

THE STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE
ORDER

Pursuant to Part II, Article 73-a of the New Hampshire Constitution and Supreme Court Rule 51, the Supreme Court of New Hampshire adopts the following amendments to court rules.

I. BAR ADMISSIONS

(These temporary amendments allow the disclosure of name-specific pass/fail information to the law schools and clarify the circumstances under which the Board and Character and Fitness Committee may disclose otherwise confidential information).

1. Amend Supreme Court Rule 42(IV), on a temporary basis, as set forth in Appendix A.

**II. CALCULATION OF MILEAGE REIMBURSEMENT AND FEE CAPS
FOR ATTORNEYS AND GUARDIANS AD LITEM**

(These amendments to Supreme Court Rules 47, 48 and 48-A clarify that mileage expenses are separate from the fee caps when a lawyer or guardian ad litem seeks reimbursement for his or her efforts on behalf of a criminal defendant or a parent or juvenile in a child protection matter).

1. Amend Supreme Court Rule 47, as set forth in Appendix B.
2. Amend Supreme Court Rule 48, as set forth in Appendix C.
3. Amend Supreme Court Rule 48-A, as set forth in Appendix D.

III. IN CAMERA REVIEW

(These amendments change the rules regarding custody and return of documents filed in camera in the trial courts).

1. Amend Supreme Court Rule 57-A, as set forth in Appendix E.

IV. CONTINUITY OF COUNSEL IN CIRCUIT COURT AND SUPERIOR COURT

(The following amendment changes the rule regarding appointment of counsel in the Superior Court to provide that once an appointment has been made in the Circuit Court in a criminal case, that appointment should continue throughout any appeal to the Superior Court.)

1. Amend Rule 14 of the Rules of the Superior Court of the State of New Hampshire Applicable in Criminal Cases, as set forth in Appendix F.

V. WITHDRAWAL OF COURT-APPOINTED COUNSEL IN CRIMINAL AND JUVENILE MATTERS

(These amendments to court rules permit notification of withdrawal in certain circumstances, rather than a request to withdraw requiring court approval and are designed to expedite the appointment of new counsel in those instances where previously appointed counsel must withdraw due to a conflict of interest as defined in the Rules of Professional Conduct.)

1. Amend Rule 15 of the Rules of the Superior Court of the State of New Hampshire Applicable in Criminal Cases, as set forth in Appendix G.

2. Amend Circuit Court – District Division Rule 1.3(H) and (I), as set forth in Appendix H.

3. Amend Circuit Court – Family Division Rule 1.20, as set forth in Appendix I.

4. Adopt Circuit Court - Family Division Rule 3.12 as set forth in Appendix J.

VI. SUPERIOR COURT ADMINISTRATIVE RULES

(These amendments repeal obsolete Superior Court Administrative Rules).

1. Repeal Superior Court Administrative Rules 11-1 through 11-15, as set forth in Appendix K.

2. Repeal Superior Court Administrative Rules 12-1 through 12-19, as set forth in Appendix L.

VII. CIRCUIT COURT – DISTRICT DIVISION- SMALL CLAIMS

(These amendments repeal the existing small claims rules and retitle as “Small Claims Actions” the “Small Claims Actions Pilot Rules to Accompany the Electronic Filing Pilot Rules,” effective July 1, 2015, because electronic filing has now been implemented in all district division locations. Additional substantive amendments eliminate prejudgment attachments in small claims cases and raise the small claims limit to \$10,000.)

1. Repeal the Small Claims Actions Rules, effective July 1, 2015, as set forth in Appendix M.
2. Amend the Small Claims Actions Pilot Rules to Accompany the Electronic Filing Pilot Rules, effective July 1, 2015, as set forth in Appendix N.

VIII. CIRCUIT COURT – DISTRICT DIVISION- ARRAIGNMENTS

(These temporary amendments allow the Circuit Court to schedule arraignments by administrative order and allow counsel to sign a waiver of arraignment under certain circumstances).

1. Amend Circuit Court – District Division Rule 2.21, on a temporary basis, as set forth in Appendix O.

IX. CIRCUIT COURT – PROBATE DIVISION – MODIFICATIONS TO THE UNIFORM TRUST CODE

(These amendments, prompted by recent statutory changes to the Uniform Trust Code, provide the procedure allowing an individual to petition the Court to declare a will or trust valid.)

1. Amend Circuit Court-Probate Division Rule 169(I), as set forth in Appendix P.
2. Adopt Circuit Court – Probate Division Rule 96-A, on a temporary basis, as set forth in Appendix Q.

X. CIRCUIT COURT – PROBATE DIVISION – SURROGACY AND OTHER REPRODUCTIVE TECHNOLOGY

(This new rule, prompted by the legislature’s repeal of the old law regarding

surrogacy and enactment of a comprehensive law to govern surrogacy and other reproductive technologies, provides the procedure for petitioning the circuit court for a parentage order.)

1. Adopt Circuit Court- Probate Division Rule 94, on a temporary basis, as set forth in Appendix R.

XI. CIRCUIT COURT – FAMILY DIVISION – DISSOLUTION OF CIVIL UNIONS

(This amendment adds “actions involving the dissolution of civil unions” to the list of actions over which the family division has jurisdiction.)

1. Amend Circuit Court – Family Division Rule 2.1, as set forth in Appendix S.

XII. TEMPORARY RULES CURRENTLY IN EFFECT

(The following rule amendments, which have been in effect on a temporary basis, are adopted on a permanent basis.)

1. Adopt on a permanent basis Supreme Court Rule 49, which was amended on a temporary basis, as set forth in Appendix T.

2. Adopt on a permanent basis Rule 169 of the Rules of the Superior Court of the State of New Hampshire Applicable in Criminal Cases Filed in Superior Court, which was amended on a temporary basis, as set forth in Appendix U.

3. Adopt on a permanent basis Circuit Court-District Division Rule 3.3, which was amended on a temporary basis, as set forth in Appendix V.

4. Adopt on a permanent basis Circuit Court – Probate Division Rule 169, which was amended on a temporary basis, as set forth in Appendix W.

5. Adopt on a permanent basis Circuit Court – Family Division Rule 1.3, which was amended on a temporary basis, as set forth in Appendix X.

XIII. TECHNICAL AMENDMENTS

(The following amendments make technical changes to the rules.)


1. Amend Supreme Court Rule 38, Rule 4.1, as set forth in Appendix Y.

2. Amend Supreme Court Rule 12-A, as set forth in Appendix Z.
3. Amend Supreme Court Rule 36, as set forth in Appendix AA.
4. Amend Circuit Court – Probate Division Rule 169(IV), as set forth in Appendix BB.
5. Amend Supreme Court Rule 42, as set forth in Appendix CC.

Effective Date

All of the amendments, with the exception of those set forth in Appendices M and N, shall take effect on March 1, 2015. The amendments set forth in Appendices M and N shall take effect on July 1, 2015. The temporary amendments set forth in Appendices A, O, Q, and R shall be referred to the Advisory Committee on Rules for its recommendation as to whether they should be adopted on a permanent basis.

December 29, 2014

ATTEST: 
Eileen Fox, Clerk
Supreme Court of New Hampshire

APPENDIX A

Amend Supreme Court Rule 42(IV), on a temporary basis, as follows (new material is in **[bold and in brackets]**; deleted material is in ~~striketrough~~ format):

IV. **General Requirements for Admission to Bar**

(a) **Eligibility.** Every applicant for admission to the New Hampshire bar shall be required:

(1) to comply with all provisions of this rule;

(2) to file all application forms prescribed by the board, respond to all requests of the board, the committee, their designees, and the staff of the Office of Bar Admissions, for information deemed relevant to the application for admission, and to pay all prescribed fees related to the application for admission;

(3) to meet one of the following requirements:

(A) to pass the bar examination; or

(B) to satisfy the requirements for admission by transferred UBE score set forth in paragraph X; or

(C) to satisfy the requirements for admission without examination set forth in Rule 42(XI); or

(D) to satisfy the requirements for admission after successful completion of the Daniel Webster Scholar Honors Program set forth in Rule 42(XII);

(4) to pass the Multistate Professional Responsibility Examination;

(5) to be at least 18 years of age;

(6) to satisfy the educational requirements set forth in Rule 42(V); and

(7) to establish his or her character and fitness to practice law to the committee and to the court.

(b) **Determination of eligibility.** An applicant's eligibility to take the bar examination, to be admitted by transferred UBE score, or to be admitted by

motion without examination, shall be determined in the first instance by the bar admissions administrator or a member of the board. If the bar admissions administrator or board member determines that the applicant is ineligible for admission, the applicant may seek reconsideration from the board or a subcommittee thereof, in accordance with procedures established by the board.

(c) **Petition for Review.**

(1) If the board or subcommittee determines that an applicant is ineligible for admission, the applicant may seek review by the supreme court of the board or subcommittee's final decision by filing with the supreme court an original and eight copies of a petition for review within twenty days of the date of the notice of final decision. If no such petition is filed within the twenty-day period, the board or subcommittee's determination shall not be subject to review. The petition for review shall:

(A) specify the name and address of the person seeking review of the final decision and of counsel, including counsel's bar identification number;

(B) contain a copy of the final decision sought to be reviewed, a copy of a motion for reconsideration, if any, and a copy of any order on the motion for reconsideration;

(C) specify the questions presented for review;

(D) specify the provisions of the constitutions, statutes, rules, regulations or other law involved in the matter, setting them out verbatim, and giving their citation. If the provisions to be set out verbatim are lengthy, their pertinent text shall be annexed to the petition for review;

(E) set forth a concise statement of the case containing the facts material to the consideration of the questions presented, with appropriate references to the transcript, if any;

(F) set forth all claims of error and reasons for challenging the board or subcommittee's determination;

(G) include a statement that every issue raised has been presented to the board or subcommittee below; and

(H) contain a certification that a copy of the complete petition for review has been delivered, mailed, or served on the Office of Bar Admissions.

(2) Upon notification that a petition for review has been filed, the board shall transmit to the supreme court the complete record in the case, including a transcript of any hearing before the board or subcommittee of the board. The

petitioner, and not the board, is responsible for paying the cost of preparing the transcript.

(3) Unless the court orders otherwise, no response to the petition for review will be required and the petition shall be deemed submitted for the court's review based upon the record. The court shall review the petition for review in the normal course and, after consideration of the petition for review and the record, the court shall make such order as justice may require.

(d) **Time Limitation.** If an applicant does not satisfy the requirements for admission to the bar set forth in Rule 42 (IV)(a) above and take the oath of admission within two years of the date of the notice of successfully passing the bar examination, or within two years of the date of the notice that his or her motion for admission without examination, or motion for admission by transferred UBE score has been granted, the applicant's application or motion for admission to the bar shall be denied, and he or she shall be required to retake and pass the bar examination, or file a new motion for admission without examination, or a new motion for admission by transferred UBE score, unless the board grants a request for an extension of the deadline for good cause shown. Any such applicant shall be required to once again establish his or her good moral character and fitness to the satisfaction of the committee and the supreme court.

(e) **Readmission to the bar.** The application process for a person seeking readmission to the bar is governed by Rule 37.

(f) **Applicant's duty to cooperate.** An applicant for admission to the New Hampshire bar has a duty to cooperate with the board, the committee, their designees, and the staff of the Office of Bar Admissions. Any person who seeks admission to the New Hampshire bar ~~thereby~~ agrees to waive all rights of privacy with reference to any and all documentary material filed or secured in connection with his or her application or motion for admission~~[.] without examination.~~ The applicant also agrees that any ~~such documentary material, including the application form, the motion for admission without examination, and the petition and questionnaire for admission to the New Hampshire bar (petition and questionnaire for admission),~~ **[documentation submitted by the applicant]** may be offered into evidence, without objection, by the board or committee, in any proceeding relating to the applicant's admission to the practice of law.

(g) **Confidentiality.** All documents submitted by an applicant for admission to the New Hampshire bar, ~~including all required forms, supporting documents, and the petition and questionnaire for admission, with the exception of the applicant's name and address, all matters referred to the board or committee and all information relating to an applicant gathered by the board[,]~~ ~~or committee,~~ **[or staff of the Office of Bar Admissions, and all**

minutes and records circulated to members of the board or committee,] shall be confidential **[and shall not be disclosed or open to the public for inspection except for the following permitted disclosures]**. ~~No member of the board or committee shall disclose any matter or information in any file, except at the request of the board, committee or the court or unless legally required to do so. All minutes or records circulated to members of the board or committee shall be kept confidential. All records relating to matters referred to the board or committee shall be retained in their respective files, in accordance with their respective retention schedules. Upon receipt of a request and duly executed release from the applicant, the staff of the Office of Bar Admissions may provide copies of materials in an applicant's file to admissions authorities of other states.~~ **[The board, committee and staff of the Office of Bar Admissions are authorized to:**

- 1. disclose the names and addresses of applicants to the New Hampshire bar;**
- 2. publish the names of applicants who have passed the bar examination;**
- 3. publish statistical information about bar examination results;**
- 4. provide name-specific pass-fail results to any law school regarding graduates of that law school, which may include an applicant's prior names, date of birth, the date that the applicant's law degree was conferred, and whether the applicant was a first-time or repeat taker. The information will be released to the law schools on condition that no information other than the names of those who passed the exam will be further disseminated.**
- 5. upon receipt of a request and duly executed release from an applicant, provide copies of material in an applicant's file to admissions authorities from other jurisdictions;**
- 6. investigate the character and fitness of an applicant, and disclose any information necessary to the investigation, pursuant to an authorization and release signed by the applicant as part of the petition and questionnaire for admission;**
- 7. disclose relevant information that is otherwise confidential to agencies authorized to investigate complaints of attorney misconduct, or to law enforcement agencies authorized to investigate and prosecute violations of the criminal law;**
- 8. release information regarding an applicant pursuant to a court order;**
- 9. release name and score information to the National Conference of Bar Examiners;**
- 10. release a copy of an applicant's bar admission application upon a written request executed by the applicant and submission of the appropriate fee;**

11. publish an applicant's answer to a question on the bar examination as a representative sample of an answer, provided that the identity of the applicant is not disclosed.]

~~(h) **Disclosure to Authorized Agencies.** Notwithstanding the provision of Rule 42(IV)(g), the board, the committee, and the staff of the Office of Bar Admissions, are authorized to disclose relevant information that is otherwise confidential to agencies authorized to investigate complaints of attorney misconduct, or to law enforcement agencies authorized to investigate and prosecute violations of the criminal law.~~

APPENDIX B

Amend Supreme Court Rule 47 as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

Rule 47. Counsel Fees And Expenses-Indigent Criminal Cases.

The provisions of this rule shall apply only to preparation for and proceedings in all courts in which assigned counsel is appointed to represent indigent criminal defendants.

(1) *Itemization of Bills.* All bills related to fees and expenses must be itemized as to the time spent and expenses incurred on each case, and there shall be no separate charge for overhead. A copy of the Notice of Appointment of Counsel order on appointment or other supporting document must be attached to the bill with each submission.

(2) *Fees.* Maximum compensation is limited as follows:

(a) Time properly chargeable to case: \$60 per hour. The paralegal hourly rate shall not exceed \$35.00 and shall be included with fees of counsel for the purposes of determining the maximum fee on any case. Travel time to and from meetings with an incarcerated defendant shall be compensable; otherwise, travel time is not a compensable event unless expressly authorized by the court in advance for exceptional circumstances.

(b) Maximum fee for misdemeanors: \$1,400.

(c) Maximum fee for felonies: \$4,100.

(d) Maximum fee (per co-counsel) for homicides under RSA 630:1-2: \$20,000.

(e) Maximum fee for Supreme Court appeal: \$2,000.

