

MEMORANDUM

To: Advisory Committee on Rules  
From: Carolyn Koegler  
Re: # 2016-015. Super. Ct. (Civ.) R. 37(e) - Life Expectancy Tables  
Date: December 8, 2016

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New Hampshire Law Librarian, Mary Searles, has proposed an amendment to Superior Court Rule 37(e). The rule currently states that “life expectancy tables in textbooks such as C.J.S. and Am. Jur. (2d) are admissible as evidence to prove life expectancy.” However, Am. Jur 2d and CJS have not published life expectancy tables in about 10 years.

Ms. Searles notes that an informal survey informed her that most attorneys use the tables in the Green Book. However, she believes that it would be preferable to go straight to the source of the statistics, the U.S. National Center for Health Statistics. She proposes the following amendment to Superior Court (Civ.) Rule 37(e)(new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

(e) *Life Expectancy*. The life expectancy tables **[published by the United States Center for Disease Control and Prevention, National Center for Health Statistics and available at <http://www.cdc.gov/nchs>,** in ~~textbooks such as C.J.S. and Am. Jur. (2d)~~ are admissible as evidence to prove life expectancy.

Ms. Searles and I believe that the proposed change is technical, and that it is therefore unnecessary for the Committee to hold a public hearing on it.