

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

## **PUBLIC HEARING NOTICE**

The New Hampshire Supreme Court Advisory Committee on Rules has rescheduled a PUBLIC HEARING to be held at 1:00 p.m. on Wednesday, March 10, 2010, at the Supreme Court Building on Charles Doe Drive in Concord, to receive the views of any member of the public, the bench, or the bar on court rules changes which the Committee is considering for possible recommendation to the Supreme Court. This hearing was originally scheduled to be held on December 9, 2009, but was cancelled due to inclement weather.

The changes being considered concern the following rules:

### **I. Code of Judicial Conduct**

*(This proposal results from a review undertaken in light of the 2007 amendments to the American Bar Association's Model Code of Judicial Conduct.)*

1. Amend Supreme Court Rule 38, regarding the Code of Judicial Conduct, as set forth in Appendix A.

### **II. Alternate Dispute Resolution Rules**

*(These proposals would adopt on a permanent basis procedures allowing voluntary mediation of certain cases on appeal to the supreme court, as well as amendments clarifying the procedure for resolving issues concerning recusal of arbitrators.)*

1. Adopt on a permanent basis Supreme Court Rule 12-A, regarding appellate mediation, which was adopted on a temporary basis

by Supreme Court order dated April 30, 2009, as set forth in Appendix B.

2. Adopt on a permanent basis Superior Court Rule 170-A(G), regarding arbitration, which was adopted on a temporary basis by Supreme Court order dated April 30, 2009, as set forth in Appendix C.

### **III. Subpoenas Duces Tecum**

*(These proposals address the notice to be given an adverse party when a subpoena duces tecum is served upon a deponent.)*

1. Amend Superior Court Rule 40, regarding notice of the taking of depositions, as set forth in Appendix D.

2. Amend District Court Rule 1.9D., regarding notice of the taking of depositions, as set forth in Appendix E.

3. Amend Probate Court Rule 40, regarding notice of the taking of depositions, as set forth in Appendix F.

4. Amend Family Division Rule 1.25G., regarding notice of the taking of depositions, as set forth in Appendix G.

### **IV. Duplication of Audio Tapes**

*(These proposals address the process for obtaining duplicates of audio tapes of court proceedings.)*

1. Amend Probate Court Rule 78-B, regarding duplication of audio tapes, as set forth in Appendix H.

2. Adopt new Superior Court Rule 78-B, regarding duplication of audio tapes, and reserve Superior Court Rule 78-A for future use, as set forth in Appendix I.

### **V. Small Claims Rules – Service and Attachments**

*(These proposals would adopt on a permanent basis temporary rules that were intended to bring the small claims rules into conformity with amendments to RSA 503:6 and RSA 503:12.)*

1. Adopt on a permanent basis District Court Rule 4.8, regarding service of small claims upon defendants, which was adopted on a temporary basis by Supreme Court order dated April 30, 2009, as set forth in Appendix J.

2. Adopt on a permanent basis District Court Rules 4.8-A, regarding pre-judgment attachment procedures in small claims, 4.8-B, regarding post-judgment attachment procedures in small claims, and 4.8-C, regarding discharge of attachments in small claims, which were adopted on a temporary basis by Supreme Court order dated April 30, 2009, as set forth in Appendix K.

#### **VI. Advisory Rules Committee – Membership**

*(This proposal would adopt on a permanent basis an amendment that added a representative from the Committee on Cooperation with the Courts, appointed by the president of the New Hampshire Bar Association, to the Advisory Rules Committee.)*

1. Adopt on a permanent basis Supreme Court Rule 51(B), regarding membership of the Advisory Rules Committee, which was amended by a technical amendment by Supreme Court order dated May 27, 2009, as set forth in Appendix L.

#### **VII. District Court Plea by Mail Procedures**

*(This proposal would amend the requirements for filing complaints with the court in cases in which the defendant may enter a plea by mail.)*

1. Amend District Court Rule 2.5A, regarding pleas by mail, as set forth in Appendix M.

New Hampshire Supreme Court  
Advisory Committee on Rules

By: Carol A. Conboy, Chairperson  
and David S. Peck, Secretary

January 25, 2010