

CHAPTER 194  
HB 1343 - FINAL VERSION922 1570s  
922 1685s

2022 SESSION

22-2588  
11/08

HOUSE BILL

**1343**

AN ACT

allowing limited legal services to be provided by certain paraprofessionals.

SPONSORS:

Rep. Gordon, Graf. 9; Rep. Rice, Hills. 37; Rep. M. Smith, Straf. 6; Rep. Wuelper, Straf. 3; Sen. French, Dist 7; Sen. Whitley, Dist 15

COMMITTEE:

Judiciary

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ANALYSIS

This bill allows certain legal paraprofessionals to provide limited legal services.

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Explanation:

Matter added to current law appears in ***bold italics***.Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 194  
HB 1343 - FINAL VERSION

04/21/2022 1570s  
04/21/2022 1685s

22-2588  
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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT allowing limited legal services to be provided by certain paraprofessionals.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 194:1 New Section; Legal Services Provided by Paraprofessionals; Pilot Program. Amend RSA 311  
2 by inserting after section 2 the following new section:

3 311:2-a Legal Services by Paraprofessionals.

4 I. Notwithstanding any other provision of law to the contrary, a paraprofessional may represent  
5 another person in matters pursuant to RSA 173-B, RSA 458, RSA 458-A, RSA 458-B, RSA 458-C, RSA  
6 458-D, RSA 458-E, RSA 459, RSA 461-A, RSA 540, RSA 540-A, and RSA 633:3-a, III-a through III-d  
7 provided that:

8 (a) The paraprofessional is employed or retained by and acting under the supervision of an  
9 attorney admitted to practice under RSA 311:2, which attorney shall carry professional liability insurance  
10 with reasonable coverage limits;

11 (b) The paraprofessional has either a bachelor's degree in any field or an associate's degree  
12 in a law-related field; and at least 2 years of work experience in a law-related setting with attorney  
13 supervision;

14 (c) The person represented receives written notice that the paraprofessional is a non-  
15 attorney acting under the supervision of an attorney admitted to practice under RSA 311:2, including the  
16 attorney's name, prior to the commencement of the representation;

17 (d) In any pleading filed with any court, the paraprofessional discloses that the  
18 paraprofessional is a non-attorney acting under the supervision of an attorney admitted to practice under  
19 RSA 311:2, including the attorney's name; and

20 (e) The person represented has household income no greater than 300 percent of the federal  
21 poverty guidelines at the commencement of representation.

22 II. Paraprofessional representation provided pursuant to paragraph I may be provided only in the  
23 9th Circuit Court - District Division - Manchester, the 9th Circuit - Family Division - Manchester, the 1st  
24 Circuit - District Division - Berlin, the 6th Circuit Court - District Division - Franklin, the 6th Circuit Court -  
25 Family Division - Franklin, and the 1st Circuit - Family Division - Berlin.

26 III. Each attorney supervising a paraprofessional providing representation pursuant to this section  
27 shall make reasonable efforts to ensure that the paraprofessional's conduct is compatible with the  
28 professional obligations of the attorney, including the New Hampshire Rules of Professional Conduct,  
29 particularly Rule 5.3 pertaining to responsibilities regarding nonlawyer assistance.

30 IV. The supreme court may promulgate such rules as may be necessary to regulate the conduct  
31 of paraprofessionals.

32 194:2 Repeal. RSA 311:2-a, relative to legal services provided by paraprofessionals, is repealed.

CHAPTER 194  
HB 1343 - FINAL VERSION  
- Page 2 -

1       194:3 Report; Supreme Court. The supreme court shall provide a report regarding the efficacy of the  
2 pilot program in this act to the senate president, the speaker of the house of representatives, the house  
3 minority leader, and the senate minority leader no later than January 1, 2025.

4       194:4 Effective Date.

5           I. Section 2 of this act shall take effect January 1, 2025.

          II. The remainder of this act shall take effect January 1, 2023.

Approved: June 17, 2022

Effective Date:

I. Section 2 effective January 1, 2025

II. Remainder effective January 1, 2023

**Rule 35. Appearances in Court by Eligible Paraprofessionals.**

(1) Notwithstanding the provisions of any superior court rule concerning persons who are not lawyers, of any superior court rule and circuit court rule concerning lawyers who are not members of the bar of this State, and of any other such court rules, a paraprofessional authorized to provide legal services pursuant to RSA 311:2-a and acting under a supervising attorney may appear in any of the following courts:

- (a) 9th Circuit Court – District Division – Manchester;
- (b) 9th Circuit – Family Division – Manchester;
- (c) 1st Circuit – District Division – Berlin;
- (d) 1st Circuit – Family Division – Berlin;
- (e) 6th Circuit Court – District Division – Franklin;
- (f) 6th Circuit Court – Family Division – Franklin;
- (g) 1st Circuit – Family Division – Berlin.

