

2016-013

**Lorrie Platt**

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**From:** Mark Morrissette <mmorrissette@mcdowell-morrissette.com>  
**Sent:** Monday, October 19, 2020 2:50 PM  
**To:** RulesComment  
**Subject:** Public hearing on Superior Court Rule 12/ summary judgment

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To whom it may concern:

The revisions to superior court rule 12 eliminated a portion of the rule relating to stipulations in the context of an admission of liability. At even an earlier time, there was a stand-alone rule for admissions of liability and the parties' stipulations but the stand-alone rule was then combined with the rule on summary judgment. There is a Supreme Court decision which supports the process for a defendant to admit liability.

With the technical rule changes to incorporate a statement of facts, and responses thereto, and the manner to cite to factual assertions in exhibits, the admission of liability rule segment was eliminated.

There should be a rule on admissions of liability in civil cases, as this situation occurs commonly, and it invites evidentiary disputes without the necessary guidelines. Certain evidence about the circumstances can be avoided, if the parties agree to a stipulation of the facts resulting in liability. The old stand-alone rule should be restored.

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