



## Nathan R. Fennessy

Director

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Nathan is a Director in the firm's Concord, New Hampshire office. His work focuses on complex commercial litigation and government investigations in the construction, health care, insurance, and financial services industries. He frequently represents clients in state and federal courts, as well as before numerous state agencies and the Legislature.

Nathan frequently authors publications and provides presentations on a variety of legal topics in the health care and construction industry, as well as developments in data security and breach notification laws, and the changing legal landscape for cannabis-related businesses. Nathan is also one of the editors – including the Honorable Tina Nadeau, Chief Justice of New Hampshire Superior Court – of the treatise *A Practical Guide to Evidence in New Hampshire* 2<sup>nd</sup> Edition (2021).

In recognition of his notable work for clients, Nathan has been named multiple times to the "Under 40 Hot List" by *Benchmark Litigation*, which recognizes the "nation's most notable up-and-coming litigation attorneys." This list is compiled through a process of both peer review and case examination.

Nathan is an active member of the community. Nathan was named to the 2021 New Hampshire Union Leader 40 Under Forty list recognizing "outstanding Granite Staters making a difference in their communities and professions." In December 2020, he was appointed by the New Hampshire Supreme Court to serve a three-year term on the Access to Justice Commission. Nathan currently serves on the New Hampshire Campaign for Legal Services Large Firm Committee. He has served on multiple committees of the New Hampshire Bar Association. In November 2019, Nathan was elected to a four-year term as an at-large councilor on the Concord City Council. Previously, he served on the Concord School Board (2015-2018). Nathan also coaches youth baseball and basketball.

During law school, Nathan interned for the United States Department of Justice and The Honorable Mary Ellen Coster Williams at the United States Court of Federal Claims. He was also a member of the law review and national moot court team. After graduation, Nathan practiced law in Washington, D.C., with the international law firm Reed Smith LLP, before returning home to New Hampshire.

### Admissions

- New Hampshire

### Services

- [Litigation](#)
- [Construction Law](#)
- [Government Affairs](#)
- [Municipal Law and Finance](#)
- [Data Security & Privacy](#)
- [Product Liability Litigation](#)
- [Cannabis Business](#)

- District of Columbia
- Virginia
- U.S. Bankruptcy Court, District of New Hampshire
- U.S. District Court, District of New Hampshire
- U.S. District Court, Eastern District of Wisconsin
- U.S. Supreme Court

## Education

- Catholic University of America, Columbus School of Law (J.D., *magna cum laude*, 2007)
- Georgetown University (B.A., *magna cum laude*, 2004)

## Professional Activities

- New Hampshire Supreme Court, Access to Justice Commission, Member
- New Hampshire Bar Association, Legislation Committee, Member

## Honors & Recognition

- *Benchmark Litigation* - Under 40 Hot List
- *New Hampshire Union Leader* - 40 Under Forty

## Civic and Charitable Activities

- Concord City Council, At-Large Councilor
- Concord School Board, past member
- Georgetown University Alumni Admissions Program
- New Hampshire Campaign for Legal Services, Large Firm Committee, Member

## Publications

- *A Practical Guide to Evidence in New Hampshire* 2nd Edition (2021), Edited by Nathan Fennessy, Hon. Tina Nadeau, Kenneth E. Rubinstein, and Karen A. Schlitzer.
- "Health Reform Legislation Includes Significant Amendments to the False Claims Act," co-author, *Federal Forecaster*, Vol. VI, No. 2 (Spring 2010)
- "The President Signs a Significant Amendment to the Federal False Claims Act," co-author, *Financial Fraud Law Report* (September 2009)
- "Sweeping Changes to the Federal False Claims Act Are on the Horizon," co-author, *Financial Fraud Law Report* (May 2009)
- "Changes to the Federal False Claims Act Are on the Horizon," co-author, *Federal Forecaster*, Vol. V, No. 2 (Spring 2009)
- Comment, "Bringing Bloggers Into the Journalistic Privilege Fold," 55 *Catholic Law Review* 1059 (Summer 2006)

## News

March 31, 2021

**Benchmark Litigation Names Preti Flaherty 2021 "Maine Firm of the Year"**

January 1, 2017

**Preti Flaherty Promotes Attorneys Michael S. Smith to Partner and Nathan R. Fennessy to Director**

December 15, 2016

**Preti Flaherty Attorneys Secure Significant Win for NH Construction Industry**

## Press Coverage

October 25, 2015

**A young incumbent, Nathan Fennessy plans to continue the work he's started**

August 14, 2015

**As Lakeview Closes, A Small Town Grapples With Group Homes**

## Raising the Bar

# RAISING THE BAR

### **How has your practice evolved from when you started out?**

Unlike some people, my practice has actually diversified over time. I started out at a big law firm just working on insurance litigation and False Claims Act investigations. Since moving back to NH, I have continued to work on those types of matters, but also began representing clients in a variety of complex commercial litigation matters (primarily construction firms and financial institutions) and before various state agencies.

### **What skills, talents, or methods do you think help you excel in this field?**

If you are calling me, it means something bad has happened. My job is to help you come up with a solution to the problem. Sometimes that will involve a negotiated resolution, but sometimes it means that we are going to have engage in full blown litigation and take the case all the way to trial. I endeavor to provide my clients with a menu of options and provide practical advice (including the potential costs or exposure) about how we can solve their problem(s).

### **Where are you most active or visible within your practice area? Is there a specific niche you're known for?**

In the last few years, I have been involved with several pieces of litigation arising from development projects with different municipalities in NH. These types of matters generally draw a great deal of media interest and one ongoing dispute involved two separate trips to the NH Supreme Court (where my client prevailed in both).

### **How would your clients describe you?**

Dedicated, responsive, calm, sometimes funny, but always looking out for their best

interests in trying to come up with a resolution to their issues.

### **What do you like best about your practice area?**

Learning new things about a particular business or industry or a part of the state or country that I have not yet explored. A new litigation matter, even if it involves the same legal issues, always involves a new cast of characters, problems, and potential avenues for resolution that makes life interesting.

### **How do you start your day?**

Waking up to the screech of my oldest son's door and his heavy footsteps on the stairs (sometimes the alarm goes off first). This is followed by either a 45-minute walk or short workout. Then breakfast and a quick scan of the newspaper before the morning rush begins.

### **When you're able to sneak in a break during the day, where could you be found?**

Playing pickup hoops at the YMCA (pre-COVID), in the middle of the first fairway at the golf course, or coaching one of my three boys in baseball or basketball.

### **When it comes to reviewing your own peers, what criteria are important? What makes an attorney stand out?**

The lawyers I most admire can distill a complex 200-page complaint or 100-page expert report into a simple digestible explanation of the problem or issue. It is a skill that I strive to improve on every single day.