

ADVISORY COMMITTEE ON RULES
September 4, 2002

Supreme Court Conference Room
Frank Rowe Kenison Supreme Court Building
Concord, New Hampshire

Honorable Linda S. Dalianis, Chairman, called the meeting to order at 12:21
p.m.

The following Committee members were present:

Robert L. Chase
Hon. Linda S. Dalianis
Hon. Robert L. Cullinane
Senator Ned Gordon
Mrs. Alice Guay
Hon. Richard A. Hampe
Hon. Philip Mangones
Mrs. Amanda Merrill
Jack B. Middleton, Esquire
Emily G. Rice, Esquire
Raymond W. Taylor, Esquire

Also present were David S. Peck, Secretary to the Advisory Committee on
Rules, and Margaret Haskett, staff.

After discussion of the minutes of the previous meeting and on motion of
Attorney Middleton, seconded by Mrs. Merrill, it was voted to approve the minutes of
the June 26, 2002 meeting of the Committee as amended.

David Peck stated that the minutes of the March 20, 2002 Advisory Committee
on Rules' meeting are now available to the public on the Court's website and that the
June 26, 2002 minutes approved today will be posted in the near future.

With respect to action taken by the Supreme Court since the Committee's last
meeting, David Peck reported that the Supreme Court has sent out, for public
comment, the proposed rules changes recommended by this Committee during its

June 2002 meeting. The Court will act on those proposals following the September 30 deadline for comments. The Court also adopted the Committee's recommendations relating to several technical amendments, with one exception – they declined to accept the Committee's recommendation that orders of the 3JX panels be citable.

Senator Ned Gordon arrived.

Relative to Supreme Court Rule 42, Judge Dalianis informed Committee members that subsequent to the last meeting, Chief Justice Brock spoke with Chief Justice Saufly from the Maine Supreme Court. Chief Justice Saufly indicated that Maine would like to join New Hampshire and Vermont in the reciprocity rule recently recommended for adoption by the Committee in a July 2002 telephone poll. Following a brief discussion, the Committee agreed to include Maine in the reciprocity portion of Supreme Court Rule 42.

Relative to the Supreme Court's order repealing superior court forms, Judge Dalianis informed Committee members that the order is intended to make it clear that forms are not rules and thus can be changed when necessary by administrative order. The Committee agreed that Attorney Rice should look at the guidelines and forms for all courts contained in the rules book to determine whether they are rules, and if they are not, whether they should continue to be included in the rules book.

The Committee next discussed the status of items still pending before the Committee and the following action was taken:

Relative to Superior Court Administrative Rule 12-9 pertaining to authority of martial masters, David Peck reported that the subcommittee reviewing the proposal

received from Heidi Boyack will have a response by the Committee's December meeting.

Attorney Rice arrived.

Relative to Superior Court Rule 64-B pertaining to questions by jurors, Attorney Raymond Taylor distributed the "Report Relative to Superior Court Rule 64-B". Following discussion, and on motion of Attorney Taylor, seconded by Attorney Rice, the Committee voted to send the report pertaining to Superior Court Rule 64-B to the Supreme Court and to advise the Supreme Court that it recommends adopting the rule, as amended by the Committee, on a permanent basis, and further to send Superior Court Rule 64-B, as amended and contained in Appendix A of these minutes, to the Committee's next public hearing.

Relative to administrative orders prepared by administrative judges, Attorney Rice distributed two new procedure bulletins prepared by the probate court. She stated that she is still trying to find suitable times to meet with the administrative judges.

Relative to amendments to Rules of Professional Conduct Rule 1.17 pertaining to malpractice insurance disclosure, following discussion, and on motion of Judge Hampe, seconded by Mr. Chase, the Committee voted to recommend to the Supreme Court that the proposed amendments to Rules of Professional Conduct Rule 1.17 be adopted as further amended by the Committee and contained in Appendix B of these minutes.

Senator Gordon left.

Relative to inconsistencies between superior court and family division rules and orders issued in domestic violence or stalking petitions, following discussion,

and on motion of Attorney Rice, seconded by Attorney Taylor, the Committee voted to have David Peck draft an amendment as suggested in Attorney Theodore H. Parent's letter to Chief Justice Murphy and to send said amendment to the Committee's next public hearing.

Relative to an amendment to Superior Court Rule 87(b) pertaining to taxation of costs, following discussion, and on motion of Attorney Taylor, seconded by Judge Hampe, the Committee voted to send the amendment to Superior Court Rule 87(b), as contained in Appendix C of these minutes, to the Committee's next public hearing.

Relative to Superior Court Rule 86 and a conflict with RSA 512:3, following discussion, and on motion duly made and seconded, the Committee voted to have David Peck draft an amendment as suggested in Attorney Daniel Lynch's April 8, 2002 letter. Unless Mr. Peck has questions that arise in drafting the amendment, it was further agreed to recommend to the Supreme Court that Superior Court Rule 86 be amended and that it be considered as a technical amendment.

Attorney Taylor left.

Relative to amendments to Superior Court Rule 170 pertaining to alternative dispute resolutions, following discussion, and on motion of Attorney Middleton, seconded by Judge Hampe, the Committee voted to recommend to the Supreme Court that amendments to Superior Court Rule 170 be adopted as submitted to the June 26, 2002 public hearing.

Relative to comments to the Rules of Professional Conduct, David Peck will ask the New Hampshire Bar's Ethics Subcommittee the status of their review.

Relative to amendments to Superior Court Administrative Rule 12-7 and Supreme Court Rule 38 pertaining to marital masters, following discussion, and on

motion of Judge Cullinane, seconded by Attorney Middleton, the Committee voted to send Superior Court Administrative Rule 12-7 and Supreme Court Rule 38, as contained in Appendices D and E respectively of these minutes, to the Committee's next public hearing.

Relative to amendments to Supreme Court Rule 42(11) pertaining to bar admission, the Committee ratified the telephone poll done between July 3 and July 11, 2002 and reiterated their approval to add Maine to the reciprocity portion of the rule.

Relative to an amendment to Supreme Court Rule 53.2, B, 3 pertaining to Attorney Paul Barnard's question about continuing legal education requirements, David Peck reported that Attorney Barnard has not responded to his June 30, 2002 letter. No action was taken on his earlier request, and the matter will be taken off further agendas unless a response is received.

