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THE NEW HAMPSHIRE JUDICIAL COUNCIL requests qualifications for attorneys willing to accept appointment to provide trial-court capital post-conviction representation on behalf of the defendant in the matter of State v. Michael Addison, Case Number 216-2015-CV-00792 in the Hillsborough County Superior Court-North in Manchester, New Hampshire.

## REQUEST FOR QUALIFICATIONS

### Introduction

The Hillsborough County Superior Court-North issued an order on December 1, 2015 finding capital defendant Michael Addison eligible for the assistance of counsel at State expense in connection with a contemplated collateral attack on his conviction and sentence. The Judicial Council, having the statutory responsibility for the quality and effectiveness of the indigent-defense delivery system, established eligibility guidelines and performance standards for attorneys providing capital post-conviction representation. The Council will employ these guidelines and standards in the selection of counsel, and has prepared this Request for Qualifications to solicit submittals from qualified attorneys to provide the representation described in the scope of services.

### Scope of Work

The selected Counsel will provide representation to the defendant, Michael Addison, in capital post-conviction proceedings in the Hillsborough County Superior Court-North in connection with case number 216-2015-CV-00792. Counsel will be expected to meet or exceed the performance standards for appointed counsel established by the Judicial Council. The standards can be found online through the link below or on direct request. <http://www.nh.gov/judicialcouncil/documents/capital-post-conviction-counsel.pdf>

### Eligibility Standards

Counsel should meet or exceed the minimum eligibility guidelines for counsel in capital post-conviction proceedings established by the Judicial Council in October of 2015. The guidelines can be obtained by request or online at <http://www.nh.gov/judicialcouncil/documents/capital-post-conviction-counsel.pdf>

### Compensation, Appointment of other Counsel and Reimbursement for Fees and Costs

The hourly compensation of appointed counsel is set by N.H. Supreme Court Rule 47(2)(a). The Rules set no fee caps in capital post-conviction proceedings. Requests for the appointment of co-counsel and local counsel must be made by lead counsel and are subject to the discretion of the trial court. Ancillary services must be requested by counsel; their provision is subject to the discretion of the trial court. Compensation for all counsel must be approved and ordered by the appointing court. The procedures for and limitations on reimbursement for fees and costs are subject to the provisions of NHRSA 604-A:6 and N.H. Supreme Court Rule 47.

### Questions, Format and Due Date:

The Judicial Council's executive director will respond to questions about the RFQ. Please direct your questions and inquiries to Chris Keating at [Christopher.Keating@judcouncil.state.nh.us](mailto:Christopher.Keating@judcouncil.state.nh.us) 603-271-3592.

Counsel shall submit a PDF of the qualification package by email **on or before February 5, 2016**. The email should be sent to Patricia Heinrich, Administrative Assistant, N.H. Judicial Council, [Pat.Heinrich@nh.gov](mailto:Pat.Heinrich@nh.gov)

## Selection Procedure

On or before Feb. 5, 2016, interested attorneys should submit a qualifications package to include:

- A cover letter that clearly indicates Counsel's intention to serve as lead counsel in the case; and:
  - explains whether Counsel is a member of the N.H. Bar Association, whether Counsel intends to become a member of the N.H. Bar Association or whether and how Counsel intends to make use of New Hampshire's pro hac vice rules;
  - represents that Counsel has read the Judicial Council Performance Standards for Counsel in Capital Post-conviction Proceedings;
  - includes Counsel's contact information; and,
  - is addressed to: Attorney Phil Utter, Chair  
Judicial Council Indigent Defense Subcommittee  
25 Capitol Street, Room 424  
Concord, NH 03301
- A statement of Counsel's qualifications and directly relevant work experience.
- A description of Counsel's estimate of the time and resources necessary to provide representation in this case, (including the acquisition and employment of co-counsel, local counsel, investigation, mitigation, expert witnesses etc.). This description should include information regarding whether other major cases undertaken by Counsel would interfere with providing adequate representation in this case.
- A list of the names and contact information of three references who know Counsel's qualifications, work experience and reputation for professional and vigorous advocacy.
- A document identifying where Counsel is admitted to practice law, whether Counsel is in good standing in those jurisdictions, and whether Counsel has been the subject of a disciplinary proceeding that resulted in any variety of warning, reprimand or sanction from a professional body or court.

## Evaluation and Selection Process:

Following the deadline for submission of qualification packages, the members of the Judicial Council's Indigent Defense Subcommittee will evaluate the submissions and rank Counsel using established criteria. Counsel will be notified of their selection on or before February 9<sup>th</sup>. If and when selected Counsel accepts the appointment to provide representation, then the Judicial Council will notify the appointing court and the defendant. The Council will notify all attorneys who responded to this RFQ of the outcome the selection process on or before February 9<sup>th</sup>. The Indigent Defense Subcommittee will evaluate packages according to these criteria:

1. Counsel's eligibility based on the Judicial Council's published eligibility guidelines;
2. Counsel's experience providing capital post-conviction representation;
3. The clarity and comprehensiveness of the description of the time and resources needed to provide adequate representation during this stage of the capital proceedings;
4. Counsel's capacity to provide representation during the time period in question; and,
5. Counsel's good standing as a member of the Bar and the results of the reference check.

## Disclaimer:

The compensation of counsel is set by Supreme Court rule, and all associated fees and costs are subject to orders of the trial court. Accordingly, there will be no negotiation of compensation, fees, or costs between selected Counsel and the Judicial Council.

This RFQ does not commit the Judicial Council to pay any fees to appointed counsel nor any costs for ancillary services. All reimbursements for fees and costs are subject to review and approval by the appointing court pursuant to NHRSA 604-A. The Judicial Council reserves the right to reject any or all of the qualification packages and any subsequent proposals for providing representation to the defendant.