

**NEW HAMPSHIRE SUPREME COURT
ADVISORY COMMITTEE ON RULES**
Minutes of Friday, March 14, 2025, Meeting
NH Supreme Court
Supreme Court Courtroom
1 Charles Doe Drive
Concord, NH 03301

The meeting was called to order at 12:29 p.m. by Justice Donovan, Committee Chair. The following Committee members were present:

Abigail Albee, Esq., Hon. Philip D. Cross, Kathleen Davidson, Esq., Hon. N. William Delker, Justice Patrick E. Donovan, Hon. Ryan Guptill, Charles Keefe, Esq., Richard Lehmann, Esq., Derek Lick, Esq., Representative Robert Lynn, Terri Peterson, Charles Stewart, William Woodbury, Esq., and Sheriff William Wright. Sherri Miscio, Secretary to the Committee, and Lisa Merrill, Recording Secretary, were also present.

Attorney Jay Buckey Executive Director, NH Judicial Council, was present for the meeting and answered questions regarding proposals that he submitted.

1. INTRODUCTION OF NEW AND EXISTING COMMITTEE MEMBERS

Justice Donovan began the meeting by asking new and existing members to introduce themselves. He welcomed new members Judge Cross, Attorney Davidson, Judge Guptill, Attorney Lehmann, Attorney Woodbury, and Belknap County Sheriff William Wright.

2. ITEMS STILL PENDING BEFORE THE COMMITTEE

There were no items pending before the committee.

3. NEW BUSINESS

A. 2025-001, Supreme Court Rules 47, 48, and 48-A

Justice Donovan referenced a proposed amendment submitted by Attorney Jay Buckey, Executive Director, NH Judicial Council regarding a request to increase fee caps to match the recently increased rate paid to assigned counsel. With no major discussion and on motion by Mr. Stewart and seconded by Representative Lynn, the Committee voted unanimously to recommend that the Court adopt the proposed rule amendment.

B. 2025-002, New Hampshire Rules of Criminal Procedure 30(a)

Justice Donovan referenced a proposed amendment to New Hampshire Rules of Criminal Procedure 30(a) that was submitted at the request of Superior Court Chief Justice Mark Howard. The proposed change would clarify the requirement in Rule 30 relative to probation violations that must be signed under oath in the same manner as search and arrest warrants.

Judge Delker explained how the rule works in the superior court requiring electronic filing in probation violations.

Judge Guptill submitted an additional amendment noting that it is rare in the circuit court for a probation violation, but when it occurs, the violation must be filed in paper because the circuit court does not have electronic filing for criminal cases yet. Judge Delker proposed breaking the rule into two pieces with the superior court filing probation violations electronically and the circuit court filing them in paper.

On motion by Attorney Keefe and seconded by Judge Cross, the Committee voted unanimously to put the proposed amendment out for public comment for a period of 60 days and to place the proposal on the agenda for the June 13 public hearing and meeting.

C. 2025-003, Supreme Court Rule 36

The Committee discussed the proposal submitted by Attorney Jay Buckey, Executive Director, NH Judicial Council regarding changes to Rule 36. The amendment would allow attorneys in good standing from other states to practice under supervision while the attorney's application to practice in New Hampshire is under consideration.

Judge Guptill suggested that Rule 36(b) might also need language changes. Justice Donovan proposed the formation of a sub-committee to report and make a recommendation at the next committee meeting. The subcommittee includes Judge Guptill, Judge Cross, and Attorney Buckey.

D. 2025-004, Supplemental Rules of the Circuit Court – Electronic Filing Rules 2(f) and 15(e)

Judge Guptill explained the proposed amendment regarding how hearing notices for guardianships are currently sent to parties electronically but noted that sending the notice both electronically and by hard copy may increase the probability that parties receive notice.

Mr. Stewart inquired whether there is notification when an electronic document is opened and viewed. Ms. Peterson reported that the clerk's office

can see when the document is opened and often checks it prior to a hearing, however sometimes it is opened and sometimes it is not.

Judge Delker suggested for clarity purposes to add language that the clerk shall send electronically and by mail.

On motion by Representative Lynn and seconded by Judge Guptill, the Committee voted unanimously to recommend that the court adopt the rule amendment with Judge Delker's suggestion to include language that the clerk shall send notice of hearings both electronically and by mail.

4. REMAINING 2024 MEETING DATES

Friday, June 13, 2025

Friday, September 12, 2025

Friday, December 12, 2025

With no further business to come before the Committee, it adjourned at 12:59 p.m.