Relative to amendments to Supreme Court Rule 21, Superior Court Rule 74, District and Municipal Court Rule 1.11 A, District and Municipal Court Rule 4.27 II and Probate Court Rule 74 pertaining to extensions of time to appeal, on motion of Judge Dalianis, seconded by Judge Cullinane, the Committee voted to recommend to the Supreme Court that Supreme Court Rule 21, Superior Court Rule 74, District and Municipal Court Rule 1.11 A, District and Municipal Court Rule 4.27 II and Probate Court Rule 74 be amended, as contained in Appendices F, G, H, I, and J respectively of these minutes, and that they be considered as technical amendments.

Relative to an amendment to Supreme Court Rule 21B pertaining to motions to withdraw criminal cases, on motion of Judge Dalianis, seconded by Attorney Middleton, the Committee voted to recommend to the Supreme Court that Supreme

Court Rule 21B be amended, as contained in Appendix K of these minutes, and that it be considered as a technical amendment.

Relative to guidelines for guardians ad litem, Judge Dalianis informed Committee members of the status of the legislatively enacted guardians ad litem board. No action was taken by the Committee.

Relative to an amendment to Supreme Court Rule 50-A(2) pertaining to payment of fines, on motion of Judge Dalianis, seconded by Mrs. Merrill, the Committee voted to recommend to the Supreme Court that Supreme Court Rule 50-A(2) be amended, as contained in Appendix L of these minutes, and that it be considered as a technical amendment.

Relative to the rule dealing with sealing of contingent fee agreements, the Committee does not need to take any further action, as the issue is or will soon be moot.

Relative to HB 706 Rules for Certified Marital Masters, following a brief discussion, the Committee asked David Peck to write a letter to Chief Justice Walter Murphy asking him to make a recommendation concerning an increase in the divorce filing fees.

Relative to amendments to Supreme Court Rules 47(2), 48(2) and 48-A(2) pertaining to maximum fees for appointed counsel, following discussion, and on motion of Judge Hampe, seconded by Judge Mangones, the Committee voted to recommend to the Supreme Court that Supreme Court Rules 47(2), 48(2) and 48-A(2) be amended, as contained in Appendices M, N and O respectively of these minutes, and that they be considered as technical amendments.

Relative to a review of the probate court rules, the Committee asked David Peck to write a letter to Judge John Maher asking whether the subcommittee that drafted the new probate court rules would be willing to undertake a review of the operation and effect of the new rules and report back to this Committee.

The Committee next turned to new items for the Committee's consideration and the following action was taken:

Relative to an amendment to Supreme Court Rule 32 pertaining to counsel in criminal cases, following discussion, and on motion of Judge Dalianis, seconded by Attorney Middleton, the Committee voted to send Supreme Court Rule 32, as contained in Appendix P of these minutes, to the Committee's next public hearing.

Relative to an amendment to Supreme Court Rule 33 pertaining to non-members of the New Hampshire Bar, following discussion, and on motion of Judge Dalianis, seconded by Judge Hampe, the Committee voted to send Supreme Court Rule 33, as contained in Appendix Q of these minutes, to the Committee's next public hearing.

Relative to an amendment to Supreme Court Rule 38 pertaining to requiring part-time judges to report sources of non-judicial compensation, following discussion, the Committee voted to have David Peck draft an amendment to Supreme Court Rule 38 as suggested by the Committee and to send said amendment to the Committee's next public hearing.

Relative to amendments to Supreme Court Rule 28(2) and Superior Court Administrative Rule 7-3 pertaining to the "Division of Welfare", on motion of Judge Dalianis, seconded by Mrs. Merrill, the Committee voted to recommend to the Supreme Court that Supreme Court Rule 28(2) and Superior Court Administrative

Rule 7-3 be amended, as contained in Appendices R and S respectively of these minutes, and that they be considered as technical amendments.

Relative to amendments to Superior Court Rule 89 and District and Municipal Court Rule 1.22 pertaining to “ways”, on motion of Judge Cullinane, seconded by Judge Mangones, the Committee voted to recommend to the Supreme Court that Superior Court Rule 89 and District and Municipal Court Rule 1.22 be amended, as contained in Appendices T and U respectively of these minutes, and that they be considered as technical amendments.

Relative to amendments to Supreme Court Rules 37 and 37A pertaining to the Committee on Professional Conduct, following discussion, and on motion of Judge Dalianis, seconded by Judge Mangones, the Committee voted to send Supreme Court Rules 37 and 37A, as contained in Appendices V and W respectively of these minutes, to the Committee’s next public hearing.

Relative to an amendment to Supreme Court Rule 51 pertaining to distribution of annual submissions, on motion of Judge Cullinane, seconded by Attorney Middleton, the Committee voted to recommend to the Supreme Court that Supreme Court Rule 51 be further amended as suggested by the Committee, and as contained in Appendix X of these minutes, and that it be considered as a technical amendment.

Relative to amendments to Probate Court Rule 36 and District and Municipal Court Rule 1.10 A pertaining to interrogatories, on motion of Judge Dalianis, seconded by Judge Cullinane, the Committee voted to recommend to the Supreme Court that Probate Court Rule 36 and District and Municipal Court Rule 1.10 A be amended, as contained in Appendices Y and Z respectively of these minutes, and that they be considered as technical amendments.

Relative to an amendment to Supreme Court Rule 26(2) pertaining to attorney fee schedules, the Committee considered the Court's August 15, 2002 order in In re Adam M. as well as the April 26, 2002 memorandum referred to in the order, and on motion of Judge Dalianis, seconded by Judge Cullinane, the Committee voted to recommend to the Supreme Court that no changes be made to the court rules.

Relative to an amendment to Supreme Court Rule 49 pertaining to fees, following discussion, and on motion of Judge Dalianis, seconded by Judge Cullinane, the Committee voted to recommend to the Supreme Court that Supreme Court Rule 49 be amended as suggested in David Peck's August 23, 2002 letter and contained in Appendix AA of these minutes, and that it be considered as a technical amendment.

Judge Dalianis stated that Chief Justice David Brock asked the Committee to consider the implications of public access to electronic records and the privacy issue. Following a brief discussion, the Committee agreed to schedule a luncheon meeting with Judge Larry Smukler before deciding whether to create a subcommittee to address the issue.

Judge Dalianis distributed the final version of the new Notice of Appeal form for the Committee's information.

The Committee scheduled its next meeting for December 11, 2002 at 12:00 p.m., to be followed by a public hearing at 1:00 p.m.

No further business to come before the Committee, on motion of Attorney Middleton, the meeting adjourned at 3:07 p.m.