Only upon an express, written finding of good cause and exceptional circumstances by the court will the maximum fees be exceeded or will additional fees be authorized. All petitions to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded; provided, however, that the court may waive the requirement for prior approval when justice so requires.

When counsel represents more than one client on any particular day, the hours spent shall be allocated accordingly. Representation of more than one client on the same day and in the same court shall be noted on the bills

submitted. All bills shall be reviewed by the judge who presided over the case, if practicable.

When assigned counsel is appointed in district court, that counsel shall continue as counsel of record for all purposes (such as motions to reduce bail, waiver of indictments, etc.) until and unless new counsel is appointed by superior court. The appointment of counsel shall occur in accordance with RSA 604-A:2, II. The public defender shall be appointed if that office is available. In the event that the public defender program is not available, the appointment of a contract attorney shall occur, if such an attorney is available. Lastly, in the event that neither the public defender nor a contract attorney is available, the appointment of a qualified attorney under RSA 604-A:2, I, shall occur.

The adequacy of the rates prescribed by this rule may, upon request of the supreme court, be reviewed periodically by the advisory committee on rules.

(3) *Expenses - Reimbursable.* **[In addition to the fees and fee caps listed in Section (2), above,]** ~~I~~**i**nvestigative, expert, or other necessary services may be compensated only upon a finding of necessity and reasonableness by a justice of the appropriate court in accordance with RSA 604-A:6, made prior to said expense being incurred.

(a) Except for those services for which rates are established by the supreme court, the presiding justice may consider, but shall not be bound by, the prevailing rates or any rates established by a licensing agency or professional association in approving fees for services specified above.

(b) Rates for stenographers and deposition services shall be established by the supreme court. The cost of copies of depositions and transcripts shall be fifty cents (.50) per page.

(c) Rates for the services of interpreters for all parties and the court shall be established by the supreme court.

(d) No cost for investigative, expert, or other necessary services as initially approved may be exceeded prior to a subsequent finding of necessity by a justice of the appropriate court.

(e) All bills for investigative, expert, or other necessary services shall be reviewed by the judge who presided over the case, if practicable.

(f) Attorneys shall be reimbursed for the mileage expenses incurred in representing their client at the standard mileage reimbursement rate currently allowed by the Internal Revenue Service. Requests for reimbursement of mileage expenses shall specify the actual number of miles traveled.

(g) The expense of telephone calls shall not be reimbursed.

(h) In cases appealed to the supreme court, attorneys shall be reimbursed for the actual reasonable costs (not including labor) of reproducing and binding the notice of appeal or other appeal document, any appendix and briefs, whether done in-house or by an outside printer.

(i) No reimbursement will be paid for overhead expenses including photocopies (other than as provided in subdivision (3)(h) of this rule), postage, fax and secretarial services.

(4) *Deadline for Filing Bills with Court.* All bills related to fees and expenses must be submitted no later than sixty days after the close of the case. The court may allow late filing for good cause shown, when justice so requires.

APPENDIX C

Amend Supreme Court Rule 48 as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

Rule 48. Counsel Fees and Expenses -- Other Indigent Cases and Parental Notification Cases

The provisions of this rule shall apply only to preparation for and proceedings in all courts in which counsel is appointed to represent indigent persons, other than criminal defendants, and indigent witnesses in appropriate circumstances, and minors (whether or not indigent) in parental notification cases under RSA 132:34. This rule refers to, but is not limited to, juvenile cases in the district court, guardianships under RSA chapter 464-A, termination of parental rights (TPR) under RSA chapter 170-C, and involuntary admissions under RSA chapter 135-C in the probate court and district court.

(1) *Itemization of Bills.* All bills related to fees and expenses must be itemized as to the time spent and expenses incurred on each case, and there shall be no separate charge for overhead. A copy of the Notice of Appointment of Counsel order on appointment or other supporting document must be attached to the bill with each submission.

(2) *Fees.* Maximum compensation is limited as follows:

(a) Time properly chargeable to case: \$60 per hour. The paralegal hourly rate shall not exceed \$35.00 and shall be included with fees of counsel for the purposes of determining the maximum fee on any case. Travel time is not a compensable event unless expressly authorized by the court in advance for exceptional circumstances.

(b) Maximum fee for all juvenile cases pursuant to RSA chapters 169-B, C, and D: \$1,700.

(c) De novo appeal of juvenile cases pursuant to RSA chapter 169-C: \$1,400.

(d) Maximum fee for guardianships under RSA chapters 463 or 464-A:

(i) RSA chapter 463: \$1,200;

(ii) RSA chapter 464-A: \$900.

(e) Maximum fee for annual review hearings for guardianships: \$300.

(f) Maximum fee for TPR cases pursuant to RSA chapter 170-C: \$1,700.

(g) Maximum fee for involuntary admissions under RSA chapter 135-C: \$600.

(h) Appeals to the supreme court, other than parental notification cases, in all juvenile cases and any matters within the subject matter jurisdiction of the probate court: \$2,000.

(i) Maximum fee for court review hearings of juvenile cases pursuant to RSA 169-B and D: \$300.

(j) Maximum fee for parental notification cases pursuant to RSA 132:34, excluding any appeal to the supreme court: \$1,000.

(k) Maximum fee for appeals to the supreme court in parental notification cases pursuant to RSA 132:34: \$500.

Only upon express, written finding for good cause and exceptional circumstances by the court will the maximum fees be exceeded or will additional fees be authorized.

In any case filed before July 12, 2011, any petition to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded; provided, however, that the court may waive the requirement for prior approval when justice so requires.

In any case filed on or after July 12, 2011, any petition to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded. In any such case, fees in excess of the maximum compensation in this rule will be paid only if the administrative judge of the circuit court or the chief justice of the superior court, as the case may be, certifies the good cause and exceptional circumstances justifying the excess fees.

When counsel represents more than one client on any particular day, the hours spent shall be allocated accordingly. Representation of more than one client on the same day and in the same court shall be noted on the bills submitted. All bills shall be reviewed by the judge who presided over the case, if practicable.

The adequacy of the rates prescribed by this rule may, upon request of the supreme court, be reviewed periodically by the advisory committee on rules.

(3) *Expenses - Reimbursable.* **[In addition to the fees and fee caps listed in Section (2), above,]** ~~I~~**i**nvestigative, expert, or other necessary services may be compensated only upon a finding of necessity and reasonableness by a justice of the appropriate court, made prior to said expense being incurred.

(a) Except for those services for which rates are established by the supreme court, the presiding justice may consider, but shall not be bound by, the prevailing rates or any rates established by a licensing agency or professional association in approving fees for services specified above.

(b) Rates for stenographers and deposition services shall be established by the supreme court. The cost of copies of depositions and transcripts shall be fifty cents (.50) per page.

(c) Rates for the services of interpreters for all parties and the court shall be established by the supreme court.

(d) No cost for investigative, expert, or other necessary services as initially approved may be exceeded prior to a subsequent finding of necessity by a justice of the appropriate court.

(e) All bills for investigative, expert, or other necessary services shall be reviewed by the judge who presided over the case, if practicable.

(f) Attorneys shall be reimbursed for the mileage expenses incurred in representing their client at the standard mileage reimbursement rate currently allowed by the Internal Revenue Service. Requests for reimbursement of mileage expenses shall specify the actual number of miles traveled.

(g) The expense of telephone calls shall not be reimbursed.

(h) In cases appealed to the supreme court, attorneys shall be reimbursed for the actual reasonable costs (not including labor) of reproducing and binding the notice of appeal or other appeal document, any appendix and briefs, whether done in-house or by an outside printer.

(i) No reimbursement will be paid for overhead expenses including photocopies (other than as provided in subdivision (3)(h) of this rule), postage, fax and secretarial services.

(4) *Deadline for Filing Bills with Court.* All bills related to fees and expenses must be submitted no later than sixty days after the close of the case. The court may allow late filing for good cause shown, when justice so requires.

APPENDIX D

Amend Supreme Court Rule 48-A as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

Rule 48-A. Guardians Ad Litem Fees -- Indigent Cases and Parental Notification Cases

(1) *Itemization of Bills.* All bills related to fees and expenses must be itemized as to the time spent and expenses incurred on each case, and there shall be no separate charge for overhead. A copy of the Notice of Appointment order on appointment or other supporting document must be attached to the bill with each submission.

(2) *Fees.* The provisions of this rule shall only apply to proceedings within the original jurisdiction of the district and probate courts, in which guardians ad litem are appointed, and the party responsible for payment is indigent, and parental notification cases under RSA 132:34.

Maximum guardian ad litem compensation as authorized by the administrative justice shall be limited as follows:

(a) Time properly chargeable to case: \$60 per hour. Travel time is not a compensable event unless expressly authorized by the court in advance for exceptional circumstances.

(b) Maximum fee for abuse and neglect cases through conclusion of dispositional hearing pursuant to RSA 169-C:19: \$1,400.

(c) Maximum fee for CHINS cases (169-D) or delinquency cases (169-B) through conclusion: \$900.

(d) Maximum fee for court review hearings in guardianship of minor or adult cases or abuse and neglect case: \$300.

(e) Maximum fee for TPR case (170-C): \$1,400.

(f) Maximum fee for appeals to the superior court: \$900.

(g) Maximum fee for guardianship cases pursuant to RSA chapters 463 or 464-A: \$1,400.

(h) Maximum fee for parental notification cases pursuant to RSA 132:34, excluding any appeal to the supreme court: \$1,000.

(i) Maximum fee for appeals to the supreme court in parental notification cases pursuant to RSA 132:34: \$500.

Only upon express, written finding for good cause and exceptional circumstances by the court will the maximum fees be exceeded or will additional fees be authorized.

In any case filed before July 12, 2011, any petition to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded; provided, however, that the court may waive the requirement for prior approval when justice so requires.

In any case filed on or after July 12, 2011, any petition to exceed the maximum fee guidelines must be approved prior to the guidelines being exceeded. In any such case, fees in excess of the maximum compensation in this rule will be paid only if the administrative judge of the circuit court or the chief justice of the superior court, as the case may be, certifies the good cause and exceptional circumstances justifying the excess fees.

When a guardian ad litem represents more than one client on any particular day, the hours spent shall be allocated accordingly. Representation of more than one client on the same day and in the same court shall be noted on the bills submitted. All bills shall be reviewed by the judge who presided over the case, if practicable.

The adequacy of the rates prescribed by this rule may, upon request of the supreme court, be reviewed periodically by the advisory committee on rules.

(3) *Expenses - Reimbursable.* **[In addition to the fees and fee caps listed in Section (2), above,]** ~~I~~**i**nvestigative, expert, or other necessary services may be compensated only upon a finding of necessity and reasonableness by a justice of the appropriate court, made prior to said expense being incurred.

(a) Except for those services for which rates are established by the supreme court, the presiding justice may consider, but shall not be bound by, the prevailing rates or any rates established by a licensing agency or professional association in approving fees for services specified above.

(b) Rates for the services of interpreters for all parties and the court shall be established by the supreme court.

(c) No cost for investigative, expert, or other necessary services as initially approved may be exceeded prior to a subsequent finding of necessity by a justice of the appropriate court.

(d) All bills for investigative, expert, or other necessary services shall be reviewed by the judge who presided over the case, if practicable.

(e) Guardians ad litem shall be reimbursed for the mileage expenses incurred in representing their client at the standard mileage reimbursement rate currently allowed by the Internal Revenue Service. Requests for reimbursement of mileage expenses shall specify the actual number of miles traveled.

(f) The expense of telephone calls shall not be reimbursed.

(4) *Deadline for Filing Bills with Court.* All bills related to fees and expenses must be submitted no later than sixty days after the close of the case. The court may allow late filing for good cause shown, when justice so requires.

APPENDIX E

Amend Supreme Court Rule 57-A as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

Rule 57-A. Custody and Return of Documents and Materials Filed In Camera in Trial Courts.

[(a)] During the time a case is pending in the trial court, all documents and materials filed in camera with the court shall be maintained by the court.

[(b)] Civil Cases

[(1)] Upon the final conclusion of a **[civil]** case in the trial court, documents and materials filed in camera will be held at the court until such time as the appeal period has expired. At that time, the clerk shall return the documents and materials filed in camera to the individual or organization that **[funished]** filed them**[, unless the court orders otherwise.]** ~~with the court.~~

[(2)] If an appeal is filed **[in a civil case]**, the documents and materials filed in camera shall remain in the custody of the trial court pending resolution of the appeal unless the supreme court orders that they be transferred for purposes of the appeal. Upon receipt of the mandate from the supreme court, and if no further proceedings are required, the trial court clerk shall return the documents and materials filed in camera to the individual or organization that ~~filed~~ **[furnished]** them**[, unless the court orders otherwise.]** ~~with the court.~~

[(c)] Criminal Cases

(1) Upon the final conclusion of a criminal case in the trial court, documents and materials filed in camera will be held at the court as a part of the official court file for a period of ten (10) years after the appeal period in the case has expired. After ten years, the clerk or designee shall destroy the in camera documents unless a written request has been made prior to that date for the records to be retained for an additional specified period.

(2) If an appeal is filed in a criminal case, the documents and materials filed in camera shall remain in the custody of the trial court pending resolution of the appeal unless the supreme court orders that they be transferred for the purposes of the appeal. The trial court clerk shall retain the documents as part of the official court file for a period of ten (10) years from the date of the supreme court mandate. After ten years, the clerk or designee shall destroy the in camera documents unless

a written request has been made prior to that date for the records to be retained for an additional specified period.]

APPENDIX F

Amend Rule 14 of the Rules of the Superior Court of the State of New Hampshire Applicable in Criminal Cases as follows (new material is in **and in brackets**):

14. (a) The names of the attorneys or parties, who conduct each cause, shall be entered upon the docket; and if the defendant shall neglect to enter an appearance within seven days after the return day of the writ, he shall be defaulted, and judgment shall be rendered accordingly; and no such default shall be stricken off, except by agreement, or by order of the Court upon such terms as justice may require, upon motion and affidavit of defense, specifically setting forth the defense and the facts on which the defense is based.

(b) Special appearances shall be deemed general thirty days after the return day of the action, unless a special plea or motion to dismiss is filed within that time.

(c) No person who is not a lawyer will be permitted to appear, plead, prosecute or defend any action for any party, other than himself or herself, unless of good character and until there is on file with the Clerk: (1) a power of attorney signed by the party for whom he or she seeks to appear and witnessed and acknowledged before a Justice of the Peace or Notary Public, constituting said person his or her attorney to appear in the particular action; and (2) an affidavit under oath in which said person discloses (a) all of said person's misdemeanor and felony convictions (other than those in which a record of the conviction has been annulled by statute), (b) all instances in which said person has been found by any court to have violated a court order or any provision of the rules of professional conduct applicable to nonlawyer representatives, (c) all prior proceedings in which said person has been permitted to appear, plead, prosecute or defend any action for any party, other than himself or herself, in any court, (d) all prior proceedings in which said person has not been permitted to appear, plead, prosecute or defend any action for any party, other than himself or herself, in any court, and (e) all prior proceedings in which said person's permission to appear, plead, prosecute or defend any action for any party, other than himself or herself, in any court has been revoked. Any person who is not a lawyer who is permitted to represent any other person before any court of this State must comply with the Rules of Professional Conduct as set forth in Professional Conduct Rule 8.5, and shall be subject to the jurisdiction of the committee on professional conduct.

