

## 1 STATE OF NEW HAMPSHIRE

## 2 6TH CIRCUIT COURT - FAMILY DIVISION - CONCORD

3  
4 IN THE MATTER OF, ) Family Division Case No.  
5 JENNIFER EBER, ) ) 644-2020-DM-00107  
6 Petitioner, ) ) Concord, New Hampshire  
7 vs. ) ) October 18, 2022  
8 GORDON MACDONALD, ) ) 2:35 p.m.  
9 Respondent. ) )  
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10 STATUS CONFERENCE  
11 BEFORE THE HONORABLE JUSTIN S. HERSH  
12 JUDGE OF THE CIRCUIT COURT - FAMILY DIVISION

13 APPEARANCES (all present by video or telephone):

14 For the Petitioner: Meegan Reis, Esq.  
15 DWYER DONOVAN & REIS, PA  
461 Middle Street  
Portsmouth, NH 03801

16 For the Respondent: James J. Tenn, Jr., Esq.  
17 TENN AND TENN, PA  
16 High Street, Suite 3  
Manchester, NH 03101

18 Audio Operator: Electronically Recorded  
19 \*\*Not Monitored\*\*

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1 (Proceedings commence at 2:35 p.m.)

2 THE COURT: All right. Good afternoon, Attorney  
3 Reis and Attorney Tenn. This is Judge Hersh. We're here in  
4 the matter of Jennifer Eber and Gordon MacDonald, docket 644-  
5 2020-DM-00107. We are here for a status conference, having  
6 reviewed the file in part before coming out on the bench and  
7 being mindful particularly of the position that Judge McGuire  
8 took or -- or no, I'm sorry, Judge McIntyre took in her order  
9 outlining the concerns that were addressed in that order.

10 I certainly am sensitive to the judicial code of  
11 conduct and was going to -- I'm sure both parties are probably  
12 aware, but in a past life I was a prosecutor, and in part that  
13 served I was in Sullivan County at the County Attorney's  
14 Office. But obviously, that falls within the umbrella of the  
15 Justice Department in general. And that was during the time  
16 that now Justice MacDonald was at the helm of the Justice  
17 Department.

18 So that was certainly -- well, my preliminary  
19 assessment of the judicial code of conduct would not require  
20 an ultimate recusal. Certainly, there is no harm, no foul in  
21 placing the disclosure on the record. And certainly being  
22 mindful of the two parties and any positions they may be  
23 taking moving forward. So that was the reason why I wanted to  
24 get both of you on the record.

25 MS. REIS: Thank you, Judge. I will let you know --

1 and Attorney Tenn and I have been in contact and discussed  
2 this with both of our clients. And Ms. Eber would be asking  
3 that we ask for you to be recused for basically the  
4 relationship that you have just disclosed. I did speak with  
5 Attorney Tenn about it. I'll let you -- him kind of put his  
6 client's position on the record, if that's okay.

7 MR. TENN: Thank you, Meegan.

8 Good morning -- good afternoon, Your Honor. Thank  
9 you.

10 THE COURT: Good afternoon.

11 MR. TENN: And yes, on behalf of Gordon MacDonald,  
12 Gordon does not agree that recusal is required in this case.  
13 But in the interest of cooperation and conserving the  
14 resources of the parties and the Court resources, he will --  
15 he'll assent to Jennifer Eber's request for recusal.

16 THE COURT: Okay. And I mean, I think that when you  
17 handle -- I would agree, at least with -- to the extent it  
18 matters, that a mandatory type recusal situation is probably  
19 not what was contemplated by the judicial code of conduct.

20 However, disclosure and stepping off the bench,  
21 allowing the parties to confer with their respective clients,  
22 and if one party has a particular objection, then in the best  
23 interest of both the substantive and procedural justice, I  
24 will step off in light of Attorney Reis' representation, and  
25 we'll reschedule this before another judge.

1 MR. TENN: And Judge, if I could. This is Jim Tenn.

2 THE COURT: Yes.

3 MR. TENN: What I suggested to Attorney Reis is that  
4 we would try to see if Judge Tenney could be appointed. He at  
5 least presided over the beginning of this case. We didn't  
6 have any hearings, but he had approved the stipulation, I  
7 believe, of the parties. He had approved a document.

8 And so Attorney Reis asked me whether she could have  
9 10 days or so to discuss that with her client and see if that  
10 might be acceptable. That's fine with me. I don't know if  
11 the Court would entertain that request or not, but if so, I  
12 wanted to make it so you'd be aware that if Judge Tenney is a  
13 possibility, maybe that would solve issues of recusal. So I  
14 just wanted to let you know that was the discussion that  
15 Attorney Reis and I have had.

16 THE COURT: No. I appreciate you bringing that to  
17 my attention. In light of the position that Attorney Reis and  
18 her client have taken, I should probably step aside from any  
19 of the decision-making process moving forward, aside from the  
20 fact that both parties obviously can take appropriate steps  
21 that they see fit by a motion, et cetera. But I'm going to  
22 step aside and not make any decisions that -- in terms of who  
23 may assume responsibility for the case moving forward. Okay?

24 MR. TENN: That's fine. No problem. I understand.

25 THE COURT: Okay.

1 MS. REIS: Understood, Judge. And knowing that the  
2 clerk's office will be trying to get something scheduled,  
3 Attorney Tenn and I will stay on top of this so that the  
4 clerk's office has some guidance.

5 THE COURT: Okay. Thank you.

6 And I appreciate you both waiting patiently this  
7 afternoon on the phone. We had a criminal trial that backed  
8 up the dockets and Family Division this afternoon, and we've  
9 been snowballing ever since, so.

10 MR. TENN: No problem.

11 MS. REIS: We understand.

12 MR. TENN: We understand.

13 MS. REIS: Thank you.

14 THE COURT: All right. Take care, both of you.

15 MR. TENN: Thank you, Your Honor.

16 MS. REIS: Thank you, Judge.

17 MR. TENN: Thank you, Meegan.

18 THE COURT: Bye-bye.

19 MR. TENN: Okay. Thank you.

20 MS. REIS: Thanks, Judge.

21 (Proceedings concluded.)

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## CERTIFICATE

I, Shauna Drinnon, a court-approved proofreader, do hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities.

TRANSCRIPTIONIST(S): Sheri Feikert, CDLT-294

**Shauna  
Drinnon**

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Date: 08.09.2025 02:37:38 +00:00

Shauna Drinnon, CDLT-328

August 9th, 2025

Proofreader