

May 27, 2008

Honorable John Broderick, Chief Justice
New Hampshire Supreme Court
One Charles Doe Drive
Concord, NH 03301

RE: Public hearing and written comments regarding the review of Superior Court Rule
170/Alternative Dispute Resolution

Dear Justice Broderick:

Please accept this letter as a comment regarding the newly revised Rule 170 with particular focus on the change to the mediation process. The main critique that I would offer is that the mediator selected in civil proceedings will occur without coordination; any one of the several volunteer mediators will be chosen without particular regard to a mediator's schedule. In comparison, the old Rule 170 was efficient such that a mediator was selected to sit on a particular day and that mediator would dedicate his and/or her morning and afternoon to several cases. The commitment to serve as a mediator was far more predictable and certainly less burdensome to the individual mediators.

In addition, the requirement that three separate forms, including two stipulations prior to a Rule 62 Structuring Conference is unnecessary. In my experience, it was a practice of civil attorneys to address the proposed litigation schedule in the Rule 62 Summary; this required one document. Requiring the attorneys to discuss the case prior to the Rule 62 Summary is not unreasonable and that approach can be addressed in one's Rule 62 Summary.

With regard to the administrative fee, it may be easier to tack on a fee at the time that the Writ of Summons is filed and/or at the time that the defendant files an Appearance if there is a need for each side to contribute fees. With all due respect, please consider these comments.

Kind regards.

Very truly yours,

Mark D. Morrissette

MDM/dmm