NEW HAMPSHIRE SUPREME COURT
ADVISORY COMMITTEE ON RULES

Minutes of Public Hearing and Meeting of December 13, 2013

Supreme Court Courtroom
Frank Rowe Kenison Supreme Court Building
One Charles Doe Drive
Concord, NH 03301

The meeting was called to order at 12:38 pm by Justice Robert J. Lynn, Committee Chair. The following Committee members were present: Karen Anderson, William F. J. Ardinger, Esq., Hon. Paul S. Berch, Robert L. Chase, Hon. N. William Delker, Ralph D. Gault, Jeanne P. Herrick, Esq., Martin P. Honigberg, Esq., Patrick W. Ryan, Esq., Raymond W. Taylor, Esq, and Hon. Robert J. Lynn.

Also present were Secretary to the Committee, Carolyn Koegler, Esq., and Christine Damon and Claire MacKinaw, staff.

1. Public Hearing

The Committee received comments from the public on the following matters, as set forth in the November 5, 2013 public hearing notice.

a. 2011-021. Superior Court PAD Rules

Justice Lynn explained that the Court had adopted a temporary amendment to expand the PAD rules statewide, effective March 1, 2013. Shortly thereafter, by order dated May 22, 2013, the Supreme Court adopted the new Superior Court Rules Applicable in Civil Actions, effective October 1, 2013. Because the temporary PAD rules were integrated into the new Superior Court Rules Applicable in Civil Actions, the Advisory Committee on Rules has invited comment on the PAD rules, as they appear within the new rules.

No comments were received regarding this proposal.

b. 2012-004. IOLTA

Justice Lynn explained that the proposal to amend Supreme Court Rules 50 and 50-A would make title companies owned or operated by attorneys subject to the requirement of the rules.

Attorney Doug Hill spoke in support of the proposal. He noted that the public hearing notice stated inaccurately that the proposed amendments would

make title companies subject to the rules because the Court does not have authority over title companies. The rules would apply to attorneys who work for or own title companies. The amendments would make services performed by lawyers subject to the rules.

Attorney Hill noted that Clerk Fox had submitted a comment about the proposal, suggesting that the proposal to amend Supreme Court Rule 50-A should be amended to frame the language in (B) as a positive statement, e.g., that "the attorney is an owner or employee of an entity that collects, holds and disburses closing funds . . . and that all client and third party funds are held in full compliance with the requirements of Rule 50." He stated that he and attorneys Middleton and Cooper agree that this change is appropriate, and that subsection (B) should be rephrased as Clerk Fox suggests.

Judge Lynn inquired whether, if an out-of-state title company which maintains a trust account in another state has an office in New Hampshire and an attorney employee who has no ownership interest in the company does the closing work, is the lawyer handling the closing work subject to IOLTA. Attorney Hill responded that if the attorney is handling the money, then that attorney would still be subject to IOLTA in New Hampshire. He noted that it is an easier issue if the lawyer owns the title company, but that the rule would be no less applicable where the lawyer is an employee of the title company.

Attorney Ardinger inquired whether there is any regulatory treatment of title companies in New Hampshire. Attorney Hill stated that there has been a great deal of discussion about this issue but that there is no special regulation of title companies in New Hampshire. Attorney Ardinger expressed some concern about what the legislature's reaction to the proposed rule amendment would be and whether the legislature might find the amendment to be in conflict with the judicial branch and court's regulation of lawyers. The issue of when someone is practicing law and when he or she is not is not always clear. He also noted that the economy today is very different from when In Re Unnamed Attorney was decided, and inquired whether the rule takes into account all possible fact patterns.

Attorney Hill noted that the committee recommending the amendment had considered this issue. He cannot guarantee that the committee considered all possible complications, but noted that the regulated activity is very well defined - handling the money, drawing up legal documents, etc.

In response to an inquiry from a Committee member about any potential legislative activity related to this issue, Representative Berch noted that the House of Representatives periodically delves into the issue of non-lawyers acting as lawyers, but is not sure whether this impacts IOLTA or not. Attorney Hill stated that the group was careful to avoid delving into the question of how this might impact discussions about whether people might be engaged in the

unauthorized practice of law. His group recognized that how this might impact that discussion was not the group's task.

Attorney Rob Howard spoke in support of the proposed amendment, stating that the amendment would protect clients. He also noted that he is not concerned that this amendment would cause him to lose business.

