

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

Docket No. 2003-482

In Re: New Hampshire Bar Association (Legislative Deunification)

MOTION TO STAY

The New Hampshire Bar Association, Petitioner in the above matter, respectfully moves to stay the referendum requirement of Laws 2003, Chapter 250, pending resolution of this matter, on the following grounds:

1. Laws 2003, Chapter 250, by its terms, requires the New Hampshire Bar Association to conduct a referendum of its members on the issue of unification “on the ballot with the election of officers.”

2. The By-Laws of the Association call for election ballots to be sent to the membership no later than March 15, with voting to be completed by April 15 (as a practical matter, ballots have to be prepared by approximately March 1).

3. The Association’s challenge to the constitutionality of this mandate was filed in July 2003, has been briefed, and had been scheduled for oral argument on February 11, 2004.

4. The oral argument was, by Order of this Court, rescheduled to the March 10, 2004.

5. The conduct of the referendum as mandated by the legislation would frustrate the purpose of this petition, and unduly and perhaps unnecessarily disrupt the orderly conduct of the affairs of the Association, if this Court should determine that the legislation is not valid; on the other hand, deferral of the referendum until some reasonable time following any determination of this Court of its validity would not unduly prejudice anyone.

6. Accordingly, the Association respectfully requests that this Court stay the mandated referendum pending further order of the Court.

7. The Office of the Attorney General takes no position on this motion.

Respectfully submitted,

**NEW HAMPSHIRE BAR
ASSOCIATION**

By Its Attorneys:

Dated February 12, 2004

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CERTIFICATE OF SERVICE

I hereby certify that on this date, a copy of the foregoing has been forwarded via first class U.S. mail, postage prepaid, to Suzanne M. Gorman, Esquire, Richard J. Lehmann, Esquire, and Betsy B. Miller, Esquire.

Russell F. Hilliard