

## Timothy Gudas

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**From:** Miri Wakuta <miri.wakuta@aderant.com>  
**Sent:** Friday, September 1, 2023 5:14 PM  
**To:** RulesComment  
**Subject:** Re: Comment to Proposed Amendments to Rules of Superior Court 37 and Rules of Circuit Court – District Division 3.37

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Dear Honorable Members of the Advisory Committee on Rules:

Aderant CompuLaw submits the following comments to the proposed amendments to the Rules of Superior Court and Rules of Circuit Court – District Division contained in the August 1, 2023, Report to the Court. While no public comment was requested, we hope the committee will consider the following comments.

### **Item 2023-007, Rules of Superior Court 37:**

The Report to the Court recommends adding subsection (j) to Rules of Superior Court 37.

“(j) Certified Court Records. If, after a civil or criminal action has been entered, a party provides opposing parties or their counsel with copies of certified New Hampshire state court records, and no objection for good cause has been made within 30 days of the hearing or trial at which the records are to be introduced, the certified records may be introduced without a witness.”

As written, the use of the word “within” creates ambiguity as to when an opposing party should make an objection for good cause. Should the opposing party make the objection 30 days before the hearing or trial, or on any day within 30 days up the hearing or trial? This could create some confusion among practitioners. We request the Committee revise the proposed amendment to use more precise language in setting the deadline for opposing parties to make an objection. We suggest the following revisions, shown in brackets and italics:

“(j) Certified Court Records. If, after a civil or criminal action has been entered, a party provides opposing parties or their counsel with copies of certified New Hampshire state court records, and no objection for good cause has been made within [no later than] 30 days [before] the hearing or trial at which the records are to be introduced, the certified records may be introduced without a witness.”

Alternatively, we suggest a more substantial stylistic revision:

(j) Certified Court Records. When a party seeks to introduce certified New Hampshire state court records at a hearing or trial, a copy of such record must be provided to opposing parties or their counsel. Any objection for good cause must be made no later than 30 days before the hearing or trial at which the records are to be introduced. If no objection is timely made, the certified records may be introduced without a witness.

### **Item 2023-008, Rules of the Circuit Court – District Division 3.37:**

The Report to the Court recommends adding subsection (j) to Rules of the Circuit Court – District Division 3.37, which uses the same language.

“(j) Certified Court Records. If, after a civil or criminal action has been entered, a party provides opposing parties or their counsel with copies of certified New Hampshire state court records, and no objection for good cause has been made within 30 days of the hearing or trial at which the records are to be introduced, the certified records may be introduced without a witness.”

We suggest the same revisions be made.

“(j) Certified Court Records. If, after a civil or criminal action has been entered, a party provides opposing parties or their counsel with copies of certified New Hampshire state court records, and no objection for good cause has been made ~~within~~ [no later than] 30 days [before] the hearing or trial at which the records are to be introduced, the certified records may be introduced without a witness.”

Again, we suggest the same alternative revision:

(j) Certified Court Records. When a party seeks to introduce certified New Hampshire state court records at a hearing or trial, a copy of such record must be provided to opposing parties or their counsel. Any objection for good cause must be made no later than 30 days before the hearing or trial at which the records are to be introduced. If no objection is timely made, the certified records may be introduced without a witness.

Aderant CompuLaw is a software-based court rules publisher providing deadline information to many firms practicing before Alameda Superior Court. We greatly appreciate your attention and consideration of our comment.

If you have any questions, please email me at [miri.wakuta@aderant.com](mailto:miri.wakuta@aderant.com).

Very Truly Yours,

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The logo for Aderant, featuring the word "Aderant" in a bold, red, sans-serif font.

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