

#2018-002

**MCLANE  
MIDDLETON**

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August 28, 2018

**VIA E-MAIL**

Carolyn Koegler  
New Hampshire Supreme Court Advisory Committee on Rules  
New Hampshire Supreme Court  
One Charles Doe Drive  
Concord, NH 03301

**Re: Docket 2018-002**

Dear Carolyn:

I am pleased to report that the Ethics Committee of the New Hampshire Bar Association has reviewed the proposed language regarding revisions to Rule of Professional Conduct 1.15 (Safekeeping Property) submitted to the Advisory Committee by letter dated February 14, 2018. The Ethics Committee opposes the proposal.

Specifically, proposed language subsections (g), (h), (i), and (k) all deal with persons who are beyond the reach of the Rules of Professional Conduct. The classes of lawyers described cannot be disciplined for noncompliance with the Rules.

Second, it is inappropriate to authorize the payment of client funds to the New Hampshire Bar Foundation. The payment of such funds is governed by NH RSA 471-C, and it would presumably be a violation of law for any person to ignore the escheat statute.

Similarly, proposed language subsection (j) is superfluous as the statute already provides the required mechanism for dealing with such funds.

We hope this is helpful. Please do not hesitate to get in touch with any questions or comments on this matter.

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Very truly yours,



Rolf Goodwin

RG:aeb

cc: Ethics Committee, New Hampshire Bar Association  
Atty. David W. McGrath, President  
Atty. George R. Moore, Executive Director