

# **A GUIDE TO BASIC NEW HAMPSHIRE LAW**

**HASSETT | DONNELLY**

## INTRODUCTION

Hassett | Donnelly's *A Guide to Basic New Hampshire Law* is designed to be a concise reference source for issues of New Hampshire law arising in insurance defense cases and business litigation.

The summaries provided for each of the topics covered in this material are meant to provide a beginning point and should be utilized with other reference materials to ensure a complete and accurate analysis with respect to a particular case. The summaries are not meant to set forth a complete legal analysis of the topics addressed in the *Guide*. Given the varying complexity of cases and the ever-changing interpretation of the law, Hassett | Donnelly's *A Guide to Basic New Hampshire Law* should not be interpreted as definitive legal advice.

In the event that you require additional information or assistance with respect to any issue, whether or not it is addressed in Hassett | Donnelly's *A Guide to Basic New Hampshire Law*, please feel free to contact any of our attorneys.

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**New Hampshire Law**

<b>A. CIVIL PROCEDURE.....</b>	<b>1</b>
1. State Court System.....	1
2. Commencement of an Action.....	2
3. Service of Process.....	2
a. Natural Persons.....	2
b. Corporations.....	2
4. Answer to Complaint and Affirmative Defenses.....	3
5. Jury Demand.....	3
6. Motions to Dismiss.....	3
7. Default/Default Judgment.....	3
8. Third-Party Practice.....	3
9. Counterclaims and Crossclaims.....	4
10. Amendments to Pleadings.....	4
11. Limitations of Actions.....	4
a. Common Statutes of Limitation and Statutes of Repose.....	4
i. Tort Actions.....	5
ii. Improvements to Real Property.....	5
iii. Decedent’s Estate.....	5
iv. Medical Malpractice.....	5
v. Legal Malpractice.....	5
vi. Contract Actions.....	6
vii. Consumer Protection Actions.....	6
viii. Tolling Statute.....	6
x. Claims Against the State.....	6
12. Discovery.....	6
a. Required Disclosures.....	7
b. Interrogatories.....	7
c. Request for Production of Documents.....	8
d. Electronically Stored Information.....	9
e. Depositions.....	9
f. Physical and Mental Examination of Person.....	9
g. Request for Admissions.....	9
h. Failure to Make Discovery.....	9
13. Motion Practice.....	9

14.	Interest on Judgments. ....	10
15.	Costs and Attorney’s Fees. ....	10
16.	Appellate Practice .....	11
	a. Mandatory Appeals .....	11
	b. Discretionary Appeals .....	11
<b>B.</b>	<b>TORT ACTIONS: GENERAL PRINCIPLES.....</b>	<b>12</b>
1.	Comparative Negligence and Contributory Negligence.....	12
2.	Assumption of the Risk/Open and Obvious Defects. ....	12
3.	Recreational Use. ....	12
4.	Joint Tortfeasors.....	13
5.	Liability of Employer for Tort of Employee.....	13
6.	Imputed Negligence: Parent/Child.....	13
7.	Imputed Negligence: Husband/Wife.....	14
8.	Interspousal Immunity. ....	14
9.	Immunity of Child and Parent.....	14
10.	Immunity between Siblings. ....	14
11.	Immunity of Minors.....	14
12.	Exclusivity of Workers’ Compensation Remedy. ....	15
13.	Workers’ Compensation Liens. ....	15
14.	Attorney’s Liens.....	15
15.	Charitable Immunity. ....	16
16.	Good Samaritan Acts. ....	16
17.	Damages Recoverable for Personal Injury. ....	16
18.	Pre-existing Injuries. ....	16
19.	Emotional Distress. ....	16
20.	Punitive Damages. ....	17
21.	Loss of Consortium.....	17
22.	Loss of Earning Capacity.....	17
23.	Expert Testimony.....	18
24.	Advance Payments.....	18
25.	Medical Records. ....	18
26.	Releases.....	19
27.	Settlement of Claims of Minor Plaintiffs.....	19
28.	Waiver of Liability and Indemnity Clauses. ....	19

29.	Subsequent Remedial Measures. ....	20
<b>C.</b>	<b>PARTICULAR TORT ACTIONS .....</b>	<b>21</b>
1.	Liquor Liability.....	21
	a. Liability of a Licensed Establishment. ....	21
	b. Social Host Liability.....	21
2.	Domestic Animals – Dogs. ....	21
3.	Other Domestic Animals.....	21
4.	Wrongful Death. ....	22
5.	Wrongful Birth.....	22
6.	Negligent Misrepresentation.....	22
7.	Landlord’s Tort Liability—To Tenant or Occupant. ....	22
8.	Landlord’s Tort Liability—To Tenant’s Guest.....	23
9.	Premises Liability Claims.....	23
	a. In General. ....	23
	b. Snow and Ice. ....	23
	c. Falls. ....	24
	d. Negligent Security.....	24
10.	Trespass to Real Property. ....	24
11.	Nuisance.....	25
12.	Product Liability.....	25
	a. Breach of Implied Warranty of Merchantability. ....	26
13.	Medical Malpractice .....	<b>5</b>
14.	Legal Malpractice. ....	27
<b>D.</b>	<b>MOTOR VEHICLE LAWS.....</b>	<b>28</b>
1.	Operator’s License. ....	28
2.	Learner’s Permit.....	28
3.	Youth Operator’s License. ....	28
4.	Financial Responsibility.....	28
5.	Owner’s Liability for Operator’s Negligence. ....	28
6.	Negligent Entrustment. ....	28
7.	Operator’s Negligence Imputed to Passenger only in Special Circumstances .....	29
8.	Operating Under the Influence; Excessive Blood Alcohol.....	29
9.	Accident Reports.....	29
10.	Seat Belts and Child Restraints.....	29
11.	Motorcycle Helmets.....	29

