

**NEW HAMPSHIRE SUPREME COURT
ADVISORY COMMITTEE ON RULES**
Minutes of Friday, March 8, 2024, Meeting
NH Supreme Court
Supreme Court Courtroom
1 Charles Doe Drive
Concord, NH 03301

The meeting was called to order at 12:32 p.m. by Justice Donovan, Committee Chair. The following Committee members were present:

Abigail Albee, Esq., Justice Patrick E. Donovan, Hon. Michael Garner, Sean P. Gill, Esq., Sara Greene, Esq., Jeanne Herrick, Esq., Charles Keefe, Esq., Derek Lick, Esq., Terri Peterson, Senator Donna Soucy, Janet Spalding, and Charles Stewart. Timothy Gudas, Secretary to the Committee, Sherri Miscio, Deputy Clerk-Administrative, and Lisa Merrill, Recording Secretary, were also present.

Attorney Lawrence Vogelman was present for part of the meeting.

1. ITEMS STILL PENDING BEFORE THE COMMITTEE

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

Justice Donovan summarized the proposed rule amendment submitted by Attorney Lawrence Vogelman on behalf of Veterans Legal Justice. The Committee invited Attorney Vogelman to the meeting and welcomed him to speak about the proposal.

Attorney Vogelman described the Veterans Legal Justice Program that has been referring Veterans, service members, and family members to legal services for well over a year and a half. The services provided are 100% voluntary. The Program is actively fundraising. Attorney Vogelman believes that the rule change might encourage attorneys to offer pro bono work by providing a CLE incentive.

Justice Donovan asked whether clients were indigent. Attorney Vogelman replied that it's a mix of clients both indigent and those who can pay a fee for legal services. Justice Donovan asked whether they track cases for CLE credit. Attorney Vogelman stated that they can track pro bono cases but that the attorneys would be responsible for reporting it to the NH Bar. Attorney Vogelman stated that Veterans Legal Justice does not employ a dedicated person to track pro bono work. Attorney Herrick, citing the rule, noted that it is up to the directors of the entities to report the hours on or

before April 1 of each year. Attorney Vogelmann responded that Veterans Legal Justice would do that reporting if the rule requires it.

After some discussion, the Committee agreed that the proposal did not require a public hearing. On motion by Mr. Stewart and seconded by Attorney Lick, the Committee voted to put the proposed amendment out for public comment and added the proposal to the June meeting agenda.

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

Justice Donovan reviewed the proposed amendment submitted by Julian Jefferson, Complaint Screening Committee, and Brian Moushegian, Attorney Discipline Office General Counsel. The proposed amendment is out for a 90-day public comment period without a public hearing.

On motion by Senator Soucy and seconded by Attorney Greene, the Committee voted unanimously to recommend that the proposal be added to the June 14, 2024 meeting agenda.

C. 2023-017, Supreme Court Rule 50

Justice Donovan reported the proposed amendment submitted by Attorney Derek Lick is out for a 90-day comment period without public hearing.

On motion by Attorney Greene and seconded by Attorney Keefe, the Committee voted unanimously to recommend that the proposal be placed on the June 14, 2024 meeting agenda.

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

The proposed amendment submitted by Attorney Derek Lick is out for a 90-day public comment period. On motion by Attorney Greene and seconded by Attorney Lick, the Committee voted unanimously to put the proposal out for public comment and add it to the June 14, 2024 agenda for public hearing.

2. NEW BUSINESS

A. 2024-001, Supreme Court Rule 54(4)

Justice Donovan referenced the January 29, 2024 letter from Attorney Steven Endres regarding the proposal to amend Supreme Court Rule 54(4) governing the role and responsibilities of the administrative judge. Justice Donovan provided a summary of past discussion and actions taken by the Committee regarding Rule 12 of the Rules of Criminal Procedure, because it relates to the proposal submitted by Attorney Endres.

Justice Donovan asked whether the Committee wanted to establish a sub-committee.

Judge Garner explained that the Circuit Court Administrative Order was issued based upon the rewind of Felonies First. Administrative Orders are issued at the discretion of the Administrative Judge under Rule 54.

Attorney Herrick suggested a sub-committee would be helpful to review the proposed rule amendment keeping in mind the need for Administrative Orders.

On motion by Attorney Herrick and seconded by Attorney Greene, a majority voted in favor of a sub-committee consisting of Justice Donovan, Attorney Herrick, Judge Garner, and Judge Delker to review and make recommendations at the June 14, 2024 meeting. Three members opposed the motion.

The Committee voted unanimously to put the proposal out for public comment and add it to the June 14, 2024 meeting agenda.

B. 2024-002, Supreme Court Rule 55(4)

Attorney Lick explained the proposed changes to Supreme Court Rule 55(4) which establishes a public protection fund. The NH Bar Association Public Protection Fund Committee recommends a cap increase to \$500,000 with respect to the amount payable in the aggregate as to claims against any one attorney.

On motion by Attorney Lick and seconded by Attorney Greene, the Committee voted unanimously to put the proposal out for public comment and add it to the June 14, 2024 public hearing agenda.

3. REMAINING 2024 MEETING DATES

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

On motion by Attorney Greene and seconded by Attorney Albee, the Committee adjourned at 2:12 p.m.