APPENDIX A

Amend Superior Court Rule 64-B, which was adopted on a temporary basis by order dated November 30, 2000, by amending the first sentence of the rule and by adopting the rule as amended on a permanent basis, so that the rule as amended shall state as follows:

64-B. In any civil case in which all parties consent, it is within the discretion of the trial judge to permit jurors to ask written questions. If a trial judge decides to permit jurors to ask written questions at trial, the following procedure shall be utilized:

1. At the start of the trial, the judge will announce to the jury and counsel the decision to allow jurors to ask written questions of witnesses. At this time the judge will instruct the jurors on taking notes and, as to the scope of questioning, the procedure to be followed.
2. Trial will proceed in the normal fashion until questioning of the first witness has been completed by both counsel.
3. When questioning of the first witness is completed, the court will allow jurors to formulate any questions they may have, in writing. Jurors will be asked to put their seat number on the back of the question. The judge is the only person who will see the number.
4. The bailiff will collect the anonymous questions and deliver them to the judge.
5. At the bench, the judge and counsel will read the proposed questions. Counsel will be given the opportunity to make objections on the record to any proposed question after which the judge will decide if they are appropriate, based on the rules of evidence, and whether, under the circumstances of the case, the judge will exercise discretion to permit the questions.
6. Questions may be rephrased by the judge, or the judge may ask the question in a way mutually agreeable to the parties. The question should, however, attempt to obtain the information sought by the juror's original question.
7. After all the chosen questions are answered, each counsel will have an opportunity to re-examine the witness. The party who called the witness

will proceed first. The judge should allow only questions which directly pertain to questions posed by the jurors. The judge may also impose a time limit. If the judge does plan to impose a time limit, counsel should be notified and given an opportunity to object to the length outside the hearing of the jury.

8. The judge shall instruct the jury substantially as follows:

A. INSTRUCTIONS TO THE JURY AT BEGINNING OF TRIAL

Ladies and gentlemen of the jury, I have decided to allow you to take a more active role in your mission as finders of fact. I will permit you to submit written questions to witnesses under the following arrangements.

After each witness has been examined by counsel, you will be allowed to formulate any questions you may have of the witness. Please remember that you are under no obligation to ask questions, and questions are to be directed only to the witness. The purpose of these questions is to clarify the evidence, not to explore your own legal theories or curiosities.

If you do have any questions, please write them down on a pad of paper. Do not put your name on the question, and do not discuss your questions with fellow jurors. The bailiff will collect the questions, and I will then consider whether they are permitted under our rules of evidence and are relevant to the subject matter of the witness' testimony. If I determine that the question or questions may be properly asked of the witness pursuant to the law, I will ask the question of the witness myself.

It is extremely important that you understand that the rejection of a question because it is not within the rules of evidence, or because it is not relevant to the witness' testimony, is no reflection upon you. Also, if a particular question cannot be asked, you must not speculate about what the answer might have been.

B. INSTRUCTIONS TO THE JURY WHEN DECISION WHETHER TO ASK QUESTIONS IS MADE

Ladies and gentlemen of the jury, I remind you of my earlier remarks regarding juror questions. Some questions cannot be asked in a court of law because of certain legal principles. For this reason there is the possibility that a question you have submitted has been deemed inappropriate by me and will not be asked. I alone have made this determination, and you should not be offended, or in any way prejudiced by my determination.

C. IN ITS DISCRETION, THE COURT MAY ADD ADDITIONAL INSTRUCTIONS.

APPENDIX B

Amend the Rules of Professional Conduct by adding the following new Rule 1.17:

Rule 1.17. Disclosure of Information to the Client

(a) A lawyer shall inform a client at the time of the client's engagement of the lawyer or at any time subsequent to the engagement of the lawyer if the lawyer does not maintain professional liability insurance in the amounts of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate or if the lawyer's professional liability insurance ceases to be in effect. The notice shall be provided to the client on a separate form set forth following this rule and shall be signed by the client.

(b) A lawyer shall maintain a copy of the notice signed by the client for five years after termination of representation of the client.

(c) The notice required by paragraph (a) of this rule shall not apply to a lawyer who is engaged in either of the following:

- (1) Rendering legal services to a governmental entity that employs the lawyer;
- (2) Rendering legal services to an entity that employs the lawyer as in-house counsel.

NOTICE TO CLIENT

Pursuant to Rule 1.17 of the New Hampshire Rules of Professional Conduct, I am required to notify you that I do not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

(Attorney's signature)

CLIENT ACKNOWLEDGEMENT

I acknowledge receipt of the notice required by Rule 1.17 of the New Hampshire Rules of Professional Conduct that *[insert attorney's name]* does not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

(Client's signature)

Date: _____

APPENDIX C

Amend Superior Court Rule 87(b) by deleting section (b) and replacing it with the following, so that Rule 87(b) as amended shall state as follows:

(b) **Taxation of Costs.** Upon written request, the clerk shall tax costs in any case, which shall include the fees of the clerk and fees for service of process which are documented in the court file.

Any party claiming other allowable costs shall file a motion to allow costs together with an itemized, verified bill of all costs requested, to be ruled upon by the Court. Any party aggrieved by the Court's order concerning costs may appeal therefrom within 30 days from the date of notice of such order, regardless of whether an appeal concerning the underlying judgment is sought.

APPENDIX D

Amend Superior Court Administrative Rule 12-7 by deleting and replacing the second sentence of said rule, so that Rule 12-7 as amended shall state as follows:

The Masters Committee may at any time consider and act on any grievance or complaint concerning a Marital Master and take whatever action is appropriate, including recommendation to the full Court that the Marital Master's appointment be terminated. The Code of Judicial Conduct applies to Marital Masters to the extent provided in Supreme Court Rule 38. Notwithstanding any appointment, Marital Masters serve at the pleasure of the Court.

APPENDIX E

Amend Supreme Court Rule 38, Application of the Code of Judicial Conduct section A, by inserting the phrase "marital master," so that section A as amended shall state as follows:

A. Anyone, whether or not a lawyer, who is an officer of a judicial system and who performs judicial functions, including an officer such as a magistrate, court commissioner, marital master, special master or referee, is treated as a judge within the meaning of this Code. All judges shall comply with this Code except as provided below.

Further amend Supreme Court Rule 38, Application of the Code of Judicial Conduct subsection C(2), by deleting said subsection and replacing it with the following:

(2) shall not practice law in the court on which the judge serves, in any other court of the same level (*e.g.*, a part-time district court judge shall not practice law in any other district court), or in any court subject to the appellate jurisdiction of the court on which the judge serves, and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

Amend Supreme Court Rule 21 by amending the rule's caption and paragraph (6), and by adding a new paragraph (10), so that said rule, as amended, shall state as follows:

RULE 21. MOTIONS AND MEMORANDA

(1) Motions relating to substance shall be entered upon the filing with the clerk of the supreme court of the original and 7 copies of the motion and a signed statement by counsel that a copy of the motion and notice of the filing have been mailed first class or delivered to opposing counsel. See rule 26. Motions shall be upon good quality, nonclinging paper 8 ½ by 11 inches in size. They shall consist of standard size typewriter characters produced on one side of each leaf only. The text shall be double spaced.

