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15 Q How about this: When you are deciding what to do vis-
16 à-vis Bruce DalPra and sending this email, did you
17 have in your mind, guiding your actions in this
18 specific case, Rule 2.15?

19 A Yes, I did.

20 Q Okay. And did you have in mind the difference between
21 2.15(A) and 2.15(C)?

22 A Yes.

23 Q Okay. And at the time that you sent this email, in
24 your mind, did you believe that it rose to the level

1 of a 2.15(A) mandatory report?

2 A I would say at the time I made the call, I hadn't
3 decided that. I mean, I needed to gather some more
4 information. I needed to talk to Master DalPra, find
5 out what happened. I was going on pretty limited
6 information at that point. So I would - You're asking
7 me at a specific point in time. I would say at that
8 time, I didn't know if I had a 2.15(A) or (C), or none
9 of the above.

10 Q Okay. And at some point, you did talk to Master
11 DalPra, correct?

12 A I did.

13 Q And did that conversation clarify what obligations you
14 had in this specific case vis-à-vis Rule 2.15?

15 A Yes.

16 Q Okay. And so, in this case, - this leads me to my
17 next set of questions - did you believe that 2.15(A)
18 or 2.15(C) required you to provide this information to
19 the Judicial Conduct Committee?

20 A So I, after speaking to Master DalPra and reviewing
21 the rule, concluded that "A" was not the applicable
22 section. I did not have a belief, and don't have a
23 belief, as I sit here today, that the rule had been
24 violated raises a substantial question regarding his

1 honesty. He was pretty forthright with me about what
2 had occurred. His trustworthiness, I had no reason
3 not to trust him at that point. And when I think of
4 fitness as a judge, I think that's a pretty high bar
5 to meet. And I didn't, at that time, have a concern
6 about his fitness to serve as a judge. I had already
7 decided under "C," however, that this was something
8 that, even though it was a set of facts that I had
9 never seen before in my 30+ years as a judge, I felt
10 there was an obligation to let the Judicial Conduct
11 Committee know about it.

12 Q Did you tell the Judicial Conduct Committee?

13 A Did I tell the Judicial Conduct Committee what?

14 Q About what you had found regarding the transcript in
15 the Albrecht case?

16 A Yes.

17 Q Okay. Did you provide this email to the Judicial
18 Conduct Committee?

19 A No.

20 Q Okay.

21 A And let me just be clear. When I say "Judicial
22 Conduct Committee," I had a conversation with Robert
23 Mittelholzer after I spoke with Master DalPra about
24 this incident. So I didn't have any communication

1 with the committee itself. I didn't send them
2 anything. I had a phone conversation with Robert
3 Mittelholzer.

4 Q Did you - STRIKE THAT. Were you aware of the fact
5 that Master DalPra had decided to self-report?

6 A I was aware that Master DalPra was going to self-
7 report. I had a conversation with him on Wednesday,
8 November 18th. I had sent him the email on Friday. I
9 think he was either - he either had a writing day that
10 day or he was on vacation. I had tried to call him on
11 his extension, which is typically how I try to reach a
12 judge. I don't like to call the clerk's office and,
13 you know, "The administrative judge is calling.
14 What's going on?" So I'm usually pretty low key about
15 these things. I was not able to get him. I tried a
16 couple of times during the day on Friday. So I sent
17 the email that's been marked as Exhibit 1. Didn't
18 hear back from him, I think until Tuesday, the 17th.
19 He said he had left his laptop at work and he'd been
20 working from home - circumstances that he didn't see
21 my email. So I think we spoke on Tuesday, or we
22 exchanged emails on Tuesday, and we agreed to speak on
23 Wednesday, the 18th at 12:30 during a break in his
24 cases.

- 1 Q Okay. Two questions about what you just said. For
2 people who are unaware, what is a writing day for a
3 judge?
- 4 A Rare. But it's a day when the judge is scheduled to
5 not have any scheduled cases so that they can catch up
6 on writing orders for cases that they've already
7 heard.
- 8 Q And then second, is it uncommon for judges to work
9 outside the courtroom on a writing day?
- 10 A Not during COVID-19, it wasn't.
- 11 Q And for the record, this took place in November of
12 2020, which was during the pandemic?
- 13 A Correct.
- 14 Q Okay. Did anything about the delay between when you
15 sent the email and when Master DalPra got back to you
16 indicate that he was trying to be deceptive or
17 concealing? Did you have any reason to believe that?
- 18 A No.
- 19 Q Okay. To this day, do you know whether or not the
20 committee has seen this email?
- 21 A I have no idea.
- 22 Q Okay. To this day, are you aware of whether or not
23 the committee has accessed and listened to either of
24 the two audio files contained in this email?

1 A I don't. I do know that in December of 2020, I
2 provided those to Robert Mittelhozer. It took me a
3 couple of tries because I sent them the first time in
4 a - probably use the wrong word here - but format that
5 he couldn't open. And so Kathy Yee was kind enough to
6 help me re-send them in a different format so that he
7 was able to open them.

8 Q Okay. And the same goes for the - the same question
9 for the two snippets. To your knowledge, do you know
10 if they've seen these snippets as like set apart from
11 the rest of the transcript in the way that you did in
12 this email?

13 A I do not.

14 Q Okay.

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Corrections

Page No. 9, Line No. 15

Correction: "Cosign" should be "cosigned"

Page No. 11, Line No. 3

Correction: "as" should be "has"

Page No. , Line No.

Correction:

Page No. , Line No.

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[Handwritten Signature]

Deponent

STATE OF NEW HAMPSHIRE
COUNTY OF Merriamack

Subscribed and sworn to before me this 27 day of September 2022.

[Handwritten Signature]

~~JUSTICE OF THE PEACE/NOTARY PUBLIC~~

My Commission ETRIKA W