(d) *Limited Appearance of Attorneys.* To the extent permitted by Rule 1.2 of the New Hampshire Rules of Professional Conduct, an attorney providing limited representation to an otherwise unrepresented litigant may file a limited

appearance in a non-criminal case on behalf of such unrepresented party. The limited appearance shall state precisely the scope of the limited representation, and the attorney's involvement in the matter shall be limited only to what is specifically stated. The requirements of Superior Court Rule 15(a), (b) and (c) shall apply to every pleading and motion signed by the limited representation attorney. An attorney who has filed a limited appearance, and who later files a pleading or motion outside the scope of the limited representation, shall be deemed to have amended the limited appearance to extend to such filing. An attorney who signs a writ, petition, counterclaim, cross-claim or any amendment thereto which is filed with the court, will be considered to have filed a general appearance and, for the remainder of that attorney's involvement in the case, shall not be considered as a limited representation attorney under these rules; provided, however, if such attorney properly withdraws from the case and the withdrawal is allowed by the Court, the attorney could later file a limited appearance in the same matter.

(e) *Automatic Withdrawal of Court-Appointed Counsel in Criminal Cases.* In all criminal cases, the appearance of counsel for the defendant shall be deemed to be withdrawn thirty (30) days after sentence is imposed unless the sentence imposed was a deferred sentence or unless a post-sentencing motion is filed within said thirty (30) day period. Where a deferred sentence is imposed, the appearance of counsel for the defendant shall be deemed to be withdrawn thirty (30) days after the deferred sentence is brought forward or suspended. Where a post-sentencing motion is filed within thirty (30) days after imposition of sentence, the appearance of counsel for the defendant shall be deemed to be withdrawn thirty (30) days after the court rules on said motion. Provided, however, that in any criminal case in which an appeal to the supreme court is filed, trial counsel shall remain responsible for representing the defendant in the supreme court pursuant to Supreme Court Rule 32.

[(f) *Continuity of Counsel in Circuit and Superior Courts.* Where a defendant in a criminal case has filed a financial affidavit and has been determined to be eligible for court-appointed counsel in the circuit court, the defendant shall not be required to file a new financial affidavit upon the appeal or transfer of the same case to the superior court unless facts are brought to the court's attention indicating that there has been a substantial change in the defendant's financial circumstances. Notwithstanding subsection (e) of this rule, when counsel appears for a defendant in a criminal case in the circuit court, said appearance shall be deemed to continue upon any appeal or transfer of the same case to the superior court and until the case is finally disposed of in the trial courts.]

APPENDIX G

Amend Rule 15 of the Rules of the Superior Court of the State of New Hampshire Applicable in Criminal Cases as follows (new material is in **[bold and in brackets]**):

15. (a) All pleadings and the appearance and withdrawal of counsel shall be signed by the attorney of record or his associate or by a pro se party. Names, addresses, New Hampshire Bar identification numbers and telephone numbers shall be typed or stamped beneath all signatures on papers to be filed or served. No attorney or pro se party will be heard until his appearance is so entered.

(b) The signature of an attorney to a pleading constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information and belief there is a good ground to support it; and that it is not interposed for delay.

(c) If a pleading is not signed, or is signed with an intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the pleading had not been filed.

(d) Other than limited representation by attorneys as allowed by Rule 14(d) and Professional Conduct Rule 1.2(f) **[and subject to (g) below]**, no attorney shall be permitted to withdraw that attorney's appearance in a case after the case has been assigned for trial or hearing, except upon motion to permit such withdrawal granted by the Court for good cause shown, and on such terms as the Court may order. Any motion to withdraw filed by counsel shall set forth the reason therefor but shall be effective only upon approval by the Court. A factor which may be considered by the Court in determining whether good cause for withdrawal has been shown is the client's failure to meet his or her financial obligations to pay for the attorney's services.

(e) *Automatic Termination of Limited Representation.* Any limited representation appearance filed by an attorney, as authorized under Professional Conduct Rule 1.2(f) and Rule 14(d) of this Court, shall automatically terminate upon completion of the agreed representation, without the necessity of leave of Court, provided that the attorney shall provide the Court a "withdrawal of limited appearance" form giving notice to the Court and all parties of the completion of the limited representation and termination of the limited appearance. Any attorney having filed a limited appearance who seeks to withdraw prior to the completion of the limited representation stated in the limited appearance, however, must comply with Rule 15(d).

(f) *Pleading Prepared for Unrepresented Party.* When an attorney provides limited representation to an otherwise unrepresented party, by drafting a document to be filed by such party with the Court in a proceeding in which (1) the attorney is not entering any appearance, or (2) the attorney has entered a limited appearance which does not include representation regarding such document, the attorney is not required to disclose the attorney's name on such pleading to be used by that party; any pleading drafted by such limited representation attorney, however, must conspicuously contain the statement **"This pleading was prepared with the assistance of a New Hampshire attorney."** The unrepresented party must comply with this required disclosure. Notwithstanding that the identity of the drafting attorney need not be required to be disclosed under this rule, by drafting a pleading to be used in court by an otherwise unrepresented party, the limited representation attorney shall be deemed to have made those same certifications as set forth in Rule 15(b) despite the fact the pleading need not be signed by the attorney.

[(g) *Withdrawal of Appointed Counsel.* If appointed counsel in a criminal matter must withdraw due to a conflict of interest as defined by Rules 1.7(a), 1.9(a) and (b) and/or 1.10(a), (b), and (c) of the New Hampshire Rules of Professional Conduct, counsel shall forward a Notice of Withdrawal to the court and substitute counsel shall be appointed forthwith. Court approval of a withdrawal shall not be required in this circumstance unless the Notice of Withdrawal is filed less than 20 days from the date of a trial in which case Court approval shall be required. Automatic withdrawal shall not be allowed and court approval shall be required if the basis for the withdrawal is a breakdown in the relationship with the client, the failure of the client to pay legal fees, or any other conflict not specifically set forth in Rules 1.7(a), 1.9(a) and (b) and/or 1.10(a), (b) and (c) of the New Hampshire Rules of Professional Conduct.]

APPENDIX H

Amend Circuit Court – District Division Rule 1.3(H) and (I), as follows

(new material is in **[bold and in brackets]**):

H. In a criminal case, whenever the Court approves the withdrawal of appointed defense counsel, the Court shall appoint substitute counsel forthwith and notify the defendant of said appointment by mail.

[Notwithstanding I(1) (below), if appointed counsel in a criminal matter must withdraw due to a conflict of interest as defined by Rules 1.7(a), 1.9(a) and (b) and/or 1.10(a), (b) and (c) of the New Hampshire Rules of Professional Conduct, counsel shall forward a Notice of Withdrawal to the court and substitute counsel shall be appointed forthwith. Court approval of a withdrawal shall not be required in this circumstance unless the Notice of Withdrawal is filed less than 20 days from the date of a trial in which case Court approval shall be required. Automatic withdrawal shall not be allowed and court approval shall be required if the basis for the withdrawal is a breakdown in the relationship with the client, the failure of the client to pay legal fees, or any other conflict not specifically set forth in Rules 1.7(a), 1.9(a) and (b) and/or 1.10(a), (b), and (c) of the New Hampshire Rules of Professional Conduct.]

I. (1) Other than limited representation by attorneys as allowed by Rule 1.3.D.(2), and Professional Conduct Rule 1.2(f) **[and except as provided in Rule 1.3(H)]**, no attorney shall be permitted to withdraw that attorney's appearance in a case after the case has been scheduled for trial or hearing, except upon motion to permit such withdrawal granted by the Court for good cause shown, and on such terms as the Court may order. Any motion to withdraw filed by counsel shall clearly set forth the reason therefor and contain a certification that copies have been sent to all other counsel or opposing parties, if appearing pro se, and to counsel's client at the client's last known address, which shall be fully set forth within the body of the motion. A factor which may be considered by the Court in determining whether good cause for withdrawal has been shown is the client's failure to meet his or her financial obligations to pay for the attorney's services.

Upon receipt of a motion to withdraw, the Clerk shall schedule a hearing before the Court. Notice by mail shall be sent to all counsel of record, or parties if unrepresented by counsel, and to the client of withdrawing counsel, at the client's last known address as set forth in the motion.

If withdrawing counsel's client fails to appear at said hearing, the Court may, in its discretion, and without further notice to said client, order the trial date continued or make such other order as justice may require.

(2) *Automatic Termination of Limited Representation.* Any limited representation appearance filed by an attorney, as authorized under Professional Conduct Rule 1.2(f) and Rule 1.3.D.(2) of this Court, shall automatically terminate upon completion of the agreed representation, without the necessity of leave of Court, provided that the attorney shall provide the Court a “withdrawal of limited appearance” form giving notice to the Court and all parties of the completion of the limited representation and termination of the limited appearance. Any attorney having filed a limited appearance who seeks to withdraw prior to the completion of the limited representation stated in the limited appearance, however, must comply with Rule 1.3.I.(1).

(3) *Automatic Withdrawal of Court-Appointed Counsel in Criminal Cases.* In all criminal cases, the appearance of counsel for the defendant shall be deemed to be withdrawn thirty (30) days after sentence is imposed unless the sentence imposed was a deferred sentence or unless a post-sentencing motion is filed within said thirty (30) day period. Where a deferred sentence is imposed, the appearance of counsel for the defendant shall be deemed to be withdrawn thirty (30) days after the deferred sentence is brought forward or suspended. Where a post-sentencing motion is filed within thirty (30) days after imposition of sentence, the appearance of counsel for the defendant shall be deemed to be withdrawn thirty (30) days after the court rules on said motion. Provided, however, that in any criminal case in which an appeal to the supreme court is filed, trial counsel shall remain responsible for representing the defendant in the supreme court pursuant to Supreme Court Rule 32.

(4) *Automatic Withdrawal of Court-Appointed Counsel in Delinquency and Children in Need of Services Cases.* In all Juvenile Delinquency and Children in Need of Services matters brought pursuant to RSA 169-B and RSA 169-D respectively, the appearance of counsel for the child shall be deemed to be withdrawn thirty (30) days after the date of the Clerk’s notice of the dispositional order unless a post-dispositional motion is filed within that thirty (30) day period or the court otherwise orders representation to continue. Where a post-dispositional motion is filed within thirty (30) days, the appearance of counsel for the juvenile shall be deemed to be withdrawn thirty (30) days after the court rules on said motion. Where the court otherwise orders representation to continue, the order shall state the specific duration and purpose of the continued representation. Counsel for the juvenile shall be deemed to be withdrawn immediately at the end of the ordered duration.

APPENDIX I

Amend Circuit Court – Family Division Rule 1.20, as follows (new material is in **[bold and in brackets]**):

1.20 Withdrawal and New Representation:

A. Subject to limited representation under Family Division Rule 1.19[, **Rule 3.12 relating to the withdrawal of appointed counsel in Juvenile Delinquency matters]** and subject to Professional Conduct Rule 1.2(f), an attorney may withdraw at any time unless a hearing or trial is scheduled within 60 days. If a hearing or trial is scheduled within 60 days, an attorney must file a motion to withdraw.

B. Any motion to withdraw filed by counsel shall clearly set forth the reason for the request and contain a certification that copies have been sent to all other counsel or opposing parties, if appearing pro se, and to counsel's client at the client's last known address, which shall be fully set forth within the body of the motion. A factor which may be considered by the Court in determining whether good cause for withdrawal has been shown is the client's failure to meet the financial obligations to pay for the attorney's services. Notice by mail shall be sent to all counsel of record, or parties if unrepresented by counsel, and to the client of withdrawing counsel, at the client's last known address.

C. Upon receipt of a motion to withdraw and any related objections, the court will give the motion and any objections expedited consideration, rule upon the motion to withdraw, or schedule a hearing as promptly as the docket allows. If withdrawing counsel's client fails to appear at said hearing, the Court may, in its discretion, and without further notice to said client, grant the withdrawal, order the hearing date continued, or make such other orders as justice may require.

APPENDIX J

Adopt Circuit Court – Family Division Rule 3.12, as follows:

3.12. Withdrawal of Appointed Counsel: In Juvenile Delinquency matters brought pursuant to RSA 169-B, if appointed counsel must withdraw due to a conflict of interest as defined by Rules 1.7(a), 1.9(a) and (b) and/or 1.10(a), (b) and (c) of the New Hampshire Rules of Professional Conduct, counsel shall forward a Notice of Withdrawal to the court and substitute counsel shall be appointed forthwith. Court approval of a withdrawal shall not be required in this circumstance unless the Notice of Withdrawal is filed less than 20 days from the date of a trial in which case court approval shall be required. Automatic withdrawal shall not be allowed and court approval shall be required if the basis for the withdrawal is a breakdown in the relationship with the client, the failure of the client to pay legal fees, or any other conflict not specifically set forth in Rules 1.7(a), 1.9(a) and (b) and/or 1.10(a), (b) and (c) of the New Hampshire Rules of Professional Conduct.

APPENDIX K

Delete Superior Court Administrative Rules 11-1 through 11-15.

APPENDIX L

Delete Superior Court Administrative Rules 12-1 through 12-19.

APPENDIX M

Repeal Circuit Court – District Division Small Claims Actions Rules,
effective July 1, 2015, as follows (deletions in ~~strikethrough~~):

~~SMALL CLAIMS ACTIONS~~

~~4.1. PLAINTIFF~~ is the person making the claim. ~~DEFENDANT~~ is the person against whom the claim is made. The claim must be written in triplicate upon a standard form available at the clerk's office.

~~4.2.~~ The amount of the claim cannot exceed \$7,500, exclusive of interest and costs. If the claim exceeds that amount, the plaintiff must indicate on the form that s/he waives the right to claim the amount over \$7,500; or s/he must proceed not in a small claim action but by regular civil writ, which is more easily done through an attorney. Claims in excess of \$5000 are subject to mandatory mediation.

~~4.3.~~ (a) A claim can be brought by a plaintiff against a defendant in the district court which serves the area in which either resides. The residence address of each (as well as the mailing address, if different) should be shown on the claim form. If the defendant is being sued as an unincorporated business, his trade name _____ and _____ address _____ should _____ also _____ be _____ included.

(b) A claim against a defendant who is NOT a resident of this state may be filed in the court of any town or district where the defendant in person or through an agent: transacts any business; makes a contract with the resident of the town or district; commits a tortious act; or owns, uses or possesses any real or personal property.

~~4.4.~~ If the defendant is a corporation, the corporate name and address must be indicated.

~~4.5.~~ More than one person may join as plaintiff in a small claim if the claim is the same. Husband and wife may be joined as defendants if the claim is against both and they live at the same address. If more than one person is joined as defendant, each defendant must be served with a copy of the claim.

~~4.6.~~ The information provided on the form should include the amount of money claimed and a simple and short explanation of what happened and why the plaintiff is suing.

~~4.7.~~ Repealed, effective June 1, 1982.

~~4.7a.~~ Small claim petitions, prior to the rendition of judgment, shall remain active for 2 years from the date of filing.

~~4.8.~~ (a) The clerk shall send a copy of the claim to the defendant by first class mail addressed to the defendant's last known post office address. The defendant will be required to indicate in writing within 30 days of the date the notice is mailed whether the defendant wants to be heard. If the defendant fails to respond to the notice and the notice is not returned as undelivered, a default judgment will be entered in favor of the plaintiff, who shall be notified by the court.

~~(b)~~ If the notice is returned as undelivered, then the court shall direct the plaintiff to complete service on the defendant, at the expense of the plaintiff, as in all other actions at law (See RSA 510). The defendant will be required to indicate in writing the defendant's desire to be heard on or before the return date selected by the court, which shall be at least 30 days from the date of filing. If, upon proof of proper service, the defendant fails to respond on or before the return date, judgment shall be entered for the plaintiff.

~~(c)~~ If the defendant responds to the notice indicating a desire to be heard, the case shall be scheduled for hearing shortly thereafter. Both parties shall be notified by mail of the date and time of the hearing at least 14 days in advance of the hearing.