(2) Every motion to the court shall state with particularity the grounds on which it is based and the order or relief sought. A memorandum of law, affidavits, or other papers in support of the motion may be filed with it.

(3) The original and 7 copies of objections to a motion relating to substance may be filed within 10 days from the date the motion has been filed in the clerk's office. The grounds of objections shall be stated with particularity. A memorandum of law, affidavits, or other papers in support of the objections may be filed with the objections.

(4) Oral argument will not be heard on any motion, except at the invitation of the court.

(5) If a motion does not relate to substance, but relates solely to scheduling or procedure, an original and one copy shall be filed with the clerk of the supreme court, with copies to opposing counsel. See rule 26. All motions relating solely to scheduling or procedure shall state whether opposing counsel consents.

(6) No motion to extend time to file an appeal document will be accepted unless accompanied by the required entry fee. See also rule 5(1). No motion for late entry of an appeal document will be accepted unless

accompanied by the appeal document and the required entry fee and unless the appeal document conforms to applicable rules. Motions to extend time to file an appeal document and motions for late entry of an appeal document are not favored. No court or agency other than the supreme court may extend the time to file an appeal document in the supreme court or permit late entry of an appeal document in the supreme court.

(7) A single justice may rule on all non-dispositive motions and may issue any non-dispositive order. A single justice may rule upon requests to withdraw or dismiss an appeal filed by the appellant, may dismiss an appeal pursuant to Rule 5(4), and may dismiss an appeal without prejudice upon procedural grounds. Any order of a single justice shall state which justice so ruled.

(8) The clerk of the supreme court may rule on all motions relating to scheduling except for motions for expedited consideration, and may issue briefing and other scheduling orders. The clerk may grant or refer to the court dispositive motions to which all parties consent and non-dispositive motions to which no objection is filed or all parties consent. With respect to other motions filed between the issuance of the scheduling order pursuant to Rule 12-B and the date of oral argument, the clerk may refer such motions to the court or issue an order to the effect that no ruling will be made on the motion prior to oral argument but that the parties may address the motion during their allotted oral argument time. Any order of the clerk shall state that it is issued pursuant to this rule.

(9) Any motion to reconsider an order issued by a single justice or the clerk shall be filed within ten days from the date of the issuance of the order. A motion to reconsider an order issued by the clerk shall be decided by a single justice or by the court.

(10) Whenever the court issues an order requiring or permitting a party to file a brief memorandum, the brief memorandum shall be entered upon the filing with the clerk of the supreme court of the original and 7 copies of the brief memorandum and a signed statement by counsel that a copy of the brief memorandum and notice of the filing have been mailed first class or delivered to opposing counsel. See rule 26. Brief memoranda shall be upon good quality, nonclingy paper 8 ½ by 11 inches in size. They shall consist of standard size typewriter characters produced on one side of each leaf only. The text shall be double spaced.

APPENDIX G

Amend Superior Court Rule 74 so that said rule, as amended, shall state as follows:

74. In all actions at law or in equity, in which a verdict or decree is entered, or in which a motion for a nonsuit or directed verdict is granted, or in which a bill in equity is dismissed, or in which any motion is acted upon after verdict or decree, all appeals relating to the action shall be deemed waived and final judgment shall be entered as follows, unless the Court has otherwise ordered, or unless a notice of appeal has then been filed with the Supreme Court pursuant to its Rule 7:

a. where no motion, or an untimely filed motion, has been filed after verdict or decree, on the thirty-first day from the date on the Clerk's written notice that the Court has made the aforementioned entry, grant or dismissal; or

b. where a timely filed motion has been filed after verdict or decree, on the thirty-first day from the date on the Clerk's written notice that the Court has taken action on the motion.

The Court shall not grant any requests for extensions of time to file an appeal document in the Supreme Court or requests for late entry of an appeal document in the Supreme Court; such requests shall be filed with the Supreme Court. See Supreme Court Rule 21(6).

In civil actions in which a mistrial is declared, appeals from the denial of motions for nonsuit or directed verdict shall not be transferred to the Supreme Court before verdict following further trial unless the Presiding Justice shall approve an interlocutory appeal pursuant to Supreme Court Rule 8.

(See Supreme Court Rules.)

APPENDIX H

Amend District and Municipal Court Rule 1.11 A, so that said paragraph A, as amended, shall state as follows:

A. When a question of law is to be transferred after a decision on the merits, all appeals shall be deemed waived and final judgment shall be entered on the thirty-first day from the date on the Clerk's written notice that the Court has made the decision on the merits, unless the party aggrieved enters a notice of appeal in the Supreme Court within thirty days from the date on the Clerk's written notice of the Court's decision that aggrieves the party, pursuant to Supreme Court Rule 7, and mails the number of copies provided for by the rules of the Supreme Court to the Clerk thereof. The Court shall not grant any requests for extensions of time to file an appeal document in the Supreme Court or requests for late entry of an appeal document in the Supreme Court; such requests shall be filed with the Supreme Court. See Supreme Court Rule 21(6).

APPENDIX I

Amend District and Municipal Court Rule 4.27, II so that said paragraph II, as amended, shall state as follows:

II. Any party to a small claim judgment may, at the time judgment is declared or within 30 days of the notice of judgment date, appeal therefrom to the supreme court. On any such appeal, the district or municipal court shall provide the tape recording requested under paragraph I. to the supreme court. The district or municipal court shall not grant any requests for extensions of time to file an appeal document in the supreme court or requests for late entry of an appeal document in the supreme court; such requests shall be filed with the supreme court. See Supreme Court Rule 21(6).

Amend Probate Court Rule 74, so that said rule, as amended, shall state as follows:

Rule 74. Procedure After Trial -- *Final Judgment.*

In all actions in which an order or decree is entered or in which an action is dismissed, or in which any Motion is acted upon after order or decree, all appeals shall be deemed waived and judgment shall become final as follows in subparagraphs (a) or (b), unless the Court has otherwise ordered, unless a notice of an appeal has been filed with the Superior Court pursuant to RSA 547:11-d, or unless a notice of appeal has been filed with the Supreme Court pursuant to its Rule 7:

(a) where no Motion, or an untimely filed Motion, has been filed after order or decree, on the thirty-first day from the date on the Register's written notice that the Court has made such order, decree or dismissal; or

(b) where a timely filed Motion has been filed after order, decree or dismissal, on the thirty-first day from the date on the Register's written notice of the Court's action on the Motion.

