



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

Honorable Patrick E. Donovan, Chair  
Abigail Albee, Esquire  
Sheriff Mark A. Brave  
Honorable R. Laurence Cullen  
Honorable N. William Delker  
Honorable Michael H. Garner  
Sean P. Gill, Esquire  
Sara S. Greene, Esquire  
Jeanne P. Herrick, Esquire  
Charles Keefe, Esquire  
Derek D. Lick, Esquire  
Susan A. Lowry, Esquire  
Honorable Robert J. Lynn  
Terri Peterson  
Honorable Donna M. Soucy  
Janet L. Spalding, CPA  
Charles P.E. Stewart

Frank Rowe Kenison  
Supreme Court Building  
One Charles Doe Drive  
Concord, NH 03301  
603-271-2646

TDD Access:  
Relay NH 1-800-735-2964

Lorrie Platt, Secretary

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

Agenda – June 2, 2023

**1. PUBLIC HEARING**

**A. 2022-001 Supreme Court Rule 37(20)**

This proposed amendment, originally submitted by the Attorney Discipline Office, and reviewed by an Advisory Rules subcommittee, addresses public access to Attorney Discipline Office files relating to grievances and referrals.

**B. 2023-004 New Hampshire Rule of Evidence 1101(b)**

This proposed amendment, submitted by Circuit Court Administrative Judge David King, would exempt probable cause hearings in involuntary emergency admission (IEA) cases from the Rules of Evidence.

**C. 2023-005 New Hampshire Rule of Evidence 804(b)**

This proposed amendment, submitted by Circuit Court Administrative Judge David King, would restore the exception to the hearsay rule that governs statements made by deceased persons in actions by or against representatives of the deceased person.

2. DISCUSSION AND VOTE ON PUBLIC HEARING ITEMS

- A. Supreme Court Rule 37(20)
- B. New Hampshire Rule of Evidence 1101(b)
- C. New Hampshire Rule of Evidence 804(b)

3. ITEMS STILL PENDING BEFORE THE COMMITTEE

A. 2022-006 New Hampshire Rule of Professional Conduct 3.8

This proposed amendment, submitted by the NHBA Ethics Committee, is intended to “proactively provide guidance to prosecutors regarding their obligations” upon the discovery of “new, credible and material evidence creating a reasonable probability that a convicted defendant did not commit an offense of which the defendant was convicted.”

See May 22, 2023 Report of Advisory Rules Committee subcommittee

B. 2022-007 Rule of Criminal Procedure 11(c)

This proposed amendment submitted by Attorney David Peck would permit conditional guilty pleas to allow a defendant to preserve the right to appeal a pretrial ruling. Current case law, State v. Parkhurst, 121 N.H. 821 (1981), does not permit such a practice.

C. 2022-013 Supreme Court Rule 51

Invitation for public comment closed on May 16, 2023

No comments were received

D. 2022-014 Voluntary Corporations Formed for the Purpose of Providing Professional Legal Services to the Poor (RSA 292:1-a)

E. 2022-015 Supreme Court Rule 42

Invitation for public comment closed on May 16, 2023

No comments were received

4. NEW BUSINESS

- A. 2023-007 Superior Court Rule 37  
Proposed amendment submitted by Director Dianne Martin
- B. 2023-008 Circuit Court-District Division Rule 3.37  
Proposed amendment submitted by Director Dianne Martin
- C. IOLTA Supreme Court Rule 50

5. MATTERS REFERRED BY JUSTICE DONOVAN TO THE COURT PURSUANT TO SUPREME COURT RULE 51(c)(3)

2023-006 Supreme Court Rule 48

Proposed amendment submitted by Richard Samdperil, Acting Executive Director, NH Judicial Council

6. REMAINING 2023 MEETING DATES

Friday, September 15, 2023  
Friday, December 8, 2023