



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

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

Agenda – September 15, 2023

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

1. ITEMS STILL PENDING BEFORE THE COMMITTEE

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

At the June 2, 2023 meeting, the Committee voted to schedule this proposed rule amendment for the next public hearing, which is scheduled to take place on December 8, 2023.

B. 2022-0014, Voluntary Corporations Formed for the Purpose of Providing Professional Legal Services to the Poor (RSA 292:1-a)

See September 5, 2023 report of the subcommittee.

## 2. NEW BUSINESS

### A. 2023-009, New Hampshire Rule of Criminal Procedure 15(b)(3)

See June 28, 2023 email from Judge Delker requesting amendment to New Hampshire Rule of Criminal Procedure 15(b)(3).

### B. 2023-010, Supreme Court Rule 48-A

See July 29, 2023 letter from Ralph Morin requesting amendment to Supreme Court Rule 48-A. Given the technical nature of the proposed amendment, Justice Donovan has referred this request directly to the Court for its consideration pursuant to Supreme Court Rule 51(c)(3).

### C. 2023-011, New Hampshire Rule of Evidence 504

See August 3, 2023 letter from Steven Endres, Assistant Merrimack County Attorney, requesting amendments to Rule 504 of the New Hampshire Rules of Evidence. Given the technical nature of the proposed amendments, Justice Donovan has referred this request directly to the Court for its consideration pursuant to Supreme Court Rule 51(c)(3).

### D. 2023-012, New Hampshire Rules of Criminal Procedure 1 - 19

See August 18, 2023 letter from Superior Court Chief Justice Tina L. Nadeau, Circuit Court Administrative Judge David D. King, Circuit Court Deputy Administrative Judge Susan W. Ashley, Superior Court Administrator Karen Gorham, and Senior Circuit Court Administrator Heather Kulp requesting amendments to Rules 1 - 19 of the New Hampshire Rules of Criminal Procedure.

### E. 2023-013, Circuit Court - Family Division Rules 3.3 and 3.13

See August 28, 2023 letter from Judge Susan W. Ashley requesting amendments to Circuit Court - Family Division Rule 3.3 and proposing addition of Rule 3.13.

## 3. ADDITIONAL BUSINESS

### A. IOLTA, Supreme Court Rule 50

At the June 2, 2023 meeting, Attorney Lick provided a brief update on the Bar Association's discussions with various banks to take measures to "sweep" IOLTA accounts on a frequent basis to reduce the risks from

bank failures. The item was set for further discussion at the September 15, 2023 meeting.

B. Supreme Court Rule 42

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 of 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).”

Senator Soucy recently received a request from a New Hampshire citizen requesting that the Committee revisit the four-attempt limit that remains in Rule 42(VIII)(c) and Rule 42(X).

4. REMAINING 2023 MEETING DATES

Friday, December 8, 2023

5. PROPOSED 2024 MEETING DATES

Friday, March 8, 2024,  
Friday, June 14, 2024

Friday, September 13, 2024  
Friday, December 13, 2024