Carolyn Koegler distributed a comment on the proposal from attorney Leo Graciano expressing reservations about the proposal. There was some discussion about the comment.

Carol Brooks, a retired real estate agent also spoke in support of the amendment. Jennifer Parent noted that the Bar Foundation supports the rule change. It was noted that the Committee had received a September 13, 2013 letter from the Attorney Discipline Office on the proposed amendment.

c. 2013-008. Withdrawal of Court-Appointed Counsel in Criminal and Juvenile Matters

Justice Lynn explained that this proposal would amend court rules to permit notification of withdrawal in certain circumstances rather than a request to withdraw requiring court approval. The amendments 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.

No comments were received regarding this proposal.

d. 2013-009. Filing Motions Under Seal.

Justice Lynn explained that this proposal would amend trial court rules to address how a party may request that the court seal a case record or portion of a case record.

No comments were received regarding this proposal.

e. 2013-011. Continuity of Counsel in Circuit and Superior Court.

Justice Lynn explained that this proposal would amend rules regarding the appointment of counsel in Superior Court to provide that once an appointment has been made in Circuit Court, that appointment should continue throughout any appeal to the Superior Court.

No comments were received regarding this proposal.

f. 2013-015. Withdrawal of Court – Appointed Counsel in Abuse and Neglect cases

Justice Lynn explained that this proposal would amend Circuit Court Family Division Rule 3.11 to provide that the appearance of court-appointed counsel in abuse and neglect cases is deemed withdrawn thirty (30) days after the dispositional hearing, unless the court otherwise orders representation to continue and states the specific duration and purpose of the continued representation.

Judge Kelly was present at the hearing and spoke in support of this proposal. He stated that the proposal would bring these cases in line with criminal cases and that the proposal was prompted by: (1) a desire, from a case management perspective, to set out clearly the perameters of representation; and (2) to address a fiscal concern about the over-reimbursement of attorneys at the expense of the state.

g. 2013-016. Calculation of Mileage Reimbursement and Fee Caps for Attorneys or Guardians Ad Litem.

Justice Lynn explained that this proposal would amend Supreme Court Rules 47, 48 and 48-A to 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.

Attorney Keating spoke in support of the proposal. He explained that the proposal would allow an attorney to earn up to the fee cap and then receive reimbursement for mileage. He stated that this is the practice of the Supreme Court in Appeals, and that the amendment would result in an additional cost of between $5,000 and $10,000.

h. 2013-017. Reimbursement of Attorneys for Work in Child Protection Matters.

Justice Lynn explained that this proposal would amend Supreme Court Rule 48 to permit payment of attorneys who work on behalf of parents in child protection matters for attending periodic review hearings held in the normal course of a case in the Family Division.

No comments were received regarding this proposal.

i. 2013-018. Fees

Justice Lynn explained that this proposal would adopt on a permanent

basis temporary amendments to court rules increasing the fees charged in the New Hampshire Supreme Court and in the New Hampshire trial courts. The increased fees are intended to provide additional funds to the judicial branch information technology fund for the maintenance of the technology related to the New Hampshire e-Court project.

No comments were received regarding this proposal.

2. Discussion and Vote on Public Hearing Items

a. 2011-021. PAD Rules.

There was some discussion about whether it was necessary for the Committee to vote to recommend that the PAD rules be adopted on a permanent basis. It was noted that the Court had integrated the PAD Rules into the new Superior Court Civil Rules and had not indicated that the PAD rules would be adopted on a temporary basis. Therefore, the Committee concluded that no action on this item was required.

b. 2012-004. IOLTA.

Following some discussion, upon motion made by Justice Lynn and seconded by Representative Berch, the Committee voted to recommend that the Supreme Court adopt the proposed amendments to Supreme Court Rules 50 and 50-A, with the change recommended by Clerk Fox.

Attorney Ardinger noted that this is a significant change in the industry, and that the Committee might receive some complaints about this. Attorney Jack Crisp noted that the legislature has not moved forward on this issue and there is therefore nothing in place right now. Therefore, it is appropriate for the judiciary to act. Justice Lynn noted that this is the right thing to do, and Judge Delker stated that lawyers working for title companies should be treated as all lawyers are.

c. 2013-008. Withdrawal of Court-Appointed Counsel in Criminal and Juvenile Matters.