~~4.8-A Prejudgment Attachment Procedure~~

~~If the plaintiff seeks a prejudgment attachment prior to or after the filing of the small claim complaint and with or without notice to the defendant, the process and procedure set forth in RSA 511-A and District Court Rule 3.4 shall be followed, except that the words "Writ" and "Writ of Summons" shall refer to the Small Claim Complaint. Service upon the defendant in such cases may not be accomplished by first class mail and shall be completed as in all other actions at law at the expense of the plaintiff, but service in a small claims matter must take place after filing with the court.~~

~~4.8-B Post-Judgment Attachment Procedure~~

~~Upon motion, a judgment creditor may obtain a writ of attachment to secure payment of a final judgment for money damages. The writ shall state the name of the court rendering the judgment, the docket number of the case in which judgment has been issued, the date of entry of judgment, the amount thereof, including interest and costs. Attachments made pursuant to this Rule may be served and recorded in the same manner and shall have the same effect as a pre-judgment attachment and shall remain in effect until the judgment is satisfied or until the attachment expires by operation of law. A judgment entered in a small claims matter may also be secured by real estate by~~

~~recording, or re-recording at any time during the duration of the judgment, a certified copy of the judgment with the registry of deeds of the county in which the real estate is located.~~

~~4.8-C Discharge of Attachments~~

~~When a small claims judgment secured by real estate is satisfied, the plaintiff shall deliver a discharge directly to the defendant within 30 days. It shall be the responsibility of the defendant to record said discharge.~~

~~If the plaintiff fails to deliver a discharge within 30 days of a request to do so, or if exigent circumstances require an immediate discharge, the defendant may petition the court in which the judgment was issued for a court ordered discharge. The burden shall be on the defendant to establish that the judgment has been satisfied pursuant to RSA 503:12.~~

~~**4.9.** If the defendant responds by indicating he desires to be heard, as provided above, the case will be scheduled for hearing shortly thereafter, but no sooner than 14 days from the receipt of defendant's response. Both parties will be notified by mail of the date and time of hearing.~~

~~**4.10.** Special care should be taken in the preparation of a claim arising from the negligent operation of a motor vehicle.~~

~~**4.11.** When a hearing is scheduled, both parties should appear at the proper time. They should bring any papers or documents which they have which might have something to do with the case. They should bring any witnesses they might have who can help with their case. The witness should know the exact date and time of the trial in order to be there on time.~~

~~**4.12.** At the hearing, plaintiff will be called upon to explain exactly why the defendant owes him money. All questions should be answered clearly and directly. The defendant may then explain why he does not believe he owes the money. The hearing will be informal, and the judge may freely ask such questions of parties and litigants as he believes necessary to resolve the issue. Parties may question each other with permission of the court.~~

~~**4.13.** If a claim is settled prior to a hearing, the plaintiff should notify the clerk's office so that the hearing may be properly cancelled.~~

~~**4.14.** If either party fails to appear at the hearing, judgment will be rendered in favor of the other party.~~

~~**4.15.** Payment of the judgment should be made directly to the plaintiff and not through the clerk's office.~~

~~4.16.~~ If judgment is rendered in favor of plaintiff and the defendant fails to pay, plaintiff may request a Writ of Execution, which is a document addressed to any sheriff directing him to collect the money for plaintiff.

~~4.17.~~ If plaintiff was awarded judgment because of the failure to respond to the small claim under section 4.9, a military affidavit must be filed. Such affidavit forms and instructions will be sent to the plaintiff, if requested.

~~4.18.~~ (1) A motion for reconsideration or other post decision relief shall be filed within ten (10) days of the date on the clerk's written notice of the order or decision which shall be mailed by the clerk on the date of the notice. The motion shall state, with particularity, points of law or fact that the Court has overlooked or misapprehended and shall contain such argument in support of the motion as the movant desires to present; but the motion shall not exceed ten (10) pages. A hearing on the motion shall not be permitted except by order of the Court.

(2) No answer to a motion for reconsideration or other post decision relief shall be required unless ordered by the Court, but any answer or objection must be filed within ten (10) days of notification of the motion.

(3) If a motion for reconsideration or other post decision relief is granted, the Court may revise its order or take other appropriate action without rehearing or may schedule a further hearing.

(4) The filing of a motion for reconsideration or other post decision relief shall not stay any order of the Court unless, upon specific written request, the court has ordered such a stay.

~~4.19.~~ The Writ of Execution will be mailed to the plaintiff after it is issued by the clerk. The plaintiff should then deliver the writ to the sheriff of the county in which property of the defendant is located.

~~4.20.~~ The Writ of Execution will become void after ninety days from the date of issue and if the sheriff is unable to find any property of the defendant, it should be returned to the court. The clerk will notify the plaintiff that the execution has been returned unsatisfied. However, the plaintiff may request a new Writ of Execution from the clerk within two years of the expiration date of the previous Writ of Execution.

~~4.21.~~ Interrogatories and depositions shall not apply to small claims actions.

~~4.22.~~ [Repealed, eff. January 19, 2011.]

Rule 4.23. Dismissal for failure to appear.

~~If a hearing on a small claims matter is scheduled, and neither party appears for the hearing, the case is dismissed. Nothing herein shall be interpreted as requiring the presence of the plaintiff after the matter has gone to judgment.~~

~~Rule 4.24. Rendition of decision.~~

~~A decision on the merits in small claims matters in which a hearing has been held shall be rendered within sixty days following the hearing and submission of briefs or memoranda, if any.~~

~~Rule 4.25. Ordering weekly payments on judgments.~~

~~Issuance of a Writ of Execution need not be a preliminary step to the weekly payment of judgment process provided by RSA 524:6 a.~~

~~Rule 4.26. Transfer to Superior Court.~~

~~In any small claim case which the defendant has requested the right to a trial by jury and the debt or damages claimed exceeds \$1,500, the moving party or party designated by statute as responsible for payment of the superior court transfer fee, shall pay the fee at the district court within 10 days of the court notice of the request by the defendant for a jury trial. Upon payment of the fee, the district court shall immediately transfer the case to the superior court.~~

~~Rule 4.27. Appeals.~~

~~Any party to a small claim judgment may, at the time judgment is declared or within 30 days of the notice of judgment date, appeal therefrom to the supreme court. The district court shall not grant any requests for extensions of time to file an appeal document in the supreme court or requests for late entry of an appeal document in the supreme court; such requests shall be filed with the supreme court. See Supreme Court Rule 21(6).~~

~~Rule 4.28. Waiver of Fees.~~

~~A district court may waive any small claim fee for good cause shown.~~

~~Rule 4.29. District Court Small Claims Mediation Rules.~~

~~—(A) **Purpose.** The District Court establishes these small claims mediation rules to increase access to justice; to increase parties' satisfaction with the outcome; to reduce future litigation by the same parties; to make more efficient use of judicial resources; and to expand dispute resolution resources available to the parties.~~

~~(B) **Definitions.** For the purpose of this rule, the following definitions apply.~~

~~—(1) Mediation. Mediation is a process in which a mediator facilitates settlement discussions between parties.~~

~~————a. The mediator has no authority to make a decision or impose a settlement upon the parties.~~

~~————b. The mediator attempts to focus the attention of the parties upon their needs and interests rather than upon their rights and positions.~~

~~————c. Any settlement is entirely voluntary.~~

~~————d. In the absence of settlement, the parties lose none of their rights to a resolution of their dispute through litigation.~~

~~—Mediation is based upon principles of communication, negotiation, facilitation and problem solving that emphasize:~~

~~————a. The needs and interest of the parties~~

~~————b. Fairness~~

~~————c. Procedural flexibility~~

~~————d. Privacy and confidentiality~~

~~————e. Full disclosure~~

~~————f. Self determination~~

~~—(2) Mediator. An impartial person who facilitates discussions between the parties to a mediation. The role of the mediator includes but is not limited to assisting the parties in identifying issues, reducing obstacles to communication, and providing the parties an opportunity for each to be heard in a dignified and thoughtful manner. The mediator's focus will be on encouraging and supporting the parties' presentations to and reception from one another allowing them to find a resolution that is appropriate.~~

~~—(3) Party. Any person whose name is designated on the record as plaintiff or defendant and their attorney or any other person who has filed an appearance.~~

~~(C) **Mediator Qualifications.** Mediators shall satisfy the qualifications and criteria specified by the Supreme Court. Minimum qualifications include: completion of a 20 hour mediation process training; two years experience as a~~

mediator or equivalent experience, and an understanding of civil and landlord/tenant law is helpful.

~~—All mediators serving as small claims mediators shall contract with the Administrative Office of the Courts for a term of one year.~~

~~(D) **Referral of cases to mediation.** Small Claims cases of less than \$5,000 may be referred to mediation where requested by any party and all remaining parties indicate that they desire to proceed with mediation. In small claims cases where the jurisdictional amount is over \$5,000, mediation is mandatory and shall be scheduled for mediation in advance of, or on, the hearing date.~~

~~(E) **Default and dismissal in mandatory mediation small claims cases:**~~

~~(1) **Default.** If the case is scheduled for mandatory mediation in accordance with RSA 503:1 and if only one party is in attendance for the scheduled mediation session, the matter shall be subject to Rule 4.14 of the District Court Small Claims Rules.~~

~~(2) **Dismissal.** If the case is scheduled for mandatory mediation in accordance with RSA 503:1 and if neither party attends the mediation session, then the matter shall be subject to Rule 4.23 of the District Court Small Claims Rules.~~

~~(3) **Payment to Mediator if a case is defaulted or dismissed.** If a mediation is scheduled in accordance with RSA 503:1 but does not occur due to a default or dismissal, then the mediator shall be entitled to payment for the mediation session, even if it does not go forward due to the failure of either one or both parties to attend.~~

~~(F) **Mediator Assignment.** The Office of Mediation and Arbitration in consultation with the Administrative Judge of the District Court shall determine the mediation needs for each District Court. Assignment of mediators shall be based on the needs of each court.~~

~~—Each District Court shall schedule small claims cases and allocate mediator(s) in a manner that accommodates the small claims case load in their court.~~

~~(G) **Payment of mediator fees in non-mandatory cases.** Small Claims mediators shall be paid on a per case fee set by the Supreme Court. Payments shall be made out of the Mediator Fund established by the court. No additional fees or reimbursements shall be made.~~

~~(H) **Disclosure of Conflict.** Upon receipt of a notice of appointment in a case, the mediator shall disclose any circumstances likely to create a conflict of~~

interest, the appearance of conflict of interest, a reasonable inference of bias or other matter that may prevent the process from proceeding as scheduled.

~~—(1) If the mediator withdraws, has a conflict of interest or is otherwise unavailable, another mediator shall be appointed by the court.~~

~~—(2) The burden of disclosure rests on the mediator. After appropriate disclosure, the mediator may serve if both parties so desire. If the mediator believes or perceives that there is a clear conflict of interest, he or she should withdraw, irrespective of the expressed desires of the parties.~~

~~(I) **Impartiality.** Impartiality shall be defined as freedom from favoritism or bias in word, action and appearance.~~

~~—(1) Impartiality implies a commitment to aid all parties, as opposed to an individual party, when moving toward an agreement. A mediator shall be impartial and shall advise all parties of any circumstances bearing on possible bias, prejudice or impartiality.~~

~~—(2) A mediator shall maintain impartiality while raising questions for the parties to consider as to the reality, fairness, equity, and feasibility of the proposed options for settlement.~~

~~—(3) A mediator shall withdraw from mediation if the mediator believes the mediator can no longer be impartial.~~

~~—(4) A mediator shall not give or accept a gift, request, favor, loan, or any other item of value to or from a party, attorney or any other person involved and arising from the mediation process.~~

~~(J) **Prohibitions.** A mediator shall not provide counseling or therapy to any party during the mediation process nor shall a mediator who is an attorney represent either party, or give legal advice during or after the mediation.~~

~~—The mediator shall not use the mediation process to solicit or encourage future professional services with either party.~~

~~(K) **Self determination.** A mediator shall assist the parties in reaching an informed and voluntary settlement. Decisions are to be made voluntarily by the parties.~~

~~—(1) A mediator shall not coerce or unfairly influence a party into a settlement agreement and shall not make a substantive decision for any party to a mediation process.~~

~~—(2) A mediator shall not intentionally or knowingly misrepresent material facts or circumstances in the course of conducting a mediation.~~

~~—(3) A mediator shall promote consideration of the interest of persons affected by actual or potential agreements who are not present during a mediation.~~

~~—(4) The mediator shall promote mutual respect amongst the parties throughout the process.~~

~~(L) **Professional Advice.** A mediator shall only provide information the mediator is qualified by training or experience to provide.~~

~~—(1) When a mediator believes a non represented party does not understand or appreciate how an agreement may adversely affect legal rights or obligations, the mediator shall advise the participants to seek independent legal counsel.~~

~~—(2) While a mediator may point out a possible outcome of the case, under no circumstances may a mediator offer a personal or professional opinion as to how the court in which the case is filed will resolve the dispute.~~

~~(M) **Confidentiality.** A mediator shall preserve and maintain the confidentiality of all mediation proceedings. Any communication made during the mediation which relates to the controversy mediated, whether made to the mediator or a party, or to any other person present at the mediation is confidential.~~

~~—(1) A mediator shall keep confidential from the other parties any information obtained in an individual caucus unless the party to the caucus permits disclosure.~~

~~—(2) All memoranda, work products and other materials contained in the case file of a mediator are confidential. The mediator shall render anonymous all identifying information when materials are used for research, training or statistical compilations.~~

~~—(3) Confidential materials and communications are not subject to disclosure in any judicial or administrative proceedings except for any of the following:~~

~~———— a. Where the parties to the mediation agree in writing to waive the confidentiality.~~

~~———— b. When a subsequent action between the mediator and a party to the mediation for damages arises out of the mediation.~~

~~———— c. Where there are threats of imminent violence to self or others.~~

~~————— d. Where reporting is required by state law.~~

~~(N) **Inadmissibility of Mediation Proceeding.** Mediation proceedings under this rule are non binding and shall not impair the right of the litigants to demand a trial. Any settlement reached at mediation shall be binding on the parties and entered as a judgment. Information, evidence or the admission of any party shall not be disclosed or used in any subsequent proceeding. Partial settlements may occur and are subject to these rules. Please see section O below for additional information on partial settlements.~~

~~—— (1) Statements made and documents prepared by a party, attorney, or other participant in the aid of such proceedings shall be privileged and shall not be disclosed to any court or construed for any purpose as an admission against interest.~~

~~—— (2) All mediation proceedings are deemed settlement conferences as prescribed by court rule and the Rules of Evidence. In addition, the parties shall not introduce into evidence in any subsequent proceeding the fact that there has been a mediation proceeding.~~

~~—— (3) Evidence that would otherwise be admissible at trial shall not be rendered inadmissible as a result of its use in a mediation proceeding under this rule.~~

~~—— (4) A mediator shall not be called as a witness in any subsequent proceeding relating to the parties' negotiation and participation except as set forth in Section N of this rule.~~

~~(O) **Concluding Mediation.** If an agreement is reached during the mediation process, the parties shall reduce their agreement to a written memoranda, and the memoranda shall be reviewed and signed by all parties before the mediation ends.~~

~~—— If a partial settlement is reached the parties shall reduce to a written memoranda the points on which agreement has been reached. The mediator shall indicate on the ADR Report that the matter has been partially resolved and those issues that shall remain unresolved shall return to the trial docket for resolution by the Court. As in the case of a full settlement, all mediation proceedings resulting in a partial settlement are deemed settlement conferences as prescribed by court rule and the Rules of Evidence. In addition, the parties shall not introduce into evidence in any subsequent proceeding the fact that there has been a mediation proceeding. Evidence that would otherwise be admissible at trial shall not be rendered inadmissible as a result of its use in a mediation proceeding under this rule resulting in a partial settlement.~~

