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February 4, 2026

Chairman Bob Lynn

State House-House Member Mail

107 North Main Street

Concord, NH 03301

Dear Chairman Lynn,

I am writing to you as President of the New Hampshire Bar Association (NHBA) and as a lawyer admitted to practice in New Hampshire for more than twenty-five years. The NHBA is New Hampshire's unified, mandatory bar association, established by and operating under the authority of the New Hampshire Supreme Court. The NHBA's stated purpose includes supporting and improving the administration of justice, fostering and maintaining high standards of attorney conduct, integrity, and competence, and administering continuing legal research and education programs.ⁱ

On behalf of the NHBA, I respectfully submit this letter in opposition to House Bill 1825 (HB 1825) as written. For multiple reasons, including those outlined below, we believe HB 1825 would run afoul of the New Hampshire Constitution, create a duplicative and impractical regulatory process, and impose significant new fiscal obligations on the State.

This bill conflicts with the New Hampshire Supreme Court's inherent constitutional authority. Part II, Article 73-a of the New Hampshire Constitution vests the regulation of the practice of law and attorney discipline in the Judicial Branch. Although HB 1825 attempts to preserve judicial authority through savings clauses and coordination provisions, the bill would, in practice, establish a parallel, legislatively-created licensing and disciplinary regime that overlaps substantially with existing court functions. This structural conflict invites litigation, uncertainty, and inconsistent standards, all to the detriment of the public and the legal system. As the New Hampshire Supreme Court recognized in *Petition of the NHBA*, 151 N.H. 112 (2004), attorneys are officers of the court, and ensuring their competence, ethics, and accountability is "intimately connected with the exercise of judicial power."ⁱⁱ

HB 1825 also creates duplicative and unfunded regulatory systems. As reflected in the fiscal note, attorney admission and discipline in New Hampshire is currently cost-neutral to the State because both processes are funded entirely by attorney fees and assessments. HB 1825 would dismantle that model and replace it with a new board requiring a General Fund appropriation. It is difficult to

understand how a one-time appropriation of \$500,000 would be sufficient to cover the cost and creation of new state infrastructure necessary to implement the proposed framework.

At the same time, the Judicial Branch would be required to continue operating its constitutionally mandated disciplinary system in parallel. The Judicial Branch has estimated that this duplication could result in additional unfunded costs exceeding \$1 million annually, with no reliable revenue source to offset those expenses.

Furthermore, some sections in HB 1825 raise questions about internal coherence that may need to be addressed. For instance, the meaning of a "perpetual right" is undefined despite the possibility of disbarment being imposed as a disciplinary sanction. The current New Hampshire Bar Exam (the Uniform Bar Exam) is not consistent with the bill's proposed requirements. HB 1825 would therefore necessitate the creation of a new examination. This bill does not include a procedure or an appropriation for such a significant undertaking as the ongoing administration of any newly created bar examination. Additionally, there is no process to address the situation in which the two regulatory systems review the same conduct and issue conflicting decisions.

It is due to these concerns, among others, that the New Hampshire Bar Association recommends that HB 1825 be deemed inexpedient to legislate.

Thank you for your consideration of our views. We would be pleased to provide further information or answer any questions the Committee may have.

Respectfully submitted,



Derek Lick, President
New Hampshire Bar Association

CC: NH House Judiciary Committee

ⁱ Please see <https://www.nhbar.org/about-the-bar/constitution-bylaws/>.

ⁱⁱ Please see *Petition of the NHBA*, 151 N.H. 112, 117 (2004) (quoting *Wallace v. Wallace*, 225 Ga. 102, 166 S.E.2d 718, 723 (Ga 1969)).