The Court shall not grant any requests for extensions of time to file an appeal document in the Supreme Court or requests for late entry of an appeal document in the Supreme Court; such requests shall be filed with the Supreme Court. See Supreme Court Rule 21(6).

APPENDIX K

Adopt a new Supreme Court Rule 21B, which shall state as follows:

RULE 21B. MOTIONS TO WITHDRAW CRIMINAL APPEALS

In any direct appeal of a criminal conviction filed by a defendant, any motion to withdraw the appeal filed by the defendant's counsel or by the defendant's nonlawyer representative shall also be personally signed by the defendant. The court may waive this requirement upon motion for good cause shown.

APPENDIX L

Amend Supreme Court Rule 50-A(2) by adding a sentence at the end of section (2), so that said section (2), as amended, shall state as follows:

(2) An attorney who fails to comply with the requirements of Rule 50 with respect to the maintenance, availability, and preservation of accounts and records, who fails to file the required annual Certificate of Compliance, or the annual Authorization to Financial Institutions or a Notice of Declination, or who fails to produce trust account records as required shall be deemed to be in violation of Rule 1.15 of the Rules of Professional Conduct and the applicable Supreme Court Rule. Unless upon petition to the Supreme Court an extension has been granted, failure to file the required annual Certificate of Compliance by August 1st shall, in addition, subject the attorney to one or more of the following penalties and procedures:

A. A fine of \$100 for each month or fraction thereof after August 1st in which the Certificate of Compliance remains unfiled;

B. Audit of the attorney's trust accounts and other financial records at the expense of the attorney, if the certificate remains unfiled on December 1st; and

C. Based upon results of the audit, initiation of proceedings for further sanctions, including suspension.

Payment of any fines imposed pursuant to this rule shall be in cash, by bank check, or by money order; personal checks shall not be accepted.

APPENDIX M

Amend Supreme Court Rule 47(2) by adding language to the end of the third from the last paragraph of section (2), so that section (2), as amended, shall state as follows:

(2) *Fees.* Maximum compensation is limited as follows:

(a) Time properly chargeable to case: \$60 per hour. The paralegal hourly rate shall not exceed \$35.00 and shall be included with fees of counsel for the purposes of determining the maximum fee on any case. Travel time is not a compensable event unless expressly authorized by the court in advance for exceptional circumstances.

(b) Maximum fee per day (for all cases): \$400.

(c) Maximum fee for misdemeanors: \$1,000.

(d) Maximum fee for felonies: \$3,000.

(e) Maximum fee for homicides under RSA 630:1-2: \$15,000.

(f) Maximum fee for Supreme Court appeal: \$1,500.

Only upon an express, written finding of good cause and exceptional circumstances by the court will the maximum fees be exceeded or will additional fees be authorized. All petitions to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded; provided, however, that the court may waive the requirement for prior approval when justice so requires.

When counsel represents more than one client on any particular day, the hours spent shall be allocated accordingly. Representation of more than one client on the same day and in the same court shall be noted on the bills submitted. All bills shall be reviewed by the judge who presided over the case, if practicable.

When assigned counsel is appointed in district or municipal courts, that counsel shall continue as counsel of record for all purposes (such as motions to reduce bail, waiver of indictments, etc.) until and unless new counsel is appointed by superior court. The appointment of counsel shall occur in accordance with RSA 604-A:2, II. The public

defender shall be appointed if that office is available. In the event that the public defender program is not available, the appointment of a contract attorney shall occur, if such an attorney is available. Lastly, in the event that neither the public defender nor a contract attorney is available, the appointment of a qualified attorney under RSA 604-A:2, I, shall occur.

The adequacy of the rates prescribed by this rule may, upon request of the supreme court, be reviewed periodically by the advisory committee on rules.

APPENDIX N

Amend Supreme Court Rule 48(2) by adding language to the end of the second from the last paragraph of section (2), so that section (2), as amended, shall state as follows:

(2) *Fees.* Maximum compensation is limited as follows:

(a) Time properly chargeable to case: \$60 per hour. The paralegal hourly rate shall not exceed \$35.00 and shall be included with fees of counsel for the purposes of determining the maximum fee on any case. Travel time is not a compensable event unless expressly authorized by the court in advance for exceptional circumstances.

(b) Maximum fee per day (for all cases): \$400.

(c) Maximum fee for all juvenile cases pursuant to RSA chapters 169-B, C, and D: \$1,200.

(d) De novo appeal of juvenile cases pursuant to RSA chapters 169-B, C, and D: \$1,000.

(e) Maximum fee for guardianships under RSA chapter 464-A: \$600.

(f) Maximum fee for annual review hearings for guardianships: \$200.

(g) Maximum fee for TPR cases pursuant to RSA chapter 170-C: \$1,200.

(h) Maximum fee for involuntary admissions under RSA chapter 135-C: \$400.

(i) Appeals to the supreme court in all juvenile cases and any matters within the subject matter jurisdiction of the probate court: \$1,500.

(j) Maximum fee for court review hearings of juvenile cases pursuant to RSA 169-B and D: \$180.

Only upon express, written finding for good cause and exceptional circumstances by the court will the maximum fees be exceeded or will additional fees be authorized. All petitions to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded; provided, however, that the court may waive the requirement for prior approval when justice so requires.

When counsel represents more than one client on any particular day, the hours spent shall be allocated accordingly. Representation of more than one client on the same day and in the same court shall be noted on the bills submitted. All bills shall be reviewed by the judge who presided over the case, if practicable.

The adequacy of the rates prescribed by this rule may, upon request of the supreme court, be reviewed periodically by the advisory committee on rules.

APPENDIX O

Amend Supreme Court Rule 48-A(2) by adding language to the end of the second from the last paragraph of section (2), so that section (2), as amended, shall state as follows:

(2) *Fees.* The provisions of this rule shall only apply to proceedings within the original jurisdiction of the district and probate courts, in which guardians ad litem are appointed, and the party responsible for payment is indigent.

Maximum guardian ad litem compensation as authorized by the administrative justice shall be limited as follows:

(a) Time properly chargeable to case: \$60 per hour. Travel time is not a compensable event unless expressly authorized by the court in advance for exceptional circumstances.

(b) Maximum fee per day: \$400.

