

NEW HAMPSHIRE SUPREME COURT  
ADVISORY COMMITTEE ON RULES

Minutes of Meeting of September 29, 2010

Supreme Court Conference Room  
Frank Rowe Kenison Supreme Court Building  
One Charles Doe Drive  
Concord, NH 03301

The meeting was called to order at 12:30 p.m. by Justice Carol Ann Conboy, Committee Chair. The following committee members were present: Karen M. Anderson; William F.J. Ardinger, Esq.; Robert L. Chase; Hon. R. Laurence Cullen; Hon. Richard A. Hampe; Jeanne P. Herrick, Esq.; Jennifer L. Parent, Esq.; Raymond W. Taylor, Esq.; and Hon. Carol Ann Conboy.

Also present were David S. Peck, Esq., Secretary to the Committee; Carolyn Koegler, Esq.; and Irene Dalbec, staff.

David Peck announced that he will no longer be serving as Secretary of the Committee following the December 2010 meeting. It is expected that Carolyn Koegler will be appointed to replace him as Secretary.

The Committee addressed the agenda items as follows:

1. Approval of Minutes

Upon motion made by Judge Cullen and seconded by William Ardinger, it was unanimously voted to approve the minutes of the Committee's June 9, 2010 meeting as corrected.

2. Status of Pending Items

David Peck reported that the Committee's annual report was filed with the Supreme Court at the end of August. The Court has issued orders requesting public comment on the recommendations made by the Committee in the annual report. The public comment period ends on November 30, 2010.

(a) District Court Rules of Civil Procedure and Probate Court Rules of Civil Procedure and Probate Administration

Judge Cullen filed a revised draft of the proposed District Court Rules of Civil Procedure and reviewed with the committee what changes were made. The Committee agreed to further consider the revised draft at the December meeting. Judge Hampe indicated that the proposed Probate Court Rules of

Civil Procedure and Probate Administration will need to be supplemented by adding rules governing landlord-tenant and small claims actions. The Committee agreed to further consider these rules at the December meeting.

(b) 2008-013, Judicial Conduct Committee Procedures

The Committee is waiting for a report from its subcommittee. This matter was deferred to the December meeting.

(c) 2007-001, Superior Court Rule 170 pertaining to Alternative Dispute Resolution

The Committee is waiting for a report from its subcommittee, which plans to conduct a survey on the ADR process and rules. This matter was deferred to the December meeting.

(d) 2009-012, Supreme Court Rule 24

The Committee is waiting for a report from its subcommittee. This matter was deferred to the December meeting.

(e) 2010-007, Proposed Technical Amendment to Supreme Court Rule 53.1

The committee is waiting for a recommendation from the MCLE Board. This matter was deferred to the December meeting.

(f) 2010-009 Drug Court Rules

David Peck reported that Edda Cantor had orally reported that the subcommittee met and it was unanimous that no rules should be adopted. The Committee asked that Edda Cantor provide a written report listing the subcommittee's participants and their recommendations for consideration by the full Committee at the December meeting.

In addition, Ray Taylor will provide the Committee with information regarding the new Rockingham County drug court procedures for its consideration at the December meeting.

3. New Items for Committee Consideration

(a) 2010-01, HB 1223 (notice in class actions under Consumer Protection Act).

Attorney Ardinger will review HB 1223 and report to the Committee at the December meeting as to whether the legislation requires court rule amendments.

(b) 2010-013, Motion for New Trial – District Court Rules.

Judge Cullen will consult with Judge Kelly regarding whether any rule change is necessary and report at the December meeting.

(c) 2010-014, Proposed Amendment to Rule 1.10 of the Rules of Professional Conduct.

Attorney Parent will consult with the Bar Board of Governors and report back to the Committee at the December meeting.

(d) 2010-015, Model Rules for Client Trust Account Records.

The Committee agreed to request that the Ethics Committee, the Committee on Cooperation with the Courts, and the Professional Conduct Committee review the model rules and provide their recommendations as to whether the model rules should be adopted.

(e) 2010-016, HB 1393 (Investment Trusts).

The Committee agreed to ask Attorney Honigberg, who was not present at today's meeting, if he would be willing to review the legislation and make a recommendation as to whether court rule amendments are necessary.

(f) 2010-017, District Court Rules 6.1 to 6.7 (Local Ordinance Citations).

The Committee had several questions regarding the meaning and operation of these proposed rules. Judge Cullen agreed to consult with Judge Kelly and report back to the Committee at its December meeting.

5. Next Meeting

The next meeting is scheduled for December 8, 2010, at 12:00 p.m.

6. Meeting Schedule for 2011

It was agreed that the 2011 meetings will occur on the following dates: March 23, June 22, September 14, and December 14.

The meeting adjourned at 1:50 p.m.