CHAPTER 60
HB 1104-FN - FINAL VERSION

7Mar2024... 0707h

2024 SESSION

24-2055
09/05

HOUSE BILL *1104-FN*

AN ACT relative to the review of decisions in cases involving judicial misconduct.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Kuttab, Rock. 17; Rep. M. Smith, Straf. 10; Rep. M. Pearson, Rock. 34

COMMITTEE: Judiciary

ANALYSIS

This bill establishes procedures and standards for the review of decisions made by judges found to have committed judicial misconduct by the judicial conduct committee.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the review of decisions in cases involving judicial misconduct.

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

60:1 New Section; Review of Decisions in Cases Involving Judicial Misconduct. Amend RSA 490 by inserting after section 490:30-a the following new section:

490:30-b Review of Decisions in Cases Involving Judicial Misconduct.

I. Whenever a final decision has been rendered by the judicial conduct committee finding that a judicial officer of the supreme, superior, or circuit court has committed judicial misconduct and imposing formal discipline, a litigant alleging that there are reasonable grounds to believe the misconduct in question caused the judicial officer to enter a ruling, decision, or judgment by which the litigant is aggrieved may seek relief pursuant to paragraph II if all of the following conditions are met:

(a) The request for relief is filed no more than 3 years after the date the ruling, decision, or judgment was entered in the court docket;

(b) The request is filed no more than 180 days after the final decision of the judicial conduct committee is made public; and

(c) The claimed causal connection between the misconduct and the judicial officer's ruling, decision, or judgment has not previously been heard and decided adversely to the litigant by a state or federal court in a proceeding to which the litigant was a party.

II. A litigant who qualifies to seek relief pursuant to paragraph I may file a petition for such relief with the chief justice or administrative judge of the court of which the judicial officer found to have committed misconduct was a member at the time the ruling, decision, or judgment was entered. If the judicial officer found to have committed misconduct is the chief justice of the supreme court, the chief justice of the superior court, or the administrative judge of the circuit court, the petition shall be filed with the most senior associate justice of the court in question. The petition shall be served upon all other parties to the litigation, who shall be given reasonable time to file an answer to the petition. After considering the submissions of all interested parties, the chief justice, administrative judge, senior associate justice, or their replacement, as provided herein, shall determine, with or without hearing, whether there is a reasonable likelihood that the misconduct of the judicial officer had a causal bearing on the challenged ruling, decision, or judgment. If there is a determination of no reasonable likelihood that the misconduct had a causal bearing on the ruling, decision, or judgment, the petition shall be dismissed. Such ruling shall be considered final and may be appealed immediately pursuant to law and judicial rules. If there is a determination of a reasonable likelihood that the misconduct did have a causal bearing on the ruling, decision, or judgment, the chief justice, administrative judge, or senior associate justice shall vacate the ruling, decision, or judgment and remand the matter for rehearing before a judicial officer other than the one found to have committed misconduct. Such ruling shall be considered interlocutory and may

not be immediately appealed. However, in any appeal of the final ruling by the newly assigned judicial officer, the aggrieved party may raise as an issue a claim of error in the decision to vacate the original ruling, decision, or judgment.

III. Nothing in this section shall affect the rights of aggrieved parties or litigants to pursue any other remedies available by law.

60:2 Effective Date. This act shall take effect January 1, 2025.

Approved: June 14, 2024
Effective Date: January 01, 2025