(c) Maximum fee for abuse and neglect cases through conclusion of dispositional hearing pursuant to RSA 169-C:19: \$1000.

(d) Maximum fee for CHINS cases (169-D) or delinquency cases (169-B) through conclusion: \$600.

(e) Maximum fee for court review hearings in guardianship of minor case or abuse and neglect case: \$180.

(f) Maximum fee for TPR case (170-C): \$1,000.

(g) Maximum fee for appeals to the superior court: \$600.

(h) Maximum fee for guardianship of minor cases pursuant to RSA 463: \$1,000.

Only upon express, written finding for good cause and exceptional circumstances by the court will the maximum fees be exceeded or will additional fees be authorized. All petitions to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded;

provided, however, that the court may waive the requirement for prior approval when justice so requires.

When a guardian ad litem represents more than one client on any particular day, the hours spent shall be allocated accordingly. Representation of more than one client on the same day and in the same court shall be noted on the bills submitted. All bills shall be reviewed by the judge who presided over the case, if practicable.

The adequacy of the rates prescribed by this rule may, upon request of the supreme court, be reviewed periodically by the advisory committee on rules.

APPENDIX P

Adopt Supreme Court Rule 32 on a permanent basis; Rule 32 was adopted on a temporary basis by order dated June 19, 2002:

RULE 32. COUNSEL IN CRIMINAL CASES

(1) Whether retained by the defendant or appointed by a lower court, trial counsel in a criminal case shall be responsible for representing the defendant in the supreme court unless the supreme court relieves counsel from this responsibility for good cause shown.

(2) A motion to withdraw as counsel on appeal in a criminal case must state reasons that would warrant the grant of leave to withdraw. Unless prior approval has been obtained from the court for good cause shown upon exceptional circumstances, the motion must be accompanied by either:

(a) A showing that new counsel has been appointed or retained to represent the defendant; or

(b) The defendant's completed petition for appointment of counsel or a showing that a petition has been filed.

(3) Trial counsel shall continue to participate until and unless the motion to withdraw is approved by the supreme court.

(4) Indigent defense cases appealed to the supreme court must be accompanied by petitions for either initial assignment or continued assignment of counsel (OAS Form #204-1081) together with a current financial affidavit or a photocopy of same.

Except in exceptional circumstances, the clerk's office will process the application for assignment of counsel within 30 days of the receipt of the notice of appeal and petition for assignment of counsel, together with affidavit.

(5) Maximum counsel fee for appeals to the supreme court in assigned counsel cases shall be \$1,500.00.

Amend Supreme Court Rule 33(2) by deleting the last sentence, so that said Rule 33, as amended, shall state as follows:

RULE 33. NONMEMBER OF THE NEW HAMPSHIRE BAR

(1) A lawyer who is not a member of the bar of this State shall not be permitted to enter an appearance in any case except on motion that may be granted if a member of the bar of this State is associated with him and is present at oral argument.

(2) Without the prior written approval of the court, no person who is not a lawyer may represent a person other than himself or be listed on the notice of appeal or other appeal document, or on the brief, or sit at counsel table in the courtroom or present oral argument. Request for such written approval shall be made in writing at the time of filing the appeal or, if it relates to briefing or oral argument, not later than 15 days before the date scheduled for filing the brief or for oral argument. The request must contain: (a) a power of attorney signed by the party, and witnessed and acknowledged before a justice of the peace or notary public, constituting another person as his or her attorney to appear in the particular action; and (b) an affidavit under oath in which said other person discloses (i) all of said other person's misdemeanor and felony convictions (other than those in which a record of the conviction has been annulled by statute), (ii) all instances in which said other person has been found by any court to have violated a court order or any provision of the rules of professional conduct applicable to nonlawyer representatives, and (iii) all prior proceedings in which said other person has been permitted to appear, plead, prosecute or defend any action for any party, other than himself or herself, in any court. Any person who is not a lawyer who is permitted to represent any other person before any court of this State must comply with the Rules of Professional Conduct as set forth in Professional Conduct Rule 8.5, and shall be subject to the jurisdiction of the committee on professional conduct.

APPENDIX R

Amend Supreme Court Rule 28(2) by replacing the reference to "Division of Welfare" with "Division of Human Services", so that said paragraph (2), as amended, shall state as follows:

(2) Unless the supreme court expressly orders differently, cases in which the State, a State agency, or a State official is a party, the State's name shall be listed as "The State of New Hampshire"; the name of the State agency shall be preceded by the words "New Hampshire", *e.g.*, "New Hampshire Department of Health and Welfare"; the name of a State division shall be preceded by the words "New Hampshire" but shall not mention the parent agency, *e.g.*, "New Hampshire Division of Human Services"; and the title of a State official, but not his name, shall be listed, *e.g.*, "Secretary of State". If the title of a State official is identical to that of a municipal or county official, the State official's title shall be preceded by the words "New Hampshire".

APPENDIX S

Amend Superior Court Administrative Rule 7-3 by replacing the references to "Division of Welfare" with "Division of Human Services", so that said rule, as amended, shall state as follows:

In all cases of divorce, nullity or separation in which the Court makes a temporary or final order or decree for payment of support or alimony through the Division of Human Services, the order or decree shall require the parties to furnish their social security numbers to the Division of Human Services. Compliance with the foregoing may be through the use of an appropriate stamp or by other means.

APPENDIX T

Amend Superior Court Rule 89 so that said rule, as amended, shall state as follows:

89. In any case, civil or criminal, in which a road or way is alleged to be a "way" as defined in RSA 259:125 or a public highway, a party shall notify the opposing party or counsel at least ten days prior to trial if said "way" or public highway must be formally proved; otherwise, the need to formally prove said "way" or public highway will be deemed to be waived.

APPENDIX U

Amend District and Municipal Court Rule 1.22 so that said rule, as amended, shall state as follows:

In any case, civil or criminal, in which a road or way is alleged to be a "way" as defined in RSA 259:125 or a public highway, a party shall notify the opposing party or counsel at least ten days prior to trial if said "way" or public highway must be formally proved; otherwise, the need to formally prove said "way" or public highway will be deemed to be waived.

APPENDIX V

Adopt Supreme Court Rule 37(3) on a permanent basis; Rule 37(3) was adopted on a temporary basis by order dated July 18, 2002:

(3) *Committee on Professional Conduct:*

(a) The court shall appoint a committee to be known as the Committee on Professional Conduct (hereinafter referred to as the "committee") which shall consist of eighteen members, one of whom shall be designated by the court as the chair. Two members of the Committee shall be designated by the court as vice-chairs, to act in the absence or disability of the chair. One of the vice-chairs must be a New Hampshire licensed attorney, and the other must be a non-attorney. At least four of the members shall not be attorneys. There shall be one member of the committee from each county in the State or such other districts as the court may designate; and one of the members shall be designated pursuant to section (3A), and shall have both the special term of office and the additional special responsibilities set forth therein.