~~— If an agreement is not reached during the mediation process, the mediator shall notify the court that the mediation failed to resolve the issue in conflict.~~

~~(P) **Immunity.** The parties must recognize that the mediator will not be acting as legal advisor or legal representative. They must further recognize that, because the mediator is performing quasi-judicial functions and is performing under the auspices of the District Court, each such mediator has immunity from suit, and shall not be called as a witness in any subsequent proceeding relating to the parties' negotiations and participation except as set forth in Section N of this rule.~~

~~(Q) **Implementation.** The Office of Mediation and Arbitration in consultation with the Administrative Judge of the District Court shall be responsible for designating an implementation schedule for the expanded small claims mediation program.~~

~~(R) **Removal from list of small claims mediators.** Certification to mediate Small Claims Cases in the District Court confers no vested rights to the mediator, but is a conditional privilege that is revocable.~~

~~— (1) At any time during the period of certification, upon notice and opportunity to be heard, a small claims mediator who is found to have engaged in conduct that reflects adversely on his/her impartiality or in the performance of his/her duties as a mediator, or is found to have persistently failed to carry out the duties of a mediator, or is found to have engaged in conduct prejudicial to the proper administration of justice, shall be removed from the list of certified small claims mediators.~~

~~— (2) All complaints regarding a mediator's performance shall be forwarded to the Director of the NH Judicial Branch Office of Mediation and Arbitration who will inform the Administrative Judge of the District Court about the complaint. The Director of the OMA will investigate the complaint, and will make recommendations to address the complaint to the Administrative Judge of the District Court.~~

~~— (3) All Small Claims mediators must inform the Judicial Branch Office of Mediation and Arbitration within 30 days of a change in circumstances such as a conviction of a felony or loss of professional license. Small Claims mediators who are convicted of a felony or misdemeanor involving moral turpitude, or who have a professional license revoked, shall be denied certification.~~

APPENDIX N

Amend the “Small Claims Actions Pilot Rules to Accompany the Electronic Filing Pilot Rules,” effective July 1, 2015, as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

SMALL CLAIMS ACTIONS PILOT RULES TO ACCOMPANY THE ELECTRONIC FILING PILOT RULES

~~PREAMBLE~~

~~Pursuant to the authority conferred by Part II, Article 73 a of the New Hampshire Constitution, the Supreme Court of New Hampshire hereby adopts on a temporary basis the attached Small Claims Actions Pilot Rules to Accompany the Electronic Filing Pilot Rules. These rules shall take effect in a particular court location as of the date set forth in an administrative order by the administrative judge of the circuit court implementing small claims e-filing in the circuit court—district division in a particular location, and shall apply on a pilot basis to small claims actions in the circuit court—district division in those locations. For a list of the locations in which electronic filing will be, or has been implemented, and a link to the relevant orders, see <http://www.courts.state.nh.us/circuitcourt/efilingcourts.htm>.~~

Rule 4.1. Filing Small Claim Complaint

(a) The Claim

(1) Small claim cases shall be filed electronically as required under the New Hampshire Circuit Court – District Division Small Claims Electronic Filing Pilot Rules unless an exemption to electronic filing as allowed under the Rules is requested and granted.

(2) A small claim shall be set forth on a court generated Small Claim Complaint form. It shall not be considered filed until the fee has been paid or a properly supported motion to waive filing fee has been submitted. (See District Division Rule 3.3 for filing fees.)

(3) The small claims filing fee shall not be waived except upon presentation of facts which demonstrate extraordinary circumstances.

(4) The claim must include:

(A) The business or other relationship between the plaintiff and defendant and a description setting forth with specificity the reason(s) the plaintiff believes that the defendant owes money to the plaintiff;

(B) The amount that the plaintiff claims that the defendant owes.
NOTE: If the plaintiff claims to be owed more than ~~\$7,500.00~~ **[\$10,000]**, the filing of the small claim complaint will waive any amount due beyond the small claims limit of ~~\$7,500.00~~ **[\$10,000]**. If the plaintiff does not want to waive the amount over ~~\$7,500.00~~ **[\$10,000]**, a civil writ must be filed instead of a small claim;

(C) If the basis for recovery asserted in the small claim complaint is the extension of consumer credit, the plaintiff shall file a Statement of Consumer Debt which provides the following:

(i) If the plaintiff is a person or entity *other than* the original creditor, a statement that the plaintiff has a right to assert the claim and a listing of all prior owners of the claim commencing with the original creditor;

(ii) The account number/account identifier, if any, assigned to the obligation. The account number/account identifier shall be redacted to show only the last four digits;

(iii) The date of the last payment made, if any;

(iv) A designation of principal, interest, charges and fees calculated either in accordance with the laws applicable to the obligation or in accordance with the practice in credit card cases of treating the charge off balance as principal and itemizing any additional interest or fees after that date.

(b) *The Parties*

(1) The following information shall be included in the small claim filing:

(A) Name, address (residence and mailing) and date of birth of the plaintiff(s). The date of birth shall be submitted on the Small Claim Confidential Information Sheet and shall be confidential as to non-parties to comply with the New Hampshire Circuit Court - District Division Small Claims Electronic Filing Pilot Rules. Access to these documents shall be pursuant to District Division Rule 1.26;

(B) Name, address (residence and mailing) of the defendant(s);

(C) If the plaintiff is a business entity, the nature of the business entity;

(D) If the defendant is a business entity:

(i) The nature of the business entity; and

(ii) The individual who is to be served with the small claim and the capacity in which that individual is to be served (e.g. agent for service, corporate officer, member, manager, owner) and that individual's address (physical and mailing) if different from that of the business entity.

(2) A person who files or responds to a small claim on behalf of another individual or entity must file the statement required by District Division Rule 1.3(D). In addition, one of the following authorizations must be filed with the court:

(A) For an individual acting on behalf of another, a power of attorney or other valid authorizing document authorizing the filing of legal actions; or

(B) For an individual acting on behalf of an entity:

(i) For a corporation, a resolution adopted by the board of directors;

(ii) For a partnership, an authorization signed by a general partner;

(iii) For a trust, an authorization signed by a trustee;

(iv) For a limited liability company, an authorization signed by a member with management authority. (*See also* RSA 503:11.)

(C) The requirements of this paragraph (2) do not apply to attorneys who are licensed to practice law in the State of New Hampshire

Rule 4.2. Notice

(a) ~~Unless the plaintiff is seeking a pre-judgment attachment (See Rule 4.13) u~~**[U]**pon the filing of a small claim, the court shall send written notice of the claim to the defendant via first class mail. The notice shall be sent to the defendant's mailing address as provided by the plaintiff. If there are multiple defendants, written notice of the small claim shall be sent to each defendant.

(b) If the notice is returned to the court as undeliverable by the United States Postal Service, the court shall provide notice to the plaintiff that a new or alternate address is required for the defendant. If the plaintiff provides an alternate mailing address for the defendant, the court shall forward the new notice to the defendant via first class mail. If the plaintiff does not provide an alternate mailing address, the plaintiff may request that the claim be served as

in all other actions at law (*see* RSA 510:2, et seq.), and the court shall deliver the new notice to the plaintiff. It shall be the responsibility of the plaintiff to ensure that proper service is made upon the defendant and that proof of service is filed with the court thereafter. In all notices, the court shall set a date by which the defendant must respond.

(c) If the notice is returned as undeliverable and the plaintiff does not provide a new mailing address or request alternative service pursuant to RSA 510 within sixty (60) days of the court's notification, the action shall be dismissed.

~~(d) If the plaintiff is requesting a pre-judgment attachment of the defendant's property, the notice and the attachment request and any order shall be served according to Rule 4.13 below.~~

Rule 4.3. Responding to Small Claim Complaint or Counterclaim

(a) Response

(1) The defendant shall file a court generated Response to Small Claim form electronically, as required under the New Hampshire Circuit Court - District Division Small Claims Electronic Filing Pilot Rules. When the defendant is served by first class mail, the response shall be filed by the date indicated on the notice which shall be thirty (30) days from the date the court mails the notice, or if the defendant is served as in all other actions at law the response shall be filed by the return date selected by the court which shall be not less than 45 days from the date the court forwards the notice to the plaintiff for service.

(2) The response shall include the name, address (residence and mailing) and date of birth of the defendant(s). The date of birth shall be submitted on the Small Claim Confidential Information Sheet and shall be confidential as to non-parties to comply with the New Hampshire Circuit Court - District Division Small Claims Electronic Filing Pilot Rules. Access to these documents shall be pursuant to District Division Rule 1.26. If the response includes a request for a hearing, the defendant shall indicate the amount of the claim which is not in dispute and provide a brief explanation of the basis for the amount in dispute.

(3) If the defendant is filing a response on behalf of another individual or entity, the defendant must comply with Rule 4.1(b)(2).

(b) *Demand for Jury Trial.* When the debt or damages claimed exceed \$1,500.00, the defendant may claim trial by jury pursuant to RSA 503:1 III within the time allowed by statute or at the same time as the filing of a timely response. The small claims transfer fee shall be paid by the defendant at the time the request is made.

(c) *Failure to Respond.* If the defendant fails to file a timely response, upon the filing by the plaintiff of a Military Statement and any other documents required by the court, a default judgment may be issued for the plaintiff.

(d) *Counterclaim*

(1) Any claim that the defendant wishes to file against the plaintiff that is related to the plaintiff's claim is known as a counterclaim and may be filed with the defendant's response, but shall be filed no later than the return date indicated on the original notice. If the defendant fails to file a counterclaim with the response or before the return date selected by the court, the defendant may file a request with the court to allow a late counterclaim, which may be granted only upon good cause shown.

(2) A counterclaim shall not be considered filed until the filing fee has been paid or a properly supported motion to waive filing fee has been submitted. (See District Division Rule 3.3 for filing fees.)

(e) *Response to Counterclaim.* The plaintiff is not required to respond to a counterclaim. When the debt or damages claimed in the counterclaim exceeds \$1500.00, the plaintiff may claim trial by jury pursuant to RSA 503:1, III within the time allowed by statute but in no event later than 14 days from the date that the counterclaim is filed with the court. For good cause shown, the court may permit a request for transfer to Superior Court to be filed after the 14 day limitation. The small claim transfer fee shall be paid by the plaintiff at the time the request is made.

Rule 4.4. Pre-trial hearing

(a) In every small claim case in which the defendant has filed a timely response requesting a hearing, the court may schedule a pre-trial hearing.

(b) Attendance at the pre-trial hearing shall be mandatory. Anyone appearing on behalf of another, including an attorney, will be expected to have settlement authority or telephonic access to the represented party. Failure by either party to attend the pre-trial hearing shall result in a judgment in favor of the other party. If neither party appears at the pre-trial hearing, the case shall be dismissed. A default judgment shall not be stricken except upon a finding of good cause by the court.

(c) The court will provide the opportunity for parties to mediate on the day of the pre-trial hearing. The court may require parties in cases subject to mandatory mediation to mediate on the day of the pre-trial hearing or on a later date. If the parties reach an agreement, the agreement shall contain an acknowledgement that they understand that exempt income and assets may

not be used in the enforcement of any judgment or agreement, and that failure to comply with the terms of the agreement may result in the matter being returned to the court's docket for a hearing as may be necessary.

~~(d) If a pre judgment attachment has been requested or if an attachment has been granted on an *ex parte* basis and the defendant has filed an objection, the court may schedule a hearing on the attachment at the time of the pre trial hearing. If the court schedules the attachment hearing to be held on the same date as the pre trial hearing, the parties will be notified by the court.~~

~~(e)~~**[(d)]** As a result of the pre-trial hearing, the court will make pre-trial orders on all issues deemed appropriate and schedule the trial.

~~(f)~~**[(e)]** Parties are not required to bring witnesses or evidence to the pre-trial hearing. Parties may bring evidence which would be helpful during any discussion between the parties, including mediation.

Rule 4.5. Discovery and Rules of Evidence

Formal discovery, such as interrogatories, depositions, requests to produce documents, requests for admissions and other forms of discovery are not permitted in small claims cases unless ordered at the pre-trial hearing. The Rules of Evidence shall not apply in small claims cases.

Rule 4.6. Trial

(a) The trial in small claims cases shall be informal. All parties shall be required to take an oath or affirmation but may be permitted to testify informally. The court may hear the case by offers from each of the parties as to what their evidence would prove if the court were to hear all witnesses and documents submitted. However, either party has the right to object to this procedure.

(b) Parties shall bring to the trial all witnesses, documents or other evidence upon which they intend to rely to prove or defend their case. The court will not make contact with persons not in attendance or accept evidence not presented during the trial.

(c) If the plaintiff fails to appear, the judgment shall be issued in favor of the defendant. If the defendant fails to appear, a judgment shall be issued in favor of the plaintiff. If neither party appears, the case shall be dismissed.

Rule 4.7. Judgment

(a) At the conclusion of the trial, the court may render its decision immediately. In no event shall the court issue a written decision more than thirty (30) days from the date of the trial.

(b) If the court issues judgment for the plaintiff immediately after the presentation of the case during a trial at which both parties are present, the court shall inquire into the defendant's ability to pay the judgment from non-exempt assets and may require the defendant to complete a Statement of Assets and Liabilities from which the defendant's ability to pay the judgment from non-exempt assets in full or in installment payments may be determined. The court may then issue an order regarding the defendant's ability to pay the judgment, including any payment over time. The Statement of Assets and Liabilities shall be confidential as to non-parties. Access to these documents shall be pursuant to District Division Rule 1.26. The court may, in its discretion upon request of the defendant, continue the hearing to a future date to allow the defendant additional time to complete the Statement of Assets and Liabilities. In this circumstance, the plaintiff shall not be required to file a Motion for Periodic Payments.

(c) If the court does not issue its decision immediately and address payment issues as set forth immediately above, and the judgment is for the plaintiff, the plaintiff will be required to file a Motion for Periodic Payments (Rule 4.10) if the plaintiff wishes to have a hearing to determine the defendant's ability to pay the judgment.

(d) If the defendant confesses judgment at any time, the court shall immediately schedule a payment hearing or the plaintiff may file a Motion for Periodic Payments (Rule 4.10) upon receipt of written notice of the confession of judgment. If the defendant fails to appear at the hearing after notice is given, the court may proceed, and orders may be made in the defendant's absence or an order for arrest may be issued. In all other respects the process outlined in Rule 4.10 below shall be followed.

(e) The plaintiff may be required to file a separate statement referred to as a Statement of Damages/Taxation of Costs.

Rule 4.8. Motion for Reconsideration

(a) A motion for reconsideration or other post-decision relief shall be filed within ten (10) days of the date on the clerk's written notice of the order or decision. The motion shall state the particular points of law or fact that the court has overlooked or misapprehended and shall contain the arguments in support of the motion as the filing party decides to present. A hearing on the motion shall not be permitted except by order of the court.

(b) No response to a motion for reconsideration or other post-decision relief shall be required unless ordered by the court, but any answer or objection must be filed within ten (10) days of the filing of the motion.

(c) If a motion for reconsideration or other post-decision relief is granted, the court may revise its order or take other appropriate action without re-hearing or may schedule a further hearing.

(d) The filing of a motion for reconsideration or other post-decision relief shall not stay any order of the court unless, upon specific written request, the court has ordered such a stay.

Rule 4.9. Appeal

The party against whom a judgment has been issued may appeal the decision to the New Hampshire Supreme Court according to its Rules. The appeal must be filed with the Supreme Court within thirty (30) days of the rendition of judgment or of the clerk's notice of the judgment, whichever is later.