Judge Delker noted that he has some concerns about the proposal relating to the circumstances under which automatic withdrawal would be permitted. For example, would automatic withdraw be permitted on the eve of trial? In the run of the mill cases, in which a conflict check reveals a clear conflict under the Rules of Professional Conduct, there will not be a problem, but he is concerned about the unintended consequence of this proposed amendment. He inquired whether a judge should have the authority to hold a hearing in cases in which, for example, there is reason to believe that a conflict may have been manufactured.

One Committee member stated that Judge Delker has a point. For example, often on the eve of trial there is a conflict between the lawyer and the client because the client wanted to do something unethical or crazy. In those cases, it would make sense to have a hearing to determine what the defendant says about the lawyer. If it is clear that the lawyer did nothing wrong, it would make sense to say to the client that the client does not have a right to any lawyer s/he wants. Rather, the client can either chose the lawyer who did nothing wrong or to represent himself of herself. The concern is that not all lawyers will persist in representation under these circumstances, so it makes sense to have a hearing so that the judge can determine whether withdrawal should be permitted.

Attorney Pat Ryan noted that he had assisted in drafting the proposed amendments, and that he had tried to avoid this problem by citing to particular conflict of interest rules which would allow for automatic withdrawal. In response to this, Judge Lynn noted that the language in Rule of Professional Conduct 1.7(a)(2) states that a lawyer has a concurrent conflict of interest if there is a significant risk that the representation of one or more clients will be "materially limited by" among other things, "a personal interest of the lawyer." The "personal interest" language seems broad enough to encompass a situation in which there is a conflict between the lawyer and the client in the circumstances noted. Another Committee member stated that when there is a conflict between the lawyer and the client and the client threatens to file a complaint, it is very hard to keep the lawyer in the case. Under these circumstances, it would make sense for the judge to require a hearing. Representative Berch noted that sometimes when a defendant hears from a judge that the lawyer has 20-plus years of experience and is a good lawyer, this is enough to resolve the conflict between the client and the lawyer.

Justice Lynn inquired whether it would be possible to change the language of the proposal a bit, perhaps to state that when the conflict arises close to trial, for example within two weeks or thirty days of trial, then the withdrawal would have to be approved. Judge Delker agreed that a change like this to the proposal would be a good compromise.

Pat Ryan agreed to take the proposal, amend the language, and submit the amended proposal for consideration by the Committee at the March meeting.

d. 2013-009. Filing Motions Under Seal.

There was some discussion about this proposal. The Committee agreed that the criminal rules should also be amended to include the language regarding the procedure for filing motions to seal. The Committee also agreed that there should be a provision setting out the procedure to allow a party to

withdraw the motion to seal, and that this change should also be made to the Supreme Court Rule 12(2)(b).

Upon motion made by Justice Lynn and seconded by Attorney Taylor, the Committee voted to recommend the proposal to the Supreme Court, as amended. Carolyn Koegler was instructed to draft the amendment to the proposal.

e. 2013-011. Continuity of Counsel in Circuit and Superior Court

Justice Lynn noted that this proposed amendment to Rule 14 of the Rules of the Superior Court of the State of New Hampshire Applicable in Criminal Cases filed in Superior Court to provide that once an appointment of counsel is made in Circuit Court, the appointment should continue throughout any appeal to the Superior Court is really a housekeeping measure.

Committee members agreed that this is a good rule amendment, but there was some discussion about how the fee cap would operate in these circumstances. Justice Lynn inquired whether representation in the appeal would be subject to a separate fee cap. Committee members generally agreed that an appeal to the Superior Court would trigger a new fee. In other words, this new subsection is not intended to alter the practice by which attorneys for indigent defendants are compensated.

Upon motion made and seconded the Committee voted to recommend that the Supreme Court adopt the proposed amendment.

f. 2013-015. Withdrawal of Court-Appointed Counsel in Abuse and Neglect Cases

Committee members generally agreed that the proposed amendment to Rule 3.11 of the Rules of the Circuit Court of the State of New Hampshire – Family Division to state that appointment of counsel in abuse and neglect cases automatically terminates after the dispositional hearing unless a motion is filed makes sense.

