

MEMORANDUM

TO: Advisory Committee on Rules

FROM: Eileen Fox

DATE: June 8, 2017

RE: References to Crime Victims in Documents filed in Criminal Cases

The Supreme Court requests that the Advisory Committee on Rules consider whether a Supreme Court rule should be adopted relating to identifying crime victims in documents filed in appellate cases. RSA 21-M:8-k, Rights of Crime Victims, provides that crime victims have a right “to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.” We do not currently have a rule addressing the identification of crime victims in briefs or other documents, and, in the past, many briefs filed in criminal cases have identified victims by name. A number of other appellate courts have adopted a rule or policy requiring that briefs or other documents identify crime victims by initials or with general descriptive terms, e.g., “victim.” In some instances, rules are limited to particular types of victims, such as sexual assault victims. See Colorado Appellate rule 32(f) and North Dakota Supreme Court Rule 14. Other jurisdictions require have rules that appears to apply to all types of crime. See Wisconsin Rule 809.86.

If the committee believes that the adoption of such a rule would be appropriate, this is likely to affect how we docket briefs and other documents in our case management system, and how such documents are filed

electronically. Tim or I would be happy to work with the committee to draft a rule that would accomplish the committee's objective in a manner that works with the court's technology.