Rule 4.10. Periodic Payments

(a) A Motion for Periodic Payments may be made at the time judgment is issued or electronically thereafter. This motion may be made orally in the courtroom if the defendant is present when the verdict or judgment is awarded, in which case the court shall conduct a payment hearing. If the Motion for Periodic Payments is filed electronically, the court shall issue orders of notice, subject to paragraph B below, requiring the defendant to appear for a court hearing. The court may require the plaintiff to file a Statement of Damages/Taxation of Costs prior to the issuance of orders of notice or prior to a hearing on the motion.

(b) Upon receipt of the notice of filing from the court or upon receipt of the copy forwarded by the plaintiff, the defendant may waive formal service of process of any notices related to the Motion for Periodic Payments.

(c) If the defendant does not elect to waive formal service, the court shall forward the orders of notice to the plaintiff. The plaintiff shall cause the orders of notice to be served upon the defendant either in-hand or by certified mail, restricted delivery, return receipt requested. If the plaintiff elects to serve the orders of notice by certified mail, restricted delivery, return receipt requested, and if the return receipt is not signed by the defendant, then in-hand service shall be required.

(d) At the hearing on the Motion for Periodic Payments, it shall be the burden of the plaintiff to establish that the defendant has the ability to pay the

judgment from non-exempt assets either in full or in installments. The defendant may be required to submit a Statement of Assets and Liabilities which shall be confidential as to non-parties. The defendant may be questioned under oath as to his/her property and ability to pay the judgment. Either party may introduce oral and written evidence as the court deems relevant. If the parties reach an agreement for payment, the agreement shall include an acknowledgement that the parties understand that exempt income and assets may not be used in the enforcement of any judgment or agreement, and that failure to comply with the terms of the agreement may result in the matter being returned to the court's docket for a hearing as may be necessary.

(e) If the defendant fails to appear at the hearing and proof of service has been provided by the plaintiff, the court may proceed, and orders may be made in the defendant's absence or an order for arrest may be issued.

(f) If a Motion for Periodic Payments is denied, the plaintiff shall not file another motion against the same defendant upon the same judgment within three (3) months unless the court otherwise allows for good cause.

(g) Reasonable costs and fees incurred by the plaintiff in carrying out the provisions of this rule, in addition to statutory interest, shall be paid by the defendant.

Rule 4.11. Contempt (Following Payment Order)

(a) Contempt proceedings for failure to comply with a payment order may be initiated by the plaintiff by Motion for Contempt for Non-Compliance with Payment Order and will result in the issuance of an order of notice to the defendant to appear before the court to show cause why the defendant should not be held in contempt of court. The court may require the plaintiff to file a Statement of Damages/Taxation of Costs prior to the issuance of orders of notice or prior to a hearing on the motion.

(b) Upon receipt of the notice of filing from the court or upon receipt of the copy forwarded by the plaintiff, the defendant may waive formal service of process of any notices related to the contempt proceeding.

(c) If the defendant does not elect to waive formal service, the court shall forward the orders of notice to the plaintiff. The plaintiff shall cause the orders of notice to be served upon the defendant either in-hand or by certified mail, restricted delivery, return receipt requested. If the plaintiff elects to serve the notice of hearing by certified mail, restricted delivery, return receipt requested, and if the return receipt is not signed by the defendant, then in-hand service shall be required.

(d) At the contempt hearing, it shall be the burden of the plaintiff to establish that the defendant has failed to comply with the court's order. The defendant will then be required to show cause why the defendant should not be held in contempt for failure to comply with the court's order.

(e) If the defendant fails to appear at the hearing and proof of service has been provided by the plaintiff, the court may proceed, and orders may be made in the defendant's absence or an order for arrest may be issued.

(f) As a result of the hearing, the court may find the defendant in contempt and may make such orders as are appropriate, including a commitment to the house of corrections until the contempt is discharged. A contempt finding shall not end the proceedings nor satisfy any order for periodic payments. Future violations of the court's order for payments may also be dealt with as contempt.

(g) Reasonable costs and fees incurred by the plaintiff in carrying out the provisions of this rule, in addition to statutory interest, shall be paid by the defendant.

Rule 4.12. Mediation and Agreements

(a) Mediation is voluntary in small claims cases if the claim is \$5,000.00 or less. Mediation in these cases will be scheduled and may be held on the day of the pre-trial hearing and with the agreement of all parties to a case.

(b) Mediation is mandatory in small claims cases if the claim is more than \$5,000.00. Mediation in these cases will be scheduled and may be held on the day of the pre-trial hearing. If the case is scheduled for mandatory mediation in accordance with RSA 503:1, whether at the pre-trial hearing or on another date, and a party fails to appear, judgment may be rendered in favor of the other party. If neither party appears for a mandatory mediation session, the case shall be dismissed.

(c) Agreements reached through mediation or otherwise must include a judgment amount. The parties to any agreement, whether mediated or by agreement of the parties without mediation, shall submit an acknowledgement that they understand that exempt income and assets may not be used in the enforcement of any judgment or agreement, and that failure to comply with the terms of the agreement may result in the matter being returned to the court's docket for a hearing as may be necessary.

(d) Any communication made during the mediation which relates to the controversy mediated, whether made to the mediator or a party, or to any other person present at the mediation is confidential. Information, evidence or the admission of any party shall not be disclosed or used in any subsequent proceeding.

(e) The Administrative Judge of the Circuit Court, in consultation with the ADR Coordinator, shall determine the mediation needs for each Circuit Court location. Assignment of mediators shall be based on the mediation needs of each court.

Rule 4.13. Securing Judgment

~~(a)~~ *Prejudgment*

~~(1) Petitions for pre judgment attachment, with or without notice, shall be submitted electronically.~~

~~(2) If the plaintiff is requesting a Petition to Attach without Notice to the Defendant (*ex parte*), the plaintiff, after submitting the Petition electronically, must physically appear at the court where the small claim would be heard as required in the New Hampshire Circuit Court – District Division Small Claims Electronic Filing Pilot Rules. The Petition to Attach without Notice shall not be considered filed until the plaintiff physically appears as directed above and the additional filing fee is paid.~~

~~(3) If the plaintiff seeks a pre judgment attachment, the process and procedure set forth in RSA 511 A and District Division Rule 3.4 shall be followed, except as otherwise specified in this rule. The words “Writ” and “Writ of Summons” in District Division Rule 3.4 and RSA 511 A shall refer to the Small Claim Complaint.~~

~~(4) Service upon the defendant in cases with pre judgment attachments shall not be made by first class mail and shall be completed as in all other actions at law, generally by a sheriff, and at the expense of the plaintiff pursuant to RSA 510.~~

~~(5) If the defendant files an objection to a pre judgment attachment request or *ex parte* attachment, the court shall schedule a hearing on the attachment to take place within fourteen (14) days of the court's receipt of the defendant's objection.~~

~~(b)~~ **[(a)]** *Post-Judgment*

(1) A party who has received a judgment may file a motion to request a writ of attachment to secure payment of a final judgment for money damages by filing a motion with the court. Attachments made pursuant to this rule shall remain in effect until the judgment is satisfied or until the attachment expires by law. Attachments may only be made using the Writ of Attachment form to be obtained from the Clerk's office upon the granting of an attachment.

(2) A small claims judgment may also be secured by real estate by recording or re-recording, at any time during the duration of the judgment, a certified copy of the judgment with the registry of deeds of the county in which the real estate is located.

~~(e)~~ **[(b)]** *Discharge of Attachments*

(1) When a small claims judgment secured by real estate is satisfied, the plaintiff shall deliver a discharge directly to the defendant within thirty (30) days. It shall be the responsibility of the defendant to record the discharge.

(2) If the plaintiff fails to deliver a discharge within the thirty (30) days, or if exigent circumstances require an immediate discharge, the defendant may petition the court in which the judgment was issued for a court ordered discharge. The burden shall be on the defendant to establish that the judgment has been satisfied pursuant to RSA 503:12.

(3) This rule shall apply to cases in which the court has granted an attachment and to cases in which the plaintiff has recorded a certified copy of a judgment in accordance with RSA 503:12.

APPENDIX O

Amend Circuit Court-District Division Rule 2.21 on a temporary basis, as follows (new material is in **[bold and in brackets]**):

Rule 2.21. Scheduling of Arraignments

A. If the defendant is not detained prior to arraignment, his or her arraignment shall be scheduled no earlier than thirty-five (35) days from the time of his or her release with a written summons or by the bail commissioner, unless otherwise required by law**[, by administrative order,]** or requested by a party. The circuit court shall use its best efforts to schedule a single arraignment day each week for defendants who are not incarcerated.

B. If the defendant is detained pending arraignment, his or her arraignment shall be scheduled within 24 hours, excluding weekends and holidays.

C. A defendant charged with a class A misdemeanor or a felony may waive arraignment only if he or she is represented by counsel and files with the court prior to the date of arraignment a written waiver signed by the defendant and his or her counsel. **[If not signed by the defendant, counsel for the defendant may certify the following:**

- a. That the charges and potential penalties have been discussed with the defendant;**
- b. That the personal information of the defendant is accurate;**
- c. That the defendant has been advised and understands that existing bail orders remain in effect pending disposition of the case or modification by the court; and**
- d. That the defendant understands that he is entitled to an arraignment conducted by the Court but is waiving that arraignment.]**

A defendant charged with a class B misdemeanor may waive arraignment if he or she files with the court prior to the date of arraignment a written waiver signed by the defendant.

In cases where the defendant is not detained, arraignment may be continued without the personal appearance of the defendant or the entry of an appearance by counsel upon timely motion made in writing if the court is satisfied with the terms of bail. However, absent an appearance by counsel on behalf of the defendant, no case in which a defendant is charged with a class A misdemeanor or felony shall be continued for arraignment to a date less than thirty (30) days before trial.

APPENDIX P

Amend Probate Division Rule 169(I) as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

(I) ENTRY FEES:

- (a) Original Entry of any Equity Action or Counterclaim (including set-off, recoupment, cross-claims and third-party claims) \$ 225.00
- (b) Petition File and Record Authenticated Copy of Will, Foreign Wills; Petition Estate Administration for estates with a gross value greater than \$25,000; Petition Administration of Person Not Heard From; Petition Guardian, Foreign Guardian or Conservator (RSA 464-A) \$ 195.00
- (c) Petition Termination of Parental Rights; Petition Involuntary Admission; Petition Guardian Minor Estate and Person and Estate (RSA 463); Petition Guardian of Incompetent Veteran (RSA 465) \$ 155.00
- (d) Petition Adoption, includes one certificate (no entry fee when accompanied by a Petition for termination); Motion to Reopen (estate administration); Motion to Bring Forward \$ 125.00
- (e) Petition Estate Administration for estates having a gross value of \$25,000 or less; Petition Change of Name (includes one certificate); Petition Guardian Minor Person (RSA 463) \$ 85.00
- (f) Marriage Waiver \$ 75.00
- (g) Motion Prove Will in Common and/or Solemn Form (administration required); Motion to Re-examine Will **[Petition to Prove Will (During Life of Testator) (no administration); Petition to Determine Validity of Trust; Petition for Parentage Order]** \$ 155.00
- (h) Petition Appoint Trustee \$ 155.00
- (i) Motion Successor Trustee, Administrator, Executor, or Guardian of Estate and Person and Estate (RSA 463) (RSA 464-A); All Executor/Administrator Accounting for estates

with a gross value greater than \$25,000; Trustees Accounting; Guardian/Conservator Accounting; Motion for Summary Administration	\$ 85.00
(j) Petition Change of Venue (includes authenticated copy fee); Motion Successor Guardian of Person (RSA 463) (RSA 464-A); Motion Sue on Bond; Motion Remove Fiduciary; Motion Fiduciary to Settle Account	\$ 50.00
(k) Landlord Tenant Entry pursuant to ancillary jurisdiction under RSA 547:3-1	\$ 125.00
(l) Small Claim Entry and Counterclaim, \$5000 or less (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-1	\$ 80.00
(m) Small Claim Transfer Fee pursuant to ancillary jurisdiction under RSA 547:3-1	\$ 145.00
(n) Civil Writs of Summons and Counterclaims (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-1	\$ 150.00
(o) Replevin pursuant to ancillary jurisdiction under RSA 547:3-1	\$ 150.00
(p) Small Claim Entry and Counterclaim, \$5001 to \$7500 (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-1	\$ 135.00
(q) Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in subsections (a), (b), (c), (d), (e), (f), (h), (n), and (o) above.	

Adopt Circuit Court – Probate Division Rule 96-A, on a temporary basis,
as follows:

Rule 96-A. PROOF OF VALIDITY OF WILL/TRUST

(a) Proof of Will

(1) At the time that the Petition to Prove Will is filed the petitioner shall also file the original will sought to be validated. The petitioner shall certify that the will filed with the petition is the petitioner's current will and that no subsequent wills or codicils are in existence.

(2) The petitioner shall certify that a copy of the petition and a copy of the attached will have been sent to all interested parties as defined in RSA 552:18, III. The court may order that notice be given to other persons.

(3) Upon filing of the petition, the court shall schedule a hearing within 30 days and shall cause notice of the hearing to be sent via first class U.S. mail to all interested parties listed on the petition as well as any other parties deemed by the court to be interested parties per RSA 552:18, V.

(4) At the conclusion of the hearing, the court shall issue an order declaring the will to be valid or invalid and may include any findings of fact or conclusions of law that it deems appropriate or necessary.

(5) Thirty days following the issuance of the court's order or of the clerk's written notice of decision, whichever is later, if the court has not received notice that an appeal has been filed with the New Hampshire Supreme Court, notice shall be provided to the petitioner or to the petitioner's attorney that the original will must be retrieved from the Probate Division within 10 days. The court shall cause a certified copy of the will to be placed in the court's file prior to delivery to the petitioner or to the petitioner's attorney, and said copy shall become part of the court's official record of the proceeding. If the original will is not retrieved, the court shall maintain the original will in the court's file pending notification of the decease of the petitioner.

(6) If, subsequent to the proceeding but prior to the delivery of the original will to the petitioner, the court receives reliable information that the petitioner is deceased, the court shall cause the original will to be filed in the Probate Division located in the county of residence of the petitioner pursuant to RSA 552:2. If the Probate Division holding the original will is the Probate Division located in the county of residence of the petitioner, the court shall

cause a new file to be created as if the original will had been filed pursuant to RSA 552:2.

(b) Proof of Trust by Settlor

(1) At the time that a Petition is filed, the Petitioner shall certify that a copy of the Petition and a copy of the trust have been sent to all interested parties as defined in RSA 564-B;4-406 (d)(3) and (4). The court may order that notice be given to other persons.

(2) The court shall schedule a hearing on the Petition and shall cause notice to be sent to all interested persons via first class U.S. mail.

(3) At the conclusion of the hearing, the court shall issue an order declaring the trust to be valid or invalid and may include any findings of fact or conclusions of law that it deems appropriate or necessary.

APPENDIX R

Adopt Circuit Court – Probate Division Rule 94, on a temporary basis, as follows:

Rule 94. GESTATIONAL CARRIER AGREEMENTS – PARENTAGE ORDERS

- (a) For the purpose of a Petition for Parentage Order, the parties requiring notice shall be the parties to the gestational carrier agreement and shall include:

- (1) The intended parent or parents;
- (2) The gestational carrier, and
- (3) The spouse of the gestational carrier.

In addition to the parties listed above and in the discretion of the court, the non-spousal partner of the gestational carrier, if any, may be included as a party if not a party to the gestational carrier agreement.