Upon motion made by Attorney Honigberg and seconded by Representative Berch, the Committee voted to recommend that the Supreme Court adopt the proposed amendment.

g. 2013-016. Calculation of Mileage Reimbursement and Fee Caps for Attorneys or Guardians Ad Litem

Following some discussion, upon motion made and seconded the Committee voted to recommend that the Supreme Court adopt the proposed amendments to Supreme Court Rules 47, 48 and 48-A.

h. 2013-017. Reimbursement of Attorneys for Work in Child Protection Matters

It was noted that this issue relates to item 2013-015. Upon motion made and seconded, Committee members voted to recommend that the Supreme Court adopt the proposed amendment to Supreme Court Rule 48.

i. 2013-018. Fees

Upon motion made by Justice Lynn and seconded by Ms. Anderson, the Committee voted to recommend that the Supreme Court adopt on a permanent basis the fee increases that were adopted on a temporary basis.

3. APPROVAL OF MINUTES OF SEPTEMER 20, 2013 MEETING

Upon motion made and seconded, the Committee voted to approve the September 20, 2013 minutes. Attorneys Ryan and Berch abstained from voting because they were not present at the September 20 meeting.

4. Status of Pending Items

a. District Court Rules of Civil Procedure and Probate Court Rules of Civil Procedure and Probate Administration

Judge Cullen noted that this project is currently on hold due to the the e-court project.

b. 2012-010(1) and (2). District Court Rules. Need for procedure to insure that counsel is available for indigent defendants at arraignments in the district court.

(1) 2012-010(1). District Division Criminal Rules 2.20-2.23.

Justice Lynn explained that the Supreme Court had reviewed and approved the rules, but that the Court is not yet ready to implement them because Judge Kelly is trying them out in a few places, and is not yet ready to ask the Court to implement them. The rules seem to be working.

Representative Berch noted that he has some concerns about the way the counsel at arraignment rules are drafted. In particular, he is concerned that the rules as currently drafted allow a judge to set bail after formal charges have been brought against a criminal defendant without the defendant having been provided counsel. He noted that the United States Supreme Court had addressed a similar issue in 2008. In an opinion authored by Justice Souter, the Supreme Court held that a criminal defendant's initial appearance before a

judge, where he learns the charge against him and his liberty is subject to restriction, marks the initiation of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel.

Judge Delker stated that it happens with some frequency that decisions are made about bail and defendants are held for days without having been arraigned. Justice Lynn noted that the subcommittee that worked on the draft District Division Criminal Rules 2.20-2.23 had attempted to address this issue. The challenge is that it is difficult to ensure that counsel be made available immediately because of the rules of professional conduct, and the New Hampshire Supreme Court's holding in State v. Veale that the public defender's office is a unified system.

Representative Berch noted that Vermont has had to address the same issue that these rules are attempting to address – that is, the problem presented by the fact that the public defender's office is considered a unified system, so the conflict of interest rules make it difficult to ensure that criminal defendants have counsel at arraignment. In Vermont, a system has been set up to address this situation. Arraignments are held at 1pm. If it is found that the public defender's office has a conflict, phone calls are made to local attorneys by the clerk's office, until an attorney is found to represent the defendant at arraignment.

Judge Delker noted that states are "all over the map" on the public defender issues, and that it might make sense to ask a law student to do a survey on this.

(2) 2012-010(2). Rule of Professional Conduct 1.7 (Conflict of Interest)

Representative Berch stated that he also has some concerns about the recent amendment to Rule of Professional Conduct 1.7 which was made to address a difficulty that arose in connection with the anticipated implementation of Circuit Court – District Division Rules 2.20-2.23, which are designed to insure, to the maximum extent possible, that an attorney will actually be present to represent a defendant at arraignment.

Judge Delker stated that the Committee should study the issues related to Circuit Court – District Division Rules 2.20-2.23 and Rule of Professional Conduct 1.7 more. He agreed to chair a subcommittee to consider whether the conflict of rules, as applied to the public defender's office, should be revised.

c. 2012-021. Superior Court Administrative Rules. "Rules Clean-up."

Attorney Taylor reported that he would present a written proposal on this

for the Committee's consideration at the March meeting.

d. 2013-003. Interlocutory Appeals.

The Committee was reminded that the Court has asked the Committee to consider whether a rule amendment should be adopted that provides a mechanism for the trial court to certify (either on its own, or on motion, or both) that an order that would otherwise be interlocutory is final and immediately appealable. According to the January 8, 2013 memorandum from David Peck to Carolyn Koegler, the Court's request was prompted by a recent appeal.

