adequacy aid" by more than \$500 million per year. But, the Supreme Court reversed part of the lower court ruling that called for the state to immediately increase public school funding, leaving it to ' . . .the legislative and executive branches to remedy the constitutional deficiency. . . '. Like many predecessors before her, the governor has done nothing about both court rulings, calling it a 'wrong decision.' And 'We are evaluating the ruling to determine the appropriate next steps.' Shortly after, she nominated her legal counsel to a seat on the NH Supreme Court." We should remember that during her campaign, Ayotte stated that she personally thought the lower court decision was wrong. The Supreme Court disagreed with her. Ask your Councilor to let you know whether Gould agrees with the Governor's view on public education or not.

A majority of the Republican legislators want to continue to defy the Claremont rulings and they prefer Education Savings Accounts to properly funding public schools. Ask your Councilor whether Gould has given his assurance that he does not want to undermine public education, that he supports the state constitutional duty to fairly fund public schools.

Claremont may be a reason for the Executive Councilors to vote to confirm Gould. But we can let them know that we do not agree with continuing to subvert, undercut, and even

defy the Claremont rulings.

“I will have litmus tests for the next Supreme Court justice, and they better be on the right side of Claremont,” Councilor Dave Wheeler (R-Milford) said.

<https://nhjournal.com/ayotte-taps-veteran-gop-attorney-bryan-gould-for-nh-supreme-court/> Gould has represented Councilor Wheeler in the past. (Right to know case against the Town of Milford, 1999). How does the fact that Councilor Wheeler has been Gould’s client affect Gould’s reaction to Wheeler’s statement?

6. **The Executive Council should consider how the flawed process leading to Gould’s appointment and the addition of a highly partisan candidate to a court that is already 100% Republican would impact Granite Staters’ trust in the Court and the judicial system.**

\_Ask your Councilor to find out why, since Gould was interested in being a judge, did he accept an appointment to the Governor’s Judicial Selection Committee which proposes nominees to the Governor. Gould did withdraw from the Commission when he applied, to his credit. But he probably got to know the other members of the Commission to some extent.

The judicial selection process should be non-partisan and focused on justice for the people across the board. A variety of political views and experience is needed. Point out to your Councilor that the Judicial Selection Commission process has now been corrupted. The JSC consists of only Republicans. And the NH Supreme Court will consist of only Republicans if Gould is confirmed. There must be any number of qualified non-partisan people to have chosen if merit and experience are considered rather than partisanship.

Ask your Councilor how they would feel if a Democratic Governor chose their legal counsel, who had also litigated for the Democratic Party, to be the nominee for the NH Supreme Court. What would they worry about?