In the event that any member of the committee has a conflict of interest or is otherwise disqualified from acting with respect to any investigation or proceeding before the committee, the court may, upon request or upon its own motion, appoint another person to sit on such investigation or proceeding as a temporary replacement for such disqualified member; and such temporary replacement, rather than the disqualified member, shall be considered a committee member for quorum and voting purposes in connection with such investigation or proceeding. In making such appointments, the court may disregard the geographical membership distribution requirement of this section.

(b) The regular term of each member shall be three years. A member selected to fill a vacancy shall hold office for the unexpired term of his or her predecessor. A member shall not serve for more than three consecutive full terms but may be reappointed after a lapse of one year. The committee shall act only with the concurrence of a majority of its members present and voting, provided, however, that nine members shall constitute a quorum.

(c) From time to time, the court may appoint special members of the committee to investigate complaints assigned to them by the committee chair. The term of a special member shall be for six months. The assignment of an investigation to a special

member shall be within the discretion of the chair, and the authority of a special member shall be limited to the investigation of complaints as assigned by the chair. A special member shall not be considered a committee member for quorum and voting purposes in connection with the investigation or proceedings related to such complaints, and shall not serve on a hearing panel.

(d) The committee shall have the power and duty:

(1) To consider and investigate the conduct of any attorney within its jurisdiction and may initiate any such investigation on its own motion in accordance with Supreme Court Rule 37A(2)(a)(2)(B) or may undertake the same upon complaint or grievance filed by any person.

(2) To appoint a bar counsel and such assistant bar counsel as may from time to time be required to properly perform the functions hereinafter prescribed.

(3) To appoint as may be necessary and in the discretion of the committee, hearing panels consisting of at least three members and to assign to such hearing panels complaints concerning charges of misconduct.

(4) To make a determination either on its own findings or after review of findings by a hearing panel as to whether or not such conduct warrants dismissal, warning, reprimand, or formal disciplinary proceedings in this court. Upon the approval of such findings and recommendations, the committee can dismiss the grievance or complaint, issue a warning, administer a reprimand, or institute and oversee the prosecution of formal disciplinary proceedings in this court as the case may be. The administration of a reprimand or the institution of formal disciplinary proceedings in this court shall be only upon clear and convincing evidence of a violation of the Rules of Professional Conduct warranting such action.

(5) To reprimand attorneys subject to its jurisdiction for misconduct by issuing a letter of reprimand. Any attorney aggrieved by a letter of reprimand issued by the committee shall have the right to appeal such reprimand to the court. Such rights must be exercised within thirty days from the date of a letter of reprimand. In the event that an attorney aggrieved by a letter of reprimand issued by the committee has filed a timely request for reconsideration pursuant to Supreme Court Rule 37A(3)(d)(4), the right to appeal the issuance of the letter of

reprimand shall be exercised within thirty days from the date of the letter notifying the attorney of the committee's decision on the request for reconsideration. The manner of appeal from a reprimand shall be determined by the court. The court may refer the appeal from a reprimand to a judge or referee in the same manner as provided in section (13). Such reprimand may be affirmed, modified or reversed.

(6) To propose rules of procedure not inconsistent with the rules promulgated by this court.

(7) To appoint such investigative and other personnel as the committee shall deem necessary.

(8) To require a New Hampshire licensed attorney who has been subject to reprimand to produce evidence of satisfactory completion of the Multistate Professional Responsibility Examination, in appropriate cases.

(9) To educate the public on the general functions and procedures of the committee.

APPENDIX W

Adopt Supreme Court Rule 37A(2)(a)(6) on a permanent basis; Rule 37A(2)(a)(6) was adopted on a temporary basis by order dated July 18, 2002:

(6) *Investigation.*

The committee chair shall, either prior to or following receipt of the respondent's answer, assign the complaint to the administrator or a reviewing member, including a special member, for such investigation as may be appropriate.

The participation of any member of the committee who investigates the complaint shall be limited as follows. An investigating member who is a regular member of the committee may participate in the hearing as a facilitator. The facilitator shall not be a member of the hearing panel and shall not participate in the deliberations, voting, and determination of the disposition of the complaint. This limitation shall not prevent such investigating member from assisting bar counsel if the disposition of the complaint results in the committee filing a petition for public discipline with the court. An investigating member who is a special member of the committee shall not participate in any further proceedings after the committee has taken action in accordance with section (2)(a)(8).

The report of the investigating member is part of the committee's work product and is not available for public inspection.

APPENDIX X

Amend Supreme Court Rule 51A(4)(a) so that said subsection (4)(a), as amended, shall state as follows:

(4) Distribution of Annual Submissions and Invitation for Comment.

(a) Upon receipt of the annual submissions and reports, the Clerk of the Supreme Court shall cause copies of proposed rules and amendments or the Committee's summary thereof, together with an invitation for comments, to be distributed as follows:

(1) Two copies to each clerk of court or register of probate, one of which is to be posted by them in a conspicuous place in their respective offices; provided that no copies need be distributed to or posted by any court not affected by any of the proposed rules or amendments.

(2) Copies to the New Hampshire Law Weekly and such other publications as deemed appropriate.

(3) Copies to the President of the Senate, Speaker of the House and Chairpersons of the Senate and House Judiciary Committees.

(4) Copies to such other persons and places as the Chief Justice may direct.

Amend the third paragraph of Probate Court Rule 36, so that said rule, as amended, shall state as follows:

Rule 36. Written Interrogatories

Any Party may serve, by mail or delivery by hand, upon any other Party written interrogatories relating to any matters which may be inquired into under Rule 44.

Any Party propounding interrogatories shall provide the opponent with notice, substantially as set forth in the following form, of the obligation to answer said interrogatories within thirty days. The notice shall be at the top of the first page and printed in capital, typewritten letters or in ten-point, bold-face print. The form of the notice in substance shall be as follows:

These interrogatories are propounded in accordance with Probate Court Rule 36. You must answer each question separately and fully in writing and under oath. You must return the original and one copy of your answers within thirty (30) days of the date you received them to the Party or Attorney who served them upon you. If you object to any question, you must note your objection and state the reason therefor. If you fail to return your answers within thirty (30) days, the party who served them upon you may inform the Court, and the Court shall make such orders as justice requires, including the entry of a conditional default against you.

