

Overview – Non-Attorney Representation

General Information:

Attorneys who are licensed to practice law in the State of New Hampshire must meet requirements established by the New Hampshire Supreme Court. This allows a licensed attorney to represent an individual or entity in the courts of this state without any specific documentation or authorization.

While the court generally recommends the assistance of an attorney, particularly in certain, more complicated case types, attorneys are not required and parties are free to represent themselves in court. This does not mean, however, that a party who does not have an attorney is exempt from following court rules or statutes in the handling of their case. Non-attorneys must follow the law and court rules just as attorneys must.

Can someone who is not an attorney represent another individual or entity in the courts of New Hampshire?

The answer is yes. However, that person must file certain documents to do so, and may not engage in this kind of representation on a regular basis. This could be construed as the unauthorized practice of law.

For a person who is not a licensed attorney to represent another individual or entity, that individual or entity must give written authorization. For an individual, this would be a power of attorney. For an entity, RSA 503:11 can provide guidance on the types of written authorization required. Below is a portion of that provision:

- For a corporation, a resolution adopted by the board of directors.
- For a partnership, an authorization signed by a general partner.
- For a trust, an authorization signed by a trustee.
- For a limited liability company, an authorization signed by a member with management authority.

In addition to a document authorizing the representation, Circuit Court rules require that the person also file a Statement, called a Rule 1.3D Statement, which calls for the filer to provide information designed to ensure that the person is of “good character” and is not commonly engaged in the representation of others in court. The rule calls for the following information to be provided:

- (a) all of the person's misdemeanor and felony convictions (other than those in which a record of the conviction has been annulled by statute),
- (b) all instances in which the person has been found by any court to have violated a court order or any provision of the rules of professional conduct applicable to nonlawyer representatives,
- (c) all prior proceedings in which the person has been permitted to appear, plead, prosecute or defend any action for any party, other than himself or herself, in any court,
- (d) all prior proceedings in which the person has not been permitted to appear, plead, prosecute or defend any action for any party, other than himself or herself, in any court, and
- (e) all prior proceedings in which the person's permission to appear, plead, prosecute or defend any action for any party, other than himself or herself, in any court, has been revoked.

Once the authorizing document AND the Rule 1.3D Statement are filed, the court will review them and determine whether or not the non-attorney representative will be allowed to appear on behalf of the other individual or entity. If allowed, the person representing the other individual or entity must comply with New Hampshire's Rules of Professional Conduct which govern the conduct of attorneys.

For Further Information:

If you have questions, please contact the Information Center at 1-855-212-1234.