

## Supreme Court Rule 51 Proposed Amendments

Subcommittee proposal  
Date: 10/18/2022

(2) *Responsibilities.* The Advisory Committee on Rules shall have the following responsibilities:

(A) To receive and assess all suggested rule and rule amendments referred by the Chair of the Committee;

(B) ~~To identify, and solicit comment from, those who are likely to be most affected by, or interested in, a suggested rule or rule amendment;~~ To hold at least two public meetings per year;

(C) To hold public hearings ~~to~~ **[and]** receive comment from any member of the public, bench or the bar on the suggested rule and rule amendments when the Committee believes it is appropriate, **[with notice of such hearings and invitation for such comment:**

(i) **posted to the Rules Committee website;**

(ii) **published in the New Hampshire Bar News and such other publication as the Committee may think appropriate.]**

~~([D])~~(E) To consider the entire body of rules for which it is responsible by periodically reviewing each separate set of rules;

~~([E])~~(F) To consider the impact of any suggested rule or rule amendment upon existing statutes or pending legislation, and to include in any submission to the Court of proposed rule changes a statement of the Committee's views on such impact;

~~([F])~~(G) To submit a report to the Court on or before February 1 and on or before August 1 of each year on proposed rule and rule amendments, or to report to the

Court on or before February 1 and on or before August 1 that it has determined that no changes are ~~in its opinion~~ necessary at that time;

~~[(G)]~~ ~~H) To include in any submission to the Court a report of any comments received by the Committee~~ **[Included in the August 1 and February 1 submissions from the Committee]** to the Court **[shall be]** a report of any comments received by the Committee **[relative to the proposed rule or amendment ;]** ~~from the courts, judges, bar or the public;~~

(H) To retain for a minimum of ~~three~~ **[six]** years, as matters of public record, all rule suggestions and all Committee reports, agendas, minutes and notices of public hearing;

(I) To maintain a **[public]** webpage on the judicial branch website.

*(3) February 1 and August 1 Reports to the Court.*

(A) On or before February 1 and on or before August 1 of each year, the Advisory Committee shall submit to the Court a report of any proposed rules or amendments by filing them with the Clerk of the Supreme Court.

(B) Each report shall include a summary of the Committee's reasons for **[recommending]** the proposed rule and rule amendments, **[with a summary or copies of any comments to such proposed rules or amendments]**.

(C) For each proposed rule or rule amendment, the Committee shall advise ~~the Clerk of the Supreme Court~~ whether it recommends a hearing before the ~~full~~ Court.

*(e) Court Consideration of Recommended Rules Changes.*

(1) ~~Upon receipt of~~ A report **[received]** from the Advisory Committee on Rules **[shall be posted]** ~~the Clerk of the Supreme Court shall distribute copies of proposed rules and amendments or the Committee's summary thereof~~ **[on the Judicial Branch website, with notice issued to the New Hampshire Bar News**

**and such other publication as the Committee may think appropriate.] together with an invitation for comments, as follows:**

~~(A) Copies to the New Hampshire Bar Association and such publications as the Court deems appropriate;~~

~~(B) Copies to the President of the Senate, Speaker of the House and Chairpersons of the Senate and House Judiciary Committees;~~

~~(C) Copies to such other persons and places as the Chief Justice may direct.~~

(2) ~~The invitation shall call for comment on the proposed rules or amendments from members of the bench, bar, and public to be filed with the Clerk of the Supreme Court.~~ **[Upon receipt of a report from the Advisory Committee on Rules, the Supreme Court may issue an invitation for comment on the proposed rules or amendments from members of the bench, bar, and public to be filed with the Clerk of the Supreme Court.]** Unless the Court determines that a shorter period is necessary, a period of at least 30 days shall be allowed for comment. All comments shall be available for public review **[on the Judicial Branch website under the court docket number for any such proposed rule or rule amendment]**.

(3) The **[Supreme]** Court may, in its discretion, hold a hearing on a proposed rule at a time and in a manner specified by the court **[Court]**. If the ~~Supreme~~ Court orders a hearing, it shall set the time and place of the hearing and determine the manner in which the hearing will be conducted. The ~~Supreme~~ Court may designate one or more justices to conduct the hearing.

(f) *Special Cases.*

(1) The Chair of the Advisory Committee on Rules may, as set forth in paragraph (c)(3), refer a rule suggestion directly to the Court, rather than to the Advisory Committee on Rules.

(2) If the Chair of the Advisory Committee on Rules, upon review of a suggested rule or rule amendment, concludes that the change is technical, or would implement a change required by statute that permits no discretion in the drafting of the language of the rule or rule amendment, the Chair may submit the suggested rule or rule amendment to the Court with a recommendation that it be adopted on a permanent basis.

(3) If the Chair of the Advisory Committee on Rules, upon review of a suggested rule or rule amendment, concludes that exceptional circumstances justify expedited consideration of the request, the Chair may submit the suggested rule or rule amendment to the Court.

(A) The submission shall include the Chair's reasons for believing that the Court should take immediate action on the request.

(B) If the Court agrees that circumstances justify expedited consideration of the request, the Court shall afford such notice and opportunity for comment and hearing as may be practicable. The Court shall **[post to the Judicial Branch website and]** distribute the suggested rule or rule amendment, together with an invitation for comments, as follows:

(i) Copies to the New Hampshire Bar News;

(ii) Copies to members of the Advisory Committee on Rules; **[and;]**

~~(iii) Copies to the President of the New Hampshire Bar Association; and~~

**(iiii) ✕** Copies to such other persons and places as the **[Court]** ~~Chief Justice~~ may direct.

(C) All comments on the suggested rule or rule amendment shall be submitted in writing to the Supreme Court by the deadline specified by the Court. All comments shall be available for public review.