

#2017-009



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May 22, 2018

VIA EMAIL AND FIRST CLASS MAIL

The Honorable Robert J. Lynn
Chief Justice of the Supreme Court of New Hampshire
One Charles Doe Drive,
Concord, NH 03301

Re: Proposed Supreme Court Rule

Dear Justice Lynn:

We represent Union Leader Corporation of Manchester. It has been brought to my attention that the Department of the Attorney General has drafted a proposed Supreme Court Rule relating to the "protection" of the identity of crime victims. Having read a draft proposed rule sent by Assistant Attorney General Sean Gill to Attorney Carolyn A. Koepler of the Supreme Court on December 5, 2017, I am compelled to object, on behalf of my client, to such a rule.

This proposed rule seeks to deny access to information that the citizenry has a right to know. The Supreme Court of New Hampshire has a long tradition of protecting the openness of court proceedings, an openness guaranteed by the United States and New Hampshire Constitutions. The cases that the rule would apply to have presumably been adjudicated in the trial court during proceedings open to the public. There are of course instances when anonymity is warranted. Those cases should be dealt with on a case by case basis as they are now.

In addition to the flaws referenced above a literal reading of the proposed rule leads to the following unconstitutionally broad and vague result that reads "Victim means a person who suffers...threatened...emotional...harm as a result of the...attempted commission of a crime." Please convey this objection to the full Committee on Rules. Thank you for your attention to this matter and for your service.

Respectfully,


Gregory V. Sullivan

xc: Brendan J. McQuaid, President