- (b) The petitioner, at the time of filing the Petition for Parentage Order, shall file a copy of the gestational carrier agreement with the court.
- (c) The petitioner shall attach to the petition any sworn affidavits intended to demonstrate substantial compliance with RSA Ch. 168-C.
- (d) The petitioner shall cause notice of the filing to be provided to all parties to the gestational carrier agreement and shall certify on the petition that said notice has been provided. Any responsive pleading shall be filed with the court within 10 days of the filing of the petition.
- (e) In the event that the court determines that a hearing on the petition is necessary, notice shall be provided to the parties in paragraph A by first class mail. Any hearing shall be scheduled within 30 days of the date of filing of the petition.

APPENDIX S

Amend Circuit Court - Family Division Rule 2.1 as follows (new material is in **[bold and in brackets]**; deleted material is in ~~striketrough~~ format):

2.1. Scope and Applicability: The family division has jurisdiction over all divorces, parenting actions, legal separations, annulments, child support actions, separate maintenance actions, **[actions involving the dissolution of civil unions,]** paternity, legitimation, registration of foreign judgments and decrees, uniform interstate family support, administrative support violations, and any actions to change or enforce any of these orders once they become final. These rules apply to divorce, legal separation, and parenting actions, and serve as guidance for the other case types listed above.

APPENDIX T

Adopt on a permanent basis Supreme Court Rule 49, which was amended on a temporary basis by Supreme Court order dated June 26, 2013, as follows (no changes are being proposed to the temporary rule now in effect):

Rule 49. Fees In Supreme Court.

(I) Fees

(A) Entry of Appeal or Cross-Appeal	\$225.00
(B) Petition for Original Jurisdiction	
(1) Original petition for writ of habeas corpus	\$ 0 (No fee)
(2) All other petitions for original jurisdiction	\$225.00
(C) (1) Certification of Record to Federal Courts	\$100.00
(2) Other Certifications and Certified Copies	\$10.00 plus \$.50/page
(D) Certificate of Admission	\$10.00
(E) Application to Appear <i>Pro Hac Vice</i>	\$250.00

(II) Surcharge

Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in paragraphs (I)(A) and (I)(B)(2) above, except for the following types of cases which pursuant to RSA 490:26-a, II(b) are exempt from the surcharge:

(A) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.

(B) Domestic violence actions under RSA 173-B.

(C) Small claims actions under RSA 503.

(D) Landlord/tenant actions under RSA 540, RSA 540-A, RSA 540-B, and RSA 540-C.

(E) Stalking actions under RSA 633:3-a.

APPENDIX U

Adopt on a permanent basis Rule 169 of the Superior Court of the State of New Hampshire Applicable in Criminal Cases Filed in Superior Court, which was amended on a temporary basis by Supreme Court order dated June 26, 2013, as follows (no changes are being proposed to the temporary rule now in effect):

169. Fees.

(I) The appropriate fee must accompany all filings. All fees shall be consolidated into a single payment, when possible.

(II) 18.22% of the entry fee paid in each petition and cross-petition in marital cases (\$41.00) shall be deposited into the mediation and arbitration fund to be used to pay for mediation where both parties are indigent.

(III) Fees

(A) Original Entries:

(1) Original Entry of any Action at Law or Equity except a petition for writ of habeas corpus; Original Entry of all Marital Matters, including Order of Notice and Guardian ad Litem Fee; Transfer; the filing of a foreign judgment pursuant to RSA 524-A; or any Special Writ	\$ 225.00
(2) Original Entry of a petition for writ of habeas corpus	\$ 0 (no fee)
(3) Counterclaim on Civil or Equity Matter (including set-off, recoupment, cross-claims and third-party claims)	\$ 225.00
(4) Cross-Petition for Divorce	\$ 225.00
(5) Motion to Bring Forward Civil/Equity (post judgment)	\$ 125.00

(6) Motion to Bring Forward a Domestic matter with stipulation	\$ 100.00
--	-----------

(7) Motion to Bring Forward a Domestic matter without stipulation	\$ 225.00
---	-----------

(8) Wage Claim Decision	\$ 65.00
-------------------------	----------

(9) Marriage Waiver	\$ 75.00
---------------------	----------

(B) General and Miscellaneous

(1) Motion for Periodic Payments	\$ 25.00
----------------------------------	----------

(2) Petition to Annul Criminal Record	\$ 125.00
---------------------------------------	-----------

(3) Original Writ (form)	\$ 1.00
--------------------------	---------

(4) Writ of Execution	\$ 40.00
-----------------------	----------

(5) Petition for Ex Parte Attachment, Ex Parte Petition for Writ of Trustee Process	\$ 40.00
---	----------

(6) Reissued Orders of Notice	\$ 25.00
-------------------------------	----------

(7) Application to Appear <i>Pro Hac Vice</i>	\$ 250.00
---	-----------

(C) Certificates and Copies

(1) Certificates and Certified Copies	\$ 10.00
---------------------------------------	----------

(2) Divorce Certificate (VSR) only	\$ 10.00
------------------------------------	----------

(3) Divorce Certificate, Certified Copy of Decree and if applicable, Stipulation, QDRO, USO, and other Decree-related Documents	\$ 40.00
---	----------

(4) All Copied Material	\$.50/page
-------------------------	-------------

(5) Certificate of Judgment	\$ 10.00
-----------------------------	----------

(6) Exemplification of Judgment	\$ 40.00
---------------------------------	----------

(IV) Surcharges and Additional Fees

(A) On the commencement of any proceeding involving the determination of parental rights and responsibilities for which a fee is required, including petitions and cross-petitions for divorce with minor children, an additional fee of \$2.00 shall be paid by the petitioner or cross-petitioner.

(B) Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in paragraphs (III)(A)(1), (III)(A)(3), (III)(A)(4), (III)(A)(5), (III)(A)(6), (III)(A)(7), (III)(A)(8), and (III)(A)(9) above, except for the following types of cases which pursuant to RSA 490:26-a, II(b) are exempt from the surcharge:

(1) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.

(2) Domestic violence actions under RSA 173-B.

(3) Small claims actions under RSA 503.

(4) Landlord/tenant actions under RSA 540, RSA 540-A, RSA 540-B, and RSA 540-C.

(5) Stalking actions under RSA 633:3-a.

(V) Records Research Fees:

(A) Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth. A fee of \$20 per name will be assessed for up to 5 names. Additional names will be assessed \$5 per name.

(B) The Clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.

APPENDIX V

Adopt on a permanent basis Circuit Court-District Division Rule 3.3, Court Fees, which was amended on a temporary basis by Supreme Court order dated June 26, 2013, as follows (no changes are being proposed to the temporary rule now in effect):

Rule 3.3. Court fees

(I) Fees

(A) Original Entries:

Civil Writ of Summons or Counterclaim (including set-off, recoupment, cross-claims and third-party claims)	\$ 150.00
Replevin	\$ 150.00
Landlord/Tenant entry	\$ 125.00
Registration of Foreign Judgment	\$ 175.00
Small Claims Entry and Counterclaim, \$5000 or less (including set-off, recoupment, cross-claims and third-party claims)	\$ 80.00
Small Claims Transfer Fee	\$ 145.00
Small Claims Entry and Counterclaim, \$5001 to \$7500 (including set-off, recoupment, cross-claims and third-party claims)	\$ 135.00

(B) General and Miscellaneous

Motion for Periodic Payments	\$ 25.00
Petition to annul criminal record	\$ 125.00
Original writ	\$ 1.00
Writ of Execution	\$ 40.00
Petition for Ex Parte Attachment, or Writ of Trustee Process	\$ 40.00
Reissued Orders of Notice	\$ 25.00
Application to Appear <i>Pro Hac Vice</i>	\$ 250.00

(C) Certificates & Copies

Certificate of Judgment	\$ 10.00
Exemplification of Judgment	\$ 40.00

Certified Copies	\$ 10.00
All copied material (except transcripts)	\$.50/page
Computer Screen Printout	\$.50/page

(II) **Surcharge**

Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in paragraph (I)(A) above, except for the following types of cases which pursuant to RSA 490:26-a, II(b) are exempt from the surcharge:

(A) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.

(B) Domestic violence actions under RSA 173-B.

(C) Small claims actions under RSA 503.

(D) Landlord/tenant actions under RSA 540, RSA 540-A, RSA 540-B, and RSA 540-C.

(E) Stalking actions under RSA 633:3-a.

(III) **Records Research Fees**

(A) Records Research Fees. Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth. A fee of \$20 per name will be assessed per name for up to 5 names. Additional names will be assessed \$5 per name. Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth.

(B) The Clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.

APPENDIX W

Adopt on a permanent basis Circuit Court-Probate Division Rule 169, Fees, which was amended on a temporary basis by Supreme Court order dated June 26, 2013, as follows (no changes are being proposed to the temporary rule now in effect):

Rule 169. FEES.

(I) ENTRY FEES:

- (a) Original Entry of any Equity Action or Counterclaim (including set-off, recoupment, cross-claims and third-party claims) \$ 225.00
- (b) Petition File and Record Authenticated Copy of Will, Foreign Wills; Petition Estate Administration for estates with a gross value greater than \$25,000; Petition Administration of Person Not Heard From; Petition Guardian, Foreign Guardian or Conservator (RSA 464-A) \$ 195.00
- (c) Petition Termination of Parental Rights; Petition Involuntary Admission; Petition Guardian Minor Estate and Person and Estate (RSA 463); Petition Guardian of Incompetent Veteran (RSA 465) \$ 155.00
- (d) Petition Adoption, includes one certificate (no entry fee when accompanied by a Petition for termination); Motion to Reopen (estate administration); Motion to Bring Forward \$ 125.00
- (e) Petition Estate Administration for estates having a gross value of \$25,000 or less; Petition Change of Name (includes one certificate); Petition Guardian Minor Person (RSA 463) \$ 85.00
- (f) Marriage Waiver \$ 75.00
- (g) Motion Prove Will in Common and/or Solemn Form (administration required); Motion to Re-examine Will \$ 155.00
- (h) Petition Appoint Trustee \$ 155.00

- (i) Motion Successor Trustee, Administrator, Executor, or Guardian of Estate and Person and Estate (RSA 463) (RSA 464-A); All Executor/Administrator Accounting for estates with a gross value greater than \$25,000; Trustees Accounting; Guardian/Conservator Accounting; Motion for Summary Administration \$ 85.00
- (j) Petition Change of Venue (includes authenticated copy fee); Motion Successor Guardian of Person (RSA 463) (RSA 464-A); Motion Sue on Bond; Motion Remove Fiduciary; Motion Fiduciary to Settle Account \$ 50.00
- (k) Landlord Tenant Entry pursuant to ancillary jurisdiction under RSA 547:3-*l* \$ 125.00
- (l) Small Claim Entry and Counterclaim, \$5000 or less (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-*l* \$ 80.00
- (m) Small Claim Transfer Fee pursuant to ancillary jurisdiction under RSA 547:3-*l* \$ 145.00
- (n) Civil Writs of Summons and Counterclaims (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-*l* \$ 150.00
- (o) Replevin pursuant to ancillary jurisdiction under RSA 547:3-*l* \$ 150.00
- (p) Small Claim Entry and Counterclaim, \$5001 to \$7500 (including set-off, recoupment, cross-claims and third-party claims) pursuant to ancillary jurisdiction under RSA 547:3-*l* \$ 135.00
- (q) Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in subsections (a), (b), (c), (d), (e), (f), (h), (n), and (o) above.

(II) ENTRY FEES INCLUDE:

Preparation and issuance of Original Orders of Notice, Notice, Copies of Decrees, mailing costs, certificate to discharge surety.

(III) ENTRY FEES DO NOT INCLUDE:

Notice by publication. The Party or the Attorney for the Party from whom the notice is required shall pay this fee. The clerk of each county shall determine the cost of publication. The request may require that payment be made directly to the publisher of the notice.

In-hand service. If service by a law enforcement officer is required, the Party or the Attorney for the Party from whom the notice is required shall pay the cost of service to the appropriate county sheriff's department.

Additional copies. If additional copies of any document, or additional certificates are requested beyond those included in normal processing as indicated above, the Party or the Attorney for the Party requesting the additional copies shall pay the costs in advance as indicated under "Certificates & Copies."

(IV) OTHER:

Defaults (RSA 548:5-a)	\$ 25.00/each occurrence
Citations/show cause (RSA 548:5-a and 550:2)	\$ 50.00/each occurrence
Duplicate Audio	\$ 25.00/each CD or download
Application to Appear <i>Pro Hac Vice</i>	\$ 250.00
Ex Parte Petition for Attachment, Ex Parte Petition for Writ of Trustee Process	\$ 40.00
Motion for Periodic Payments	\$ 25.00
Reissued Orders of Notice	\$ 25.00
Writ of Execution	\$ 40.00

(V) CERTIFICATES & COPIES:

Certificates	\$ 10.00
Certification	\$ 10.00 plus copy fee
Photocopy of Will	\$ 1.00/page
All other copied material	\$.50/page
Original writ (form)	\$ 1.00
Authenticated Copy of Probate	\$ 40.00/each
Certificate of Judgment	\$ 10.00
Exemplification of Judgment	\$ 40.00

"Certificates & Copies" shall apply to individual requests for the above services, requests for additional certificates beyond those provided with the

original entries and requests for additional copies beyond those provided with the original entry fees.

(VI) RECORDS RESEARCH FEES:

Records Research Fees. Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth. A fee of \$20 per name will be assessed for up to 5 names. Additional names will be assessed \$5 per name.

The clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.

APPENDIX X

Adopt on a permanent basis Circuit Court-Family Division Rule 1.3, Fees, which was amended on a temporary basis by Supreme Court order dated June 26, 2013, as follows (no changes are being proposed to the temporary rule now in effect):

1.3 Fees:

A. The appropriate fee must accompany all filings. All fees shall be consolidated into a single payment, when possible.

B. 18.22% of the entry fee paid in each petition and cross-petition in marital cases (\$41.00) shall be deposited into the mediation and arbitration fund to be used to pay for mediation where both parties are indigent.

C. (1) Original Entry of all Marital Matters, Parenting Petitions (including Order of Notice and Guardian ad Litem Fee) and Foreign Decrees \$225.00

(2) Cross Petition in all original entry Marital Matters and Parenting Petitions \$225.00

(3) Petition to Change Court Order in all Marital Matters and Parenting Petitions

(a) With full agreement \$100.00

(b) Without full agreement \$225.00

D. (1) Divorce Certificate (VSR) only \$10.00

(2) Divorce Certificate, Certified Copy of Decree and if applicable, Agreement, QDRO, USO, and other Decree-related documents \$40.00

E. Petition for Ex Parte Attachment; Ex Parte Petition for Writ of Trustee Process \$40.00

F. Reissued Orders of Notice \$25.00

G. Writ of Execution \$40.00

H. Petition for Termination of Parental Rights \$155.00

I. Petition for Guardian Minor Person; Petition Change of Name (includes one certificate)	\$85.00
J. Petition for Adoption, includes one certificate (no entry fee when accompanied by a Petition for termination)	\$125.00
K. Motion for Successor Guardian of Person	\$50.00

L. Surcharges and Additional Fees

(1) Pursuant to RSA 490:26-a, II, the sum of \$25.00 shall be added to each civil filing fee set forth in paragraphs (C)(1), (C)(2), (C)(3), (H), (I), and (J) above, except for the following types of cases which pursuant to RSA 490:26-a, II(b) are exempt from the surcharge:

(a) Actions relating to children under RSA 169-B, RSA 169-C, and RSA 169-D.

(b) Domestic violence actions under RSA 173-B.

(2) On the commencement of any proceeding involving the determination of parental rights and responsibilities for which a fee is required, including petitions and cross-petitions for divorce with minor children, an additional fee of \$2.00 shall be paid by the petitioner or cross-petitioner.

