

DT 10-183

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

EILEEN FOX
CLERK OF COURT
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DEPUTY CLERK
MICHELLE A. CARAWAY
DEPUTY CLERK

DAVID S. PECK
REPORTER OF DECISIONS



LORETTA S. PLATT
SENIOR STAFF ATTORNEY
RICHARD C. BELL, JR.
STAFF ATTORNEY
BRET D. GIFFORD
STAFF ATTORNEY

ONE CHARLES DOE DRIVE
CONCORD, N.H. 03301-6160
(603) 271-2646
1-888-535-1946
TTY/TDD RELAY 1-800-735-2964
www.courts.state.nh.us

January 5, 2012

Re: 2011-0892, Appeal of Bretton Woods Telephone Company, Inc. & a.

Dear Parties:

I am writing with regard to the above-referenced case. Justice Gary Hicks asked that I make the parties aware of his ongoing professional relationship with Attorney Daniel Will, counsel for one of the parties in this case. Some time ago, Justice Hicks and Attorney Will agreed to work together as co-editors of a New Hampshire practice series on the subject of discovery practice, which will be published by Massachusetts Continuing Legal Education. Recently, the work on this project has involved a number of meetings and email exchanges between Justice Hicks and Attorney Will. Justice Hicks' collaboration with Attorney Will on this project is purely professional. He does not otherwise have a personal or social relationship with Attorney Will.

Rule 2.11 of Canon 2 of the Code of Judicial Conduct (Supreme Court Rule 38) requires a judge to disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned. Justice Hicks does not regard his professional relationship with Attorney Will as a circumstance that requires his disqualification from this case. He believes that he can and will decide the case impartially based upon the facts and the applicable law. If any party believes that Justice Hicks should not participate in this case, however, the party should file a motion for recusal in accordance with Supreme Court Rule 21A.

Very truly yours,

A handwritten signature in cursive script that reads "Eileen Fox".

Eileen Fox

Distribution:

New Hampshire Public Utilities Commission DT 10-183

Daniel E. Will, Esquire

Harry N. Malone, Esquire

Kevin M. Baum, Esquire

Carolyn Cole, Esquire

Robert J. Munnelly, Jr., Esquire

Attorney General

File