



April 20, 2022

Justice Patrick E. Donovan, Chair Advisory Committee on Rules
New Hampshire Supreme Court
One Charles Doe Drive
Concord, NH 03301

Re: Rule 84(g) of the Rules of Professional Conduct

Dear Justice Donovan:

As you know, the Attorney Discipline Office and the Ethics Committee of the New Hampshire Bar Association had reached an agreement regarding a proposed amendment to the Rules of Professional Conduct.

That agreement required approval from the Board of Governors of the Bar Association, and at its last meeting, the Board of Governors voted to approve the amendment. Because of their approval, this proposal can be submitted to the Advisory Committee with the agreement of the aforementioned parties.

The agreed-upon proposal would add a new definition to the Rules as follows:

1.0(o) "Primary" means the principal, dominant or leading basis for the conduct engaged in, which may be inferred from the circumstances, without regard to any potential or actual secondary purposes for or effects of such conduct. Primary does not mean the sole or only reason for the conduct.

The concern being addressed relates to defining "primary purpose" in Rule 8.4(g). Of course, if you have questions, please let us know.

Very truly yours,

Stephanie Burnham, Chair
N.H. Bar Association Ethics Committee

cc: Brian Moushegian, Gen'l Counsel, Attorney Discipline Office
Lorrie Platt, Sec'y to the Advisory Committee
Richard Guerriero, President, N.H. Bar Ass'n