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NEW HAMPSHIRE
FEDERAL BUREAU OF INVESTIGATION

October 25, 2010

Hon. Michael A. Delaney, Attorney General
Department of Justice
33 Capitol Street
Concord, NH 03301

COPY FOR YOUR INFORMATION
(Original sent to addressee)
**NIXON, RAICHE, VOGELMAN,
BARRY & SLAWSKY**
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MANCHESTER, NH 03101

Re: Bank Commissioner Peter C. Hildreth/Governor John H. Lynch

Dear Attorney General Delaney:

As you are aware, the Governor and Council have selected a Boston, Massachusetts law firm (Attorneys Peter A. Krupp, Thomas E. Lent, and Sara A. Laroche) to present and prosecute the RSA 4:1 Removal Proceedings against Bank Commissioner Peter C. Hildreth, who we represent.

We have been advised that none of these lawyers are licensed to practice law in New Hampshire.

RSA 311:7 provides in applicable part:

“Prohibition. No person shall be permitted commonly to practice as an attorney in court unless he has been admitted by the court and taken the oath prescribed in RSA 311:6.”

See also, Kamasinski v. McLaughlin, 2003 WL 367745 (N.H. Super. Ct., 2003) which holds the practice of law includes hearings such as the present one, and further:

In the context of RSA 311:7, the Court defined the “practice of law” to include (but not limited to) the following:

- Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration;
- Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s);
- Representation of another entity or person in court, or in a formal administrative adjudicative proceeding or other formal dispute

- resolution process or in an administrative proceeding in which legal pleadings are filed or a record is established for judicial review;
- Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

Also, New Hampshire Professional Conduct Rule 5.5 provides in relevant part as follows:

“Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

. . . establish an office or other systematic and continuous presence in this jurisdiction for the practice of law.”

Will you please advise whether it is appropriate for these hearings to be conducted on behalf of the Governor, et als, by lawyers who are not licensed to practice law in New Hampshire.

Thank you very much.

Very truly yours,

Nixon, Raiche, Vogelman, Barry &
Slawsky, P.A.

By: 

David L. Nixon, Lawrence A.
Vogelman & Kirk C. Simoneau
Attorneys for Peter C. Hildreth

Cc: Prosecuting Attorneys for Gov. John H. Lynch, et als.:
Peter B. Krupp, Esq.
Thomas E. Lent, Esq.
Sara A. Laroche, Esq.
Jeffrey A. Meyers, Esq., Legal Counsel to Gov. John H. Lynch
Ms. Karen Ladd