M. OTHER FEES:

(1) Defaults in Minor Guardianship Actions	\$25.00/each occurrence
(2) Citations in Minor Guardianship Actions	\$50.00/each occurrence
(3) Duplicate Audio	\$25.00/each CD or download
(4) Application to Appear <i>Pro Hac Vice</i>	\$250.00

N. CERTIFICATES & COPIES:

(1) Certificates	\$10.00
(2) Certification	\$10.00 plus copy fee
All other copied material	\$.50/page
(3) Certificate of Judgment	\$10.00

(4) Exemplification of Judgment

\$40.00

"Certificates & Copies" shall apply to individual requests for the above services, requests for additional certificates beyond those provided with the original entries and requests for additional copies beyond those provided with the original entry fees.

O. The family division may waive any fee for good cause shown.

P. Records Research Fees:

(1) Record information must be requested in writing and include the individual's full name and, if available, the individual's date of birth. A fee of \$20 per name will be assessed for up to 5 names. Additional names will be assessed \$5 per name.

(2) The Clerk may waive the records research fee when a request for record information is made by a member of the media consistent with the public's right to access court records under the New Hampshire Constitution.

APPENDIX Y

Amend Supreme Court Rule 38, Rule 4.1 as follows (new material is in **[bold and in brackets]**; deleted material is in ~~striketrough~~ format):

Rule 4.1 Political Conduct in General

(A) A judge shall not:

- (1) act as a leader or hold any office in a political organization~~;~~**;**
- (2) make speeches for a political organization or candidate or publicly endorse a candidate for public office;
- (3) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions.

(B) A judge shall resign ~~from~~ **[from]** judicial office upon becoming a candidate either in a party primary or in a general election, except that the judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention or a moderator of any governmental unit, if the judge is otherwise permitted by law to do so.

(C) A judge shall not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

APPENDIX Z

Amend Supreme Court Rule 12-A as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

Rule 12-A. Mediation

(1) Cases pending at the supreme court may be referred to the office of mediation and arbitration for mediation as set forth in this rule. All mediation will be conducted by a retired full-time judge or a retired full-time marital master.

(2) With the exception of cases listed in the following paragraph, cases accepted by the court may be referred to the office of mediation and arbitration for mediation upon the agreement of all parties.

The following cases are not eligible for mediation: criminal cases; domestic violence cases; election cases; guardianship cases; involuntary commitment cases; juvenile cases, including abuse and neglect, CHINS, delinquency, and termination of parental rights cases; cases brought by a prisoner in the custody of a correctional institution; and stalking cases.

(3) When an acceptance order is issued in a case that appears to be eligible for mediation under this rule, the clerk shall provide the moving party with a mediation agreement form. If all parties agree to mediation, the moving party shall submit the completed mediation agreement form to the court within 15 days of the date of the acceptance order, and shall send a copy of the completed form to all parties. In a case in which more than one appeal has been filed, the order shall indicate who will be considered the moving party for the purpose of submitting the mediation agreement form.

(4) Upon receipt of a completed mediation agreement form, an order will be issued by the clerk referring the case to the OMA for mediation.

(5) Any order referring a case to mediation shall impose a fee of ~~\$200.00~~ **[\$225.00]** per party to be paid to the mediation and arbitration fund. This fee will be used to pay mediator compensation, and is not refundable. On its own motion, or upon motion of the parties, the court may order an individual ~~\$200.00~~ **[\$225.00]** fee to apply to multiple plaintiffs or defendants, if under the circumstances of the case, the court determines that the per party fee would cause undue hardship if it were applied to individual parties, or if one fee for multiple parties on the same side is deemed equitable by the court. Parties who are indigent may petition the court for waiver of the ~~\$200.00~~ fee.

(6) Unless the order referring a case for mediation provides otherwise, when a case is referred to mediation, further processing of the case by the court will be suspended for a period of 90 days. If the ADR coordinator or the mediator believes that additional time is needed to complete the mediation, the ADR coordinator or mediator may file a notice with the court of an automatic extension of no more than 30 days. Upon filing of the notice, further processing of the case shall be suspended for the additional time without further order of the court. Extensions of time of more than 30 days may be requested only by motion to the court and are not favored.

(7) After a case has been referred to mediation, the office of mediation and arbitration shall be responsible for selecting a mediator and scheduling a mediation session. The parties shall comply with the rules for appellate mediation. All communications and filings of the parties related to the mediation session shall be sent to the office of mediation and arbitration and shall not be filed with the court, with the exception of filings relating to whether the case should be remanded to the court to resume processing of the case or requesting an extension of time to complete mediation.

(8) If the ADR coordinator determines at any time after a case has been referred that the case should not be mediated, the ADR coordinator shall notify the clerk in writing. Thereafter, an order will be issued indicating that processing of the case will resume in accordance with Supreme Court rules.

(9) Within 15 days after the conclusion of mediation, the mediator shall file a written report with the court of the results of the mediation. The report shall state whether a full or partial settlement was reached and describe the effect of the settlement on the pending case. The report shall not disclose the mediator's assessment of any aspect of the case or confidential matters discussed during the session or sessions.

(10) If the mediator reports that there has not been a full settlement of a case referred for mediation, or upon expiration of the period during which processing of the case was suspended, the court ordinarily will resume processing the case in accordance with Supreme Court rules unless circumstances would make this inappropriate.

(11) Mediation proceedings and information relating to those proceedings shall be confidential. Information submitted or discussed during mediation shall not be disclosed or used in any subsequent proceeding. Statements made and documents prepared by a party, attorney, or other participant in aid of such proceeding shall be privileged and shall not be disclosed to any court or arbitrator or construed for any purpose as an admission against interest. Mediation proceedings under this rule are deemed settlement conferences consistent with the Rules of Evidence. Parties shall not introduce into evidence, in any subsequent proceeding, the fact that there was a mediation or

any other material concerning the conduct of the mediation except as required by the Rules of Professional Conduct or the Mediator Standards of Conduct. Evidence that would otherwise be admissible in another proceeding shall not be rendered inadmissible as a result of its use in mediation.

(12) The ADR coordinator may adopt procedural rules to govern the appellate mediation process.

APPENDIX AA

Amend Supreme Court Rule 36 as follows (new material is in **brackets**; deleted material is in ~~strikethrough~~ format):

Rule 36. Appearances in Courts by Eligible Law Students and Graduates.

(1) Notwithstanding the provisions of any superior court rule concerning persons who are not lawyers, of any superior court rule and district court rule concerning lawyers who are not members of the bar of this State, and of any other such court rules, an eligible law student or law graduate acting under a supervising attorney may appear in any court in this State as herein provided, in behalf of any indigent person, the State of New Hampshire, a State agency, or a State subdivision.

(2) The supervising attorney shall be a member of the bar of this State and, with respect to the law student or graduate's proposed appearances in any court, shall file with the clerk of this court the attorney's written consent to:

(a) supervise the student or graduate;

(b) assume personal professional responsibility for the student's or graduate's work and consider purchasing professional liability insurance coverage to include such law student or graduate;

(c) assist the student or graduate to the extent necessary;

(d) appear with the student or graduate in courts in this State when, in the supervising attorney's judgment, the nature of the case requires the supervising attorney's presence; and

(e) participate with the student or graduate in all settlement or plea negotiations and remain available at all times for consultation with opposing counsel without the participation of the student or graduate.

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 this court in connection with the court's review of a filing under this rule.

The presence of the supervising attorney in the superior court shall be required in all contested civil cases and in all criminal cases, and in district and municipal courts at probable cause hearings. Practicing members in good standing of the bar of another State for at least two years may on application to

this court be exempt from the provisions of this rule relating to appearances in superior court and at probable cause hearings in district and municipal courts, provided that they prepare to take and do take the next bar examination in this State for which they are eligible or, having taken that examination, they are awaiting publication of the results of, or admission to the bar after passing, that examination. The presence of the supervising attorney shall be required in all cases in this court provided, however, that a student or graduate may appear in this court only in cases heard under Rule 12-D and with prior approval of this court.

The attorney shall file his written consent immediately upon his consenting to supervise a law student or graduate. Following such initial written consent, in every instance in which an attorney consents to continue his supervision of the law students and graduates under this rule, the attorney shall annually refile his 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 supervision of any such student or graduate.

(3) In order to be eligible to appear:

(a) the student shall

(1) be enrolled full-time in a law school approved by the American Bar Association. The student shall be deemed to continue to meet this requirement as long as, following graduation, he or she is preparing to take and does take the next State bar examination of the State of his or her choice for which he or she is eligible or, having taken that examination, the student is awaiting publication of the results of, or admission to the bar after passing, that examination;

(2) have completed legal studies amounting to at least four semesters, or the equivalent, or have completed two semesters and be enrolled in a law school clinical course with a classroom component geared to training the students for the work, and be of good moral character and fitness;

(3) be certified, by either the dean or a faculty member of his or her law school designated by the dean, as qualified to provide the legal representation permitted by this rule. This certification may be withdrawn by the dean or designated faculty member by mailing a notice of withdrawal to the clerk of this court at any time without notice or hearing and without any showing of cause. The loss of certification by action of this court shall not be considered a reflection on the character or ability of the student. The dean or a faculty member designated by the dean may recertify such a student for appearances under this rule;

(b) the law graduate shall:

(1) have graduated from a law school approved by the American Bar Association and be of good moral character and fitness. The graduate shall be deemed to continue to meet this requirement as long as he or she is preparing to take and does take the next bar examination in this State for which he or she is eligible or, having taken that examination, he or she is awaiting publication of the results of, or admission to the bar after passing, that examination.

(c) the law student or law graduate shall:

(1) neither ask for nor receive any compensation or remuneration of any kind for his or her services from the party on whose behalf he or she renders services, but this shall not prevent an attorney, an approved legal aid society, federally funded legal services program, law school, public defender program, the State, a State agency, or a subdivision of the State, from paying compensation to the eligible law student or graduate nor shall it prevent any agency from making proper charges for its services;

(2) certify in writing that he or she is familiar, and will comply, with the Rules of Professional Conduct approved by this court;

(3) certify in writing that he or she is familiar with the rules of this court and of other courts in this State, and any other rules relevant to the cases in which he or she is appearing and that he or she will agree to be bound by the Rules of Professional Conduct, and by the Guidelines for the Utilization by Lawyers of the Services of Legal Assistants Under the New Hampshire Rules of Professional Conduct not inconsistent with this rule;

(4) certify in writing that he or she acknowledges that his or her appearance under this rule may be suspended for cause on order of any justice of any court of this State, subject to reinstatement shown to the supreme court;

(5) file a sworn affidavit certifying that except as otherwise stated he or she has not ever been a party to any criminal proceedings.

(4) **[A law student or graduate seeking to appear pursuant to this rule shall complete the Form Designating Compliance with Student/Graduate Practice Rule, approved by the court.]** Upon filing **[this form]** with the clerk of this court ~~the written consents, certifications and character affidavits required by this rule,~~ an eligible law student or graduate supervised in accordance with this rule may appear before any court as herein provided with respect to any case for which the student or graduate has met the requirements of this rule; provided that the requirements of this rule shall not

be deemed to have been met by any person who has been a party to any criminal proceeding until the court shall have notified such person in writing that he or she has met the requirements of the rule.

(5) ~~Forms to be completed:~~

~~(a) FORM FOR DESIGNATING COMPLIANCE WITH
STUDENT/GRADUATE PRACTICE RULE~~

(Name of Student or Graduate)	(Name of Supervising Attorney)
Address & Phone of Above:	Address & Phone of Above:

_____	_____
_____	_____
_____	_____

~~Name of Law School Student is Attending: _____~~

~~Number of Semesters Student has Completed: _____~~

~~Name of Graduate's Law School: _____
— (Attach copy of certificate of graduation)~~

~~Admitted to Bar of _____ on _____
— (Attach copy of certificate of admission)~~

~~(b) CONSENT TO BE COMPLETED BY THE LAW STUDENT'S OR LAW
GRADUATE'S SUPERVISING ATTORNEY:~~

~~I shall carefully supervise all of this student's or graduate's work. I shall accompany the student or graduate at court appearances, as required by Rule 36 and otherwise when reasonably necessary; sign all documents prepared by the student or graduate; assume personal responsibility for the student's or graduate's work, and compliance with the rules of court, the Rules of Professional Conduct, and the Guidelines for Utilization by Lawyers of the Services of Nonlawyer Assistants not inconsistent with Rule 36; participate in settlement or plea negotiations and be available for consultation, as required by subsection 2(e) of Rule 36; and be prepared to supplement, if necessary, any statements made by the student or graduate to the court or to opposing counsel. In order to permit the court to review this Rule 36 filing, I hereby~~

~~waive my right to the confidentiality of any proceedings before the Professional Conduct Committee and agree that information concerning them may be disclosed to the court for that limited purpose.~~

(Date) _____ (Signature of Attorney)

~~(c) CERTIFICATE TO BE COMPLETED BY LAW
STUDENT/GRADUATE:~~

~~I certify that I have completed at least four semesters of, or have graduated from, law school; that I am familiar and will comply with the Rules of Professional Conduct and the Guidelines for Utilization by Lawyers of the Services of Nonlawyer Assistants as adopted in this State and approved by this court, the rules of this court and other courts in this State, and any other rules relevant to the case in which I am appearing; and that I am receiving no compensation from the party on whose behalf I am rendering services.~~

(Date) _____ (Signature of Student or Graduate)

~~(d) AFFIDAVIT TO BE COMPLETED BY LAW STUDENT/ GRADUATE:~~

~~I certify that I have not, except as stated below and except for proceedings (if any) in which a record of conviction and sentence has been annulled by statute, ever been a party to any criminal proceedings which in New Hampshire would be classified as violations, misdemeanors, or felonies.~~

<u>Date</u>	<u>Court Name and Location</u>	<u>Nature of Proceeding</u>	<u>Disposition</u>
-------------	------------------------------------	---------------------------------	--------------------

(Date) _____ (Signature of Student or Graduate)

On this _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, to me personally known (or satisfactorily proven) to be the person whose name is affixed to this affidavit, and made oath that the statements therein contained are true to the best of his or her knowledge and belief.

~~—(e) CERTIFICATE TO BE COMPLETED BY THE DEAN OR A DESIGNATED FACULTY MEMBER OF THE LAW SCHOOL ATTENDED BY THE STUDENT:~~

~~[State any exceptions]~~

(Date) _____ (Position of Above)

~~(6)~~ **[(5)]** The clerk of the supreme court shall maintain a record of the name of each law student and law graduate and the name of the law student's and law graduate's supervising attorney who comply with the provisions of this rule.

~~(7)~~ **[(6)]** This rule shall not apply to any person who has taken and failed to pass the New Hampshire bar examination or the latest bar examination in any other state.

APPENDIX BB

Amend Probate Division Rule 169(IV), as follows (new material is in **[bold and in brackets]**; deleted material is in ~~strikethrough~~ format):

(IV) OTHER:

Defaults (RSA 548:5-a [545:26-a])	\$ 25.00/each occurrence
Citations/show cause (RSA 548:5-a [545:26-a] and 550:2)	\$ 50.00/each occurrence
Duplicate Audio	\$ 25.00/each CD or download
Application to Appear <i>Pro Hac Vice</i>	\$ 250.00
Ex Parte Petition for Attachment, Ex Parte	
Petition for Writ of Trustee Process	\$ 40.00
Motion for Periodic Payments	\$ 25.00
Reissued Orders of Notice	\$ 25.00
Writ of Execution	\$ 40.00

APPENDIX CC

Delete the Comment to Supreme Court Rule 42 as follows (deletions are in strikethrough):

Comment

~~The provisions of this amended rule shall apply to all applications and motions for admission to the bar filed or pending on or after September 1, 2012.~~