Interrogatories may be served at any time after service of the action.

The Party serving the interrogatories shall furnish the answering Party with an original and two copies of the interrogatories. The interrogatories will be so arranged that after each separate question shall appear a blank space reasonably calculated to enable the answering Party to have his or her answer typed in. The parties may agree to transmit interrogatories electronically or by computer disk, enabling the answering party to provide answers directly after each separate question using the party's available word processing technology. In the event of such an agreement, the requirement of providing space between each question sufficient to manually insert answers is obviated.

Interrogatories shall be answered in writing under oath by the Party upon whom served, if an individual, or, if a public or private corporation,

a partnership or association, by an officer or agent who shall furnish all information available to the Party.

Each question shall be answered separately, fully and responsively in the space following the question, or, if insufficient, on additional pages or retyped pages repeating each interrogatory in full following by the answer, in such manner that the final document shall have each interrogatory immediately succeeded by the separate answer.

If, in any interrogatory, a copy of a paper or document is requested, the copy shall be annexed to the answer. If the copy is a report of an expert witness or a treating physician, it shall be the exact copy of the entire report or reports rendered by him or her, and the answering Party shall certify that the existence of other reports of that expert, either written or oral, are unknown to him or her and, if such become later known or available, he or she shall serve them promptly on the propounding Party but in any case not later than ten (10) days prior to pre-trial settlement conference.

The Party, who is served with interrogatories, shall serve his or her answers thereto, by mail or delivery in hand, upon the Party propounding them within thirty (30) days after service of such interrogatories, or within thirty (30) days after the return day, whichever date is later. The Parties may extend such time by written agreement.

The answers shall be served, together with the original and one (1) copy of the interrogatories upon the propounding Party. If copies of papers are annexed to answers, they need be annexed to only one set.

If a Party, upon whom interrogatories are served, objects to any questions propounded therein, he or she may either answer the question by stating it is improper, or he or she may, within twenty (20) days after the service of interrogatories upon him or her, move to strike any question, setting out the specific grounds of objection. He or she shall make timely answer, however, to all questions to which he or she does not object. Interrogatories, which are not stricken, shall be answered within such unexpired period of the thirty (30) days above provided as remained when the Motion was filed or within such time as the Court directs. The propounder of a question answered by a statement that it is improper may, within twenty (20) days after service of the answers upon him or her, move to compel an answer to the question, and, if the Motion is granted, the question shall be answered within such time as the Court directs.

If a Party, who is served with interrogatories requesting copies of papers, objects to the furnishing thereof, he or she shall, in lieu of complying with the request, either state with specificity the reasons for

his or her noncompliance or invite the propounder to inspect and copy the papers at a designated time and place. The propounder of a request for a copy of a paper, which is not complied with, may, within twenty (20) days after the service of the answers upon him or her, file a Motion seeking compliance with the request or for other appropriate relief.

Motions to strike interrogatories or to compel more specific answers thereto shall include a statement summarizing the nature of the action and shall have annexed thereto the text of the questions and answers, if any, objected to.

If the Court finds that a Motion, which is made pursuant to this Rule, was made frivolously or for the purpose of delay or was necessitated by action of the adverse Party that was frivolous or taken for the purpose of delay, the Court may order the offending Party to pay the amount of reasonable expenses, including Attorney's fees, incurred by the other Party in making or resisting the Motion.

A Party may file more than one (1) set of interrogatories to an adverse Party, but the total number of interrogatories shall not exceed fifty (50), unless the Court otherwise orders for good cause shown after the proposed additional interrogatories have been filed. In determining what constitutes an interrogatory for the purpose of applying this limitation in number, it is intended that each question be counted separately, whether or not it is subsidiary or incidental to or dependent upon or included in another question, and however the questions may be grouped, combined or arranged.

The adverse Party shall have the same privileges in answering written interrogatories as the deponent in the taking of a deposition.

If a Party, who has furnished answers to interrogatories, thereafter obtains information which renders such answers incomplete or inaccurate, amended answers shall be served in accordance with Rule 35E.

Interrogatories and answers may be used at the trial to the same extent as depositions. If less than all of the interrogatories and answers thereto are marked or read into evidence by a Party, an adverse Party may read into evidence any other of the interrogatories and answers or parts thereof necessary for a fair understanding of the parts read into evidence.

Neither the interrogatories nor the answers need be filed with the Register unless the Court so directs at the pretrial settlement conference or at trial.

If the Party, upon whom interrogatories have been served, shall fail to answer said interrogatories within thirty (30) days, or any enlarged period, unless written objection to the answering of said interrogatories is filed within that period, said failure shall result in a conditional default being entered by the Register upon Motion being filed indicating such failure to answer. The Party failing to answer shall receive notice of the conditional default. The conditional default shall be vacated if the defaulted Party answers the interrogatories within ten (10) days of receiving notice thereof and moves to strike the conditional default. If the defaulted Party fails to move to strike the conditional default within ten (10) days of receiving notice thereof, the adverse Party may move to have a default judgment entered and damages assessed in connection therewith. Unless the claim is fully liquidated and not subject to dispute as to amount or remedy, the Court shall have a hearing on damages.

APPENDIX Z

Amend District and Municipal Court Rule 1.10 A so that said paragraph A, as amended, shall state as follows:

A. Any party desiring to obtain answers to written interrogatories from an adverse party shall deliver a copy thereof, by mail or in hand, to the adverse party or counsel to be answered by the adverse party, or, if the adverse party is a public or private corporation or a partnership or an association, by any officer or agent, who shall furnish such information and is available to the adverse party. Interrogatories may be delivered at any time after service of the action. The interrogatories shall be answered separately and fully in writing, under oath, and signed by the person making such answers. The party, upon whom the interrogatories have been served, shall deliver the original and a copy of his answers, by mail or in hand, to the party or counsel submitting the interrogatories, unless the parties agree otherwise, or unless the Court, on motion and notice for good cause shown, enlarges or shortens the time. The parties may agree to transmit interrogatories electronically or by computer disk, enabling the answering party to provide answers directly after each separate question using the party's available word processing technology.

APPENDIX AA

Amend Supreme Court Rule 49 so that said rule, as amended, shall state as follows:

RULE 49. FEES IN SUPREME COURT

(A) Entry of Appeal	\$125.00
(B) (1) Certification of Record to Federal Courts	\$75.00
(2) Other Certifications and Certified Copies	\$5.00 plus \$.50/page
(C) Bar Examination Fee	\$140.00
(D) Character and Fitness Investigation Fee	\$125.00
(E) Certificate of Admission	\$5.00