12.	Automobile Collision Damage .....	29
13.	Rules of the Road.....	30
	a. Left Turn.....	30
	b. Speed.....	30
	c. Skidding.....	30
	d. Emergency.....	30
	e. Mutual Forbearance.....	30
14.	Negligence .....	30
<b>E.</b>	<b>UNINSURED AND UNDERINSURED MOTORIST COVERAGE.....</b>	<b>32</b>
1.	Uninsured and Underinsured Motorist Coverage, Generally .....	32
	a. The Insured .....	32
	b. Legal Entitlement .....	32
	c. The Uninsured Motorist .....	32
	i. No Liability Insurance Coverage.....	33
	ii. Hit-and-Run Drivers.....	33
	d. The Underinsured Motorist .....	33
2.	Prompt Notice to Insurer.....	33
3.	Cooperation with Insurer’s Investigation.....	33
4.	Arbitration.....	34
5.	Stacking.....	34
6.	Calculating Uninsured-Underinsured Motorist Benefits .....	34
	a. Bodily Injury Liability Proceeds from Tortfeasor(s).....	34
	b. Workers’ Compensation Benefits .....	34
	c. Per-Person and Per-Accident Underinsured Motorist Coverage Limits .....	34
	d. Personal Injury Protection (P.I.P.) or No Fault Benefits.....	35
	e. Medical Payments (MedPay) Coverage .....	35
	f. Health Insurance .....	35
7.	Subrogation .....	35
8.	Statute of Limitations.....	35
9.	Additional Exclusions & Limitations .....	35
	a. Consent of Owner .....	35
	b. Public or Livery Conveyance .....	36
	c. Racing, speed, stunt, or demolition contest .....	36
	d. Insured’s Consent to Settle.....	36
<b>F.</b>	<b>INSURANCE COVERAGE.....</b>	<b>37</b>

1.	Misrepresentation in Application.....	37
2.	Duty to Defend.....	37
3.	Duty to Defend—Responsibility for Pre-Suit Costs .....	37
4.	Duty to Indemnify .....	38
5.	Late Notice .....	38
6.	Insured’s Duty to Cooperate .....	38
7.	Policy Language Interpretation.....	38
8.	Waiver.....	39
9.	Estoppel.....	39
10.	Insurance Company’s Options for Responding to Claims.....	39
11.	Declaratory Judgment Actions.....	39
12.	Long Arm Statute.....	40
13.	Burdens of Proof in Coverage Disputes.....	40
14.	“Other Insurance” Provisions .....	40
15.	Equitable Contribution.....	40
16.	The Right to Indemnity and Additional Insured Status .....	41
<b>G.</b>	<b>COLLATERAL SOURCE OFFSET .....</b>	<b>42</b>
1.	History of Collateral Source Rule.....	42
2.	Definition of Collateral Sources .....	42
3.	Subrogation of Collateral Sources. ....	42
4.	Economic and Non-Economic Damages. ....	42
5.	A Note on Premiums.....	42
<b>H.</b>	<b>PARTICULAR INSURANCE ISSUES .....</b>	<b>43</b>
1.	Punitive Damages .....	43
2.	Bodily Injury and Emotional Distress.....	43
3.	Property Damage .....	43
4.	Occurrence .....	43
5.	Child Sexual Abuse.....	43
6.	Faulty Workmanship Exclusions .....	43
<b>I.</b>	<b>UNFAIR PRACTICES.....</b>	<b>45</b>
1.	Unfair Trade Practices Generally.....	45
2.	Unfair Insurance Practices Generally. ....	45



## A. CIVIL PROCEDURE

1. State Court System. The New Hampshire Court System is divided into two (2) trial courts: the Superior Court and Circuit Court, and one (1) appeals court: the Supreme Court. The Superior Court is the court of general jurisdiction, and is divided into eleven (11) judicial districts by county (one for each county, except for Hillsborough, which is split into North and South), each with civil and criminal sessions.

The Circuit Court was established in 2011 to streamline District, Probate and Family Court matters. The District Division has thirty-two (32) districts, representing one or more towns, and hears primarily misdemeanor and violation level offenses, small claims, landlord-tenant cases, stalking cases, and other civil cases. New Hampshire has ten (10) Probate locations, one for each county. The Probate Division generally hears matters regarding wills, trusts and estates, guardianships and involuntary commitment proceedings, name changes, and partition of real estate. Lastly, the Family division has twenty-eight (28) locations throughout New Hampshire's ten (10) counties. The Family Division hears matters relating to divorce and parenting actions, child support, domestic violence petitions, guardianship of minors, termination of parental rights, abuse and neglect cases, children in need of services, juvenile delinquency, and the occasional adoption matter.

The Supreme Court is composed of a Chief Justice and four associate justices, and is New Hampshire's only appeals court. Timely appeals from the Superior and Circuit courts are considered mandatory appeals. Mandatory appeals are automatically accepted for appellate review. The Supreme Court then decides if oral arguments are necessary. An oral argument is heard by either the entire court, or a panel of three justices. Three judge panels, known locally as "3JX," generally hear matters involving fewer issues and/or where the applicable law is settled. Their decision must be unanimous. Upon completion of a mandatory review, the Supreme Court issues either a brief order, an order with an explanation, or a written opinion.

### **Diagram of the New Hampshire State Court System:**