(2) A paraprofessional may represent another person in matters pursuant to RSA 173-B, RSA 458, RSA 458-A, RSA 458-B, RSA 458-C, RSA 458-D, RSA 458-E, RSA 459, RSA 461-A, RSA 540, RSA 540-A, and RSA 633:3-a, III-a through III-d, provided that:

(a) The paraprofessional is employed or retained by and acting under the supervision of an attorney admitted to practice law in this state pursuant to RSA 311:2, provided that any such attorney shall carry professional liability insurance with reasonable coverage limits that includes liability coverage for the paraprofessional;

(b) The paraprofessional has either a bachelor's degree in any field or an associate's degree in a law-related field; and at least 2 years of work experience in a law-related setting with attorney supervision;

(c) The person represented receives written notice that the paraprofessional is a non-attorney acting under the supervision of an attorney admitted to practice law pursuant to RSA 311:2, including the attorney's name, prior to the commencement of the representation;

(d) In any pleading filed with any court, the paraprofessional discloses that the paraprofessional is a non-attorney acting under the supervision of an attorney admitted to practice under RSA 311:2, and the attorney signs the pleading;

(e) The person represented has household income no greater than 300 percent of the federal poverty guidelines at the commencement of representation; and

(f) The supervising attorney reports to the clerk of the supreme court that the attorney is participating in the RSA 311 pilot program and provides the attorney's contact information. The Judicial Branch will maintain a list of participating offices and contact information which shall be available to parties who may be eligible for services under this Rule.

(3) The supervising attorney shall be a member of the bar of this State and, with respect to the paraprofessional's proposed appearances in any court, shall file with the clerk of the supreme court the attorney's written consent to:

- (a) supervise the paraprofessional;
- (b) assume personal professional responsibility for the paraprofessional's work and provide professional liability insurance coverage to include such paraprofessional;
- (c) assist the paraprofessional to the extent necessary;
- (d) appear with the paraprofessional in courts in this State when, in the supervising attorney's judgment, the nature of the proceeding requires the supervising attorney's presence; and
- (e) participate with the paraprofessional in all settlement or plea negotiations and remain available at all times for consultation with opposing counsel without the participation of the paraprofessional.

The supervising attorney shall waive the right to the confidentiality of proceedings resulting from complaints to the Committee on Professional Conduct, for the limited purpose of permitting disclosure of such proceedings by said committee to the supreme court in connection with the court's review of a filing under this Rule.

The supervising attorney shall file his or her written consent immediately upon consenting to supervise a paraprofessional. Following such initial written consent, in every instance in which an attorney consents to continue supervising paraprofessionals under this Rule, the attorney shall annually refile his or her written consent with the clerk of the supreme court in the month of October. The attorney shall file a withdrawal of his written consent immediately upon the termination of his or her supervision of any such paraprofessional.

Nothing in this Rule shall limit or otherwise modify the supervising attorney's duties under N.H. R. Prof. Conduct 5.3.

(4) A paraprofessional seeking to appear pursuant to this Rule shall file an appearance form approved by the trial courts. Upon filing this form in the court where the case is pending, an eligible paraprofessional supervised in accordance with this Rule may appear before any court as herein listed with

respect to any case for which the paraprofessional has met the requirements of this Rule and RSA 311:2-a.

(5) The appearance of any paraprofessional may be suspended for cause on order of any justice of any court of this State, subject to reinstatement shown to the supreme court.

(6) All paraprofessionals who file an appearance under this Rule shall collect the following data about the client and the paraprofessional's representation:

- (a) age (self-identified by the client);
- (b) gender (self-identified by the client);
- (c) ethnicity (self-identified by the client);
- (d) disability (self-identified by the client);
- (e) household income of the client;
- (f) dates of representation;
- (g) court where the appearance was filed; and
- (h) referral source.

The paraprofessional or supervising attorney shall submit the data tracked under this Rule with the clerk of the supreme court twice annually, with reports due on or before April 15 and October 15. If the paraprofessional files any new appearances under this Rule between October 15, 2024 and December 31, 2024, a final data report shall be filed no later than December 31, 2024. In the event that a participating paraprofessional has not filed any new appearances since the last report submitted, the paraprofessional or the supervising attorney shall notify the clerk of the supreme court that no additional appearances have been filed under this Rule.

(7) At least thirty (30) days prior to January 1, 2025, the paraprofessional shall notify any clients he or she is then representing of the expiration of this Rule and that the paraprofessional's representation will terminate as of 11:59 p.m. on December 31, 2024.