



**THE STATE OF NEW HAMPSHIRE
SUPREME COURT
ADVISORY COMMITTEE ON RULES**

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Timothy A. Gudas, Secretary

**NEW HAMPSHIRE SUPREME COURT
ADVISORY COMMITTEE ON RULES**

Agenda – December 8, 2023 at 1:00 p.m.

<https://www.courts.nh.gov/resources/committees/advisory-committee-rules/committee-materials-docket-number>

<https://www.courts.nh.gov/resources/committees/advisory-committee-rules/public-hearing-notice>

1. PUBLIC HEARING

A. 2022-014 Supreme Court Rule 41

This proposed amendment would establish criteria for petitions seeking Supreme Court approval of an organization under RSA 292:1-a (voluntary corporations formed for the purpose of providing professional legal services to the poor).

B. 2023-012 New Hampshire Rules of Criminal Procedure 1 - 19

This grouped set of proposals would amend the New Hampshire Rules of Criminal Procedure to reflect the repeal of “felonies first” and the return

of felony complaints to Circuit Court in the first instance on and after January 1, 2024.)

C. 2022-007 New Hampshire Rule of Criminal Procedure 11(c)

This proposed amendment would permit conditional guilty pleas and establish procedures related to conditional guilty pleas.

D. 2023-009 New Hampshire Rule of Criminal Procedure 15(b)(3)

This proposed amendment would require that motions in limine in Superior Court be filed fifteen calendar days, rather than five calendar days, before the final pretrial conference.

E. 2023-013 Circuit Court – Family Division Rule 3.3

This proposed amendment would ensure that discovery is provided to counsel for the juvenile upon receipt of an appearance and that the voluntary needs assessment is included as mandatory discovery for juveniles in delinquency proceedings

F. 2023-013 Circuit Court – Family Division Rule 3.13

This proposed amendment would add a new rule governing the titling of pleadings in delinquency matters.

2. DISCUSSION AND VOTE ON PUBLIC HEARING ITEMS

- A. Supreme Court Rule 41
- B. New Hampshire Rules of Criminal Procedure 1 – 19
- C. New Hampshire Rule of Criminal Procedure 11(c)
- D. New Hampshire Rule of Criminal Procedure 15(b)(3)
- E. Circuit Court – Family Division Rule 3.3
- F. Circuit Court – Family Division Rule 3.13

3. NEW BUSINESS

A. 2023-015, Supreme Court Rule 53.1(B)(2)

Proposed amendment submitted by Attorney Lawrence Vogelmann on behalf of Veterans Legal Justice, seeking to include that organization within Supreme Court Rule 53.1(B)(2), which currently provides: “Active Status Lawyers Volunteering for Pro Bono Cases — Active Membership Status lawyers who volunteer for assigned, pro bono cases for the purpose of representing indigent parties through 603 Legal Aid, NH Legal Assistance, and the Disability Rights Center may claim up to three

hundred and sixty (360) general minutes of continuing legal education credit per reporting period at the rate of sixty (60) CLE minutes for every 300 billable-equivalent minutes of pro bono representation provided to a client. CLE ethics minutes cannot be earned from pro bono service. Pro bono minutes approved for CLE minutes will be reported to the NHMCLE Coordinator by the directors of the above-named entities on or before April 1 of each year. CLE minutes performed after April 1 will be applied to the following reporting year.”

B. 2023-016, Supreme Court Rule 37(5)(a)

Proposed amendment submitted by Julian Jefferson, Complaint Screening Committee, and Brian Moushegian, Attorney Discipline Office General Counsel.

C. 2023-017, Supreme Court Rule 50

Proposed amendment submitted by Attorney Derek Lick.

D. 2023-018, Supreme Court Rule 37(20)

Proposed amendment submitted by Attorney Derek Lick.

4. ADDITIONAL BUSINESS

A. Supreme Court Rule 42

This item was discussed at the September 15, 2023 meeting and placed on this agenda for further discussion concerning the four-attempt limit that remains in Rule 42(VIII)(c) and Rule 42(X). Attorney Sherry Hieber, General Counsel of the Office of Bar Admissions, will attend.

Supreme Court Rule 42(VIII)(c), which addresses applications to take the New Hampshire bar examination, currently provides: “A person who has failed the New Hampshire bar examination four times will not be permitted to retake the examination. For purposes of Rule 42, attempts to pass the examination shall count toward the limit of four regardless of whether the examination was taken in New Hampshire or taken in another jurisdiction administering the Uniform Bar Examination [UBE] prepared and coordinated by the National Conference of Bar Examiners.”

Rule 42(X), which addresses admission to the bar by transferred UBE score, currently provides: “To qualify for admission under this Rule 42 (X), the applicant must have earned the minimum score required by the board within no more than four attempts on the UBE. For purposes of this rule, attempts to earn the minimum score are counted regardless of

whether the applicant tested in New Hampshire or in another jurisdiction administering the UBE.”

In April 2021, as a result of a proposed rule amendment recommended by the Committee (see # 2020-002), the Court amended Rule 42(XI)(f), which addresses admission by motion without examination, as follows: “An applicant who has failed the New Hampshire bar examination within five years of the date of filing a motion for admission without examination shall not be eligible for admission by motion. ~~An applicant who is not permitted to retake the New Hampshire bar examination pursuant to Rule 42(VIII)(c) shall not be eligible for admission by motion.~~ An applicant who has resigned from the New Hampshire bar shall not be eligible for admission by motion, but may be eligible for readmission upon compliance with the requirements of Rule 37(15).”

5. 2024 MEETING DATES

Friday, March 8, 2024,
Friday, June 14, 2024
Friday, September 13, 2024
Friday, December 13, 2024