Attorney Ardinger reported that his subcommittee has begun to research this issue, and that states are "all over the map" on this issue. He anticipates that the subcommittee will present a report at the meeting in March.

e. 2013-003. Supreme court Rules 37 and 37-A. Attorney Discipline.

The Committee was reminded that Attorney Herrick had agreed in March to chair a subcommittee to address the issues raised in the February 4, 2013 letter and enclosure from Judge Conboy to Justice Lynn regarding the recommendations made by the American Bar Association's Standing Committee on Professional Discipline.

Attorney Herrick reported that the subcommittee report had been drafted and circulated, and that members had made a number of suggested changes. She stated that she would submit the report for the Committee's consideration well in advance of the March meeting, so that the Committee would be able to act on the report at the meeting in March.

f. 2013-007. New Superior Court Civil Rules

The Committee was reminded that it had considered at the June meeting a May 28 memorandum in which the Court had asked the Committee to consider a number of issues related to the new Superior Court Civil Rules (effective October 1, 2013). The Committee agreed to refer the memorandum to the subcommittee that worked on the new Superior Court Civil rules. Because Attorney Kirkland was not available to work on the project over the summer, the subcommittee consisting of Attorneys Honigberg and Slawsky worked with Carolyn Koegler to address the issues presented in the May 28 memorandum. The subcommittee's recommendations are set forth in an August 15 memorandum which was addressed to both the Court and the Committee. It was the subcommittee's recommendation that certain non-substantive changes be made to the rules prior to the effective date of the rules. However, because the Court chose to adopt only two of the recommendations, many of the recommendations were still pending before the Committee.

Following some brief discussion, Attorney Honigberg and Carolyn Koegler agreed to work together to consider the outstanding issues set forth in the August 15 memorandum and make a recommendation to the Committee in March. Any recommendations will also take into consideration the issues raised in an August 27, 2013 memorandum from Pat Lenz to Carolyn Koegler.

g. 2013-010. ABA Commission on Ethics

The Committee was reminded that at its direction in June, Carolyn Koegler had forwarded a March 1, 2013 letter from the ABA Center on Professional Responsibility "encourag[ing] Supreme Court and State Bar associations to review their rules of professional conduct, regulation and admission to the bar as a result of the recent revision to the ABA Model Rules" to the Ethics Committee of the New Hampshire Bar Association, requesting the Ethics Committee's recommendation.

In a letter dated October 23, 2013, Attorney Goodwin responded to the request on behalf of the Ethics Committee. He reported that the Ethics Committee had completed its review of the revisions to the model Rules of Professional Conduct and ABA Comments approved by the American Bar Association through February 11, 2013, and set forth the Ethics Committee's recommendation with respect to each revision made to the ABA Model Rules.

Following brief discussion, the Committee directed Carolyn Koegler to forward Attorney Goodwin's letter to the Professional Conduct Committee to request the Professional Conduct Committee's comment on the Ethics Committee proposal.

h. 2013-012. Protocol for In-Camera Review in Criminal Cases

The Committee was reminded that this issue was raised when Item # 2012-008, relating to a proposed superior court protocol for in-camera review, forms related to the protocol and a proposed amendment to Supreme Court Rule 57-A, was put out for public hearing in June 2013. One of the comments the Committee received in June regarding the protocol was submitted by Attorney Jeffrey Kaye, who was concerned about the protocol as applied in criminal cases. He argued that defense counsel in criminal cases should be permitted to review the in-camera documents with the Court and the prosecution present, to determine whether the documents might be considered exculpatory. Representative Berch agreed to research the issue of how other jurisdictions have addressed the argument that counsel for a criminal defendant should be permitted to review, with the court, documents submitted for in-camera review.

Representative Berch stated that he had spoken with Attorney Kaye and that he had done some research on the issue. He stated that he would like to see the court have some discretion to allow defense counsel to review the records under the appropriate circumstances. For example, if the prosecution has evidence of the complainant having mental health issues, this might be a case in which it would be useful for the court to have some input from defense counsel. He noted that the Massachusetts case Commwealth v. Dwyer, 448 Mass. 122 (2006), may be of some relevance.

Justice Lynn agreed that giving the court discretion in these circumstances does make some sense. He explained that in New Hampshire, the state or defense counsel may learn that a child victim, for example, has had counseling. Defense counsel might ask for those records to be produced for in-camera review to determine whether any of the records contain exculpatory evidence which is relevant and material to the issue of the defendant's guilt. Typically, the judge alone will look at the records to make this determination. In some circumstances, defense counsel and the prosecution might be permitted to look at the records. When this happens, counsel are instructed to keep the records produced confidential.

Judge Delker noted that the New Hampshire Supreme Court wrestled with this issue in State v. Richard MacDonald, 162 N.H. 64 (2011). He noted that it might be inappropriate, in light of MacDonald, for the Committee to consider recommending a rule which would permit defense counsel in every case to review in-camera documents with the Court and the prosecution present, to determine whether the documents might be considered exculpatory. He also stated that he believes that this is a legislative issue. Certain records are made confidential by statute, and exceptions are carved out by constitutional necessity. In light of this, this issue is probably best addressed through litigation.

Representative Berch acknowledged that this may be true, but noted that Attorney Kaye's point that despite their best intentions, judges might not be able to recognize, as defense counsel would, the significance or insignificance of a particular document to the defense.

Attorney Herrick stated that she agrees with Judge Delker that, in the absence of constitutional law requiring the piercing of a privilege, this issue is best addressed through litigation or legislation, and is not appropriate for rulemaking.

Following some further discussion of the issue, upon motion made and seconded, the Committee voted to decline to take action on the proposal by Attorney Kaye that a rule be adopted to permit defense counsel in criminal cases to review the in-camera documents with the Court and the prosecution present, to determine whether the documents might be considered exculpatory.

i. 2013-013. Deadlines for Filing Motions to Suppress

Justice Lynn reminded the Committee that the Court had asked the Committee to consider whether the Court should adopt a rule creating a deadline for motions to suppress in delinquency cases, and that he had agreed at the September meeting to draft a proposed rule. He reported that he anticipated he would have a draft rule for the Committee to consider at the March meeting.

5. New Submissions

a. 2013-019. Proposed Court Rule on Depositions re Notice or Subpoena Directed to an Organization

The Committee considered next a proposal to adopt a rule or rules to allow depositions similar to those permitted by Federal Rules of Civil Procedure 30(b)(6), which provides:

> Notice or Subpoena Directed to an Organization. In its notice or subpoena, a party may name as the deponent a public or private corporation, a partnership, an association, a governmental agency, or other entity and must describe with reasonable particularity the matters for examination. The named organization must then designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf; and it may set out the matters on which each person designated will testify. A subpoena must advise a nonparty organization of its duty to make this designation. The persons designated must testify about information known or reasonably available to the organization. This paragraph (6) does not preclude a deposition by any other procedure allowed by these rules.

Following some discussion of the issue and upon motion made and seconded, the Committee voted to put the proposal out for public hearing in June.

b. 2013-020. Electronic Filing Rules

Justice Lynn next explained that a group of court administrators has been working on drafting electronic filing rules that will be adopted by the Court on a temporary basis and will apply to small claims cases filed in the district division of the circuit court in Concord and Plymouth. The group had inquired whether the Advisory Committee on Rules would be willing to put the

rules out for public hearing attendant to the Committee's regular March meeting.

One Committee member noted that the Committee does not ordinarily hold public hearings in March, and that he was concerned that the Committee was being asked to put an item out for public hearing that it had not yet been asked to consider. He inquired who was involved in the drafting process and whether that group could hold its own public hearing. Carolyn Koegler explained that the group felt that it was important to include the Committee in this process and that the simplest way to do so would be to hold the public hearing attendant to the meeting in March. Pat Ryan also noted that the draft electronic filing pilot rules had prompted the need for changes to be made to the small claims rules. These proposed changes would also be put out for public hearing along with the e-filing rules.

Following some discussion, it was agreed that the Advisory Committee on Rules would post a Notice of Public Information Session to advise members of the public, the bench and the bar of the proposed electronic filing pilot rules. Members of the Committee felt that it would be important to make it clear that members of the group that drafted the rules would be present at the public information session, and that the Advisory Committee on Rules would be seeing the draft rules for the first time.

6. Meeting Dates

   June 20, 2014
   September 19, 2014
   December 12, 2014