

**STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE**

JC-25-079-C

In RE: Chief Justice Gordon J. MacDonald

STIPULATION and AGREEMENT

Whereas the New Hampshire Supreme Court Committee on Judicial Conduct has commenced judicial conduct proceedings against Chief Justice Gordon J. MacDonald, and has been investigating this case since mid-November, 2025; and

Whereas the Judicial Conduct Committee (JCC) has been investigating the Dianne Martin judicial branch personnel matter since November 2025 and has had exchanges with counsel for Chief Justice Gordon J. MacDonald about the quality and quantity of probative evidence revealed by the investigation.

Whereas Chief Justice Gordon J. MacDonald believes it is in the best interest of the New Hampshire Judicial Branch to resolve these judicial conduct proceedings without a hearing and is willing to enter into this *Stipulation and Agreement*, to make certain admissions and waivers to resolve this investigation, upon the advice of counsel.

NOW COME, the Judicial Conduct Committee (JCC) and Chief Justice Gordon J. MacDonald (MacDonald) and agree and stipulate as follows:

1. MacDonald acknowledges that the JCC, since November 2025, has been investigating his actions concerning the employment and performance of Dianne Martin in the New Hampshire Judicial Branch. He admits that certain actions he has taken in this matter violate provisions of the Code of Judicial Conduct as more particularly described below.

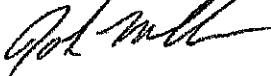
2. MacDonald understands that he has a right to a public hearing to contest the charges in a *Statement of Formal Charges* pursuant to New Hampshire Supreme Court Rule 40. MacDonald hereby signs the within *Stipulation and Agreement* in lieu of a public hearing and hereby waives his right to a public hearing under Rule 40 and agrees that the within *Stipulation and Agreement* shall serve as part of the official record of these proceedings.
3. MacDonald admits to violating the following provisions of the Code of Judicial Conduct (The Code).
 - a. Chief Justice MacDonald, in violation of Canon 1, Rule 1.2, failed to act in a manner that promotes public confidence in the impartiality of the judiciary and failed to avoid the appearance of impropriety.
 - b. Chief Justice MacDonald, in violation of Canon 2, Rule 2.5(A), failed to perform his administrative duties competently and diligently in connection with the characterization, processing and public explanation of Dianne Martin's removal and reappointment, including by bypassing established Judicial Branch rules and procedures in extending her a position without the competitive, merit-based process required of every other Judicial Branch employee.
 - c. Chief Justice MacDonald, in violation of Canon 2, Rule 2.13(A), failed to exercise the power of administrative appointment impartially and on the basis of merit, and failed to avoid favoritism.
4. Chief Justice Gordon J. MacDonald has agreed to resign his judicial appointment as Chief Justice of the New Hampshire Supreme Court, as well as his position of Supreme Court Justice, effective upon the approval of this *Stipulation and Agreement* by the New Hampshire Supreme Court. He will submit an executed copy of the attached resignation letter to Governor Ayotte immediately upon approval of this *Stipulation and Agreement*.

5. MacDonald understands and agrees that he is responsible to reimburse the Administrative Office of the Courts (AOC) for the attorney's fees and expenses that the JCC incurred in both the investigation, charging, and prosecutorial stages of this case pursuant to New Hampshire Supreme Court Rule 40(13-A), *Expenses Relating to Discipline Enforcement*.
6. MacDonald has not and will not seek from the New Hampshire Judicial Branch Default Fund, payment of or reimbursement for payment of his personal counsel, listed on the signature line of this Stipulation and Agreement.
7. MacDonald understands that as a result of his admissions and the terms of this *Stipulation and Agreement*, the Judicial Conduct Committee will enter a finding, by clear and convincing evidence, that he has violated the provisions of the Code of Judicial Conduct as stated above and shall prepare a summary report of this proceeding and of its findings and recommendations (if any) concerning the sanctions to be imposed which shall be filed in the public docket of the Committee and forwarded to the New Hampshire Supreme Court as required by New Hampshire Supreme Court Rule 40(12)(d).
8. MacDonald further agrees to waive any rights which he may have to a *de novo* hearing in connection with this matter pursuant to New Hampshire Supreme Court Rule 40(12)(d)(1) and (2).
9. MacDonald acknowledges that he has had the advice of counsel in connection with the preparation and execution of this *Stipulation and Agreement* and that he understands both the terms and effect of such *Stipulation and Agreement* and that he executes the *Stipulation and Agreement* of his own free will.
10. The JCC and MacDonald agree, that upon execution of this *Stipulation and Agreement*, the Judicial Conduct Committee will enter a finding of violations of the Code of Judicial Conduct as stated herein, by clear and convincing evidence, will terminate its investigation, and that, due to the factual circumstances in this investigation,

the Judicial Conduct Committee will refer this matter to the New Hampshire Supreme Court for approval of this settlement agreement for the imposition of formal discipline under Supreme Court Rule 40 (12)(d).

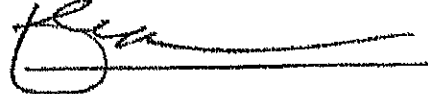
11. Scanned original signatures shall be considered as original signatures for all purposes of the Stipulation and Agreement and resignation letter, and shall have the same effect as if the original signatures have been delivered to the other party.

The Judicial Conduct Committee, by



John Mullen, Chair

Chief Justice Gordon J. MacDonald

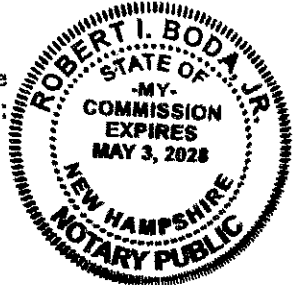


State of New Hampshire

County of Hillsborough Date: September 9th, 2026

Personally, appeared the above-named John Mullen, Chair of the Judicial Conduct Committee, and acknowledged the foregoing to be true, to the best of his knowledge and belief.

Notary Public / Justice of the Peace My Commission Expires:



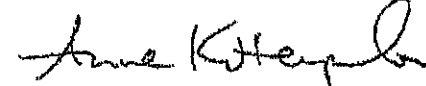
State of New Hampshire

County of Hillsborough Date: September 8, 2026

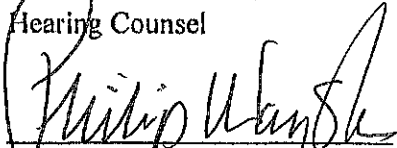
Personally, appeared the above-named Chief Justice Gordon J. MacDonald, of the New Hampshire Supreme Court, and acknowledged the foregoing to be true, to the best of his knowledge and belief.

ANNE KUTENPLON
Notary Public
State of New Hampshire
My Commission Expires
May 20, 2031

Notary Public / Justice of the Peace My Commission Expires:


5/20/2031

Judicial Conduct Committee
Hearing Counsel



Philip R. Waystack, Esquire

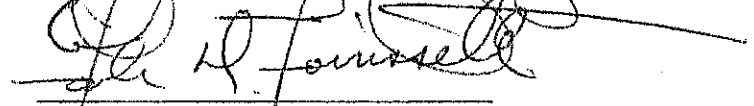


Andrew F. Cotrupi, Esquire

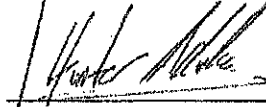
For Chief Justice Gordon J. MacDonald



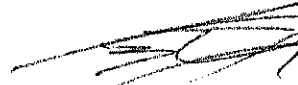
Jane E. Young, Esquire



Mark D. Morrissette, Esquire



Hunter D. Aldenberg, Esquire



George D. Jonson, Esquire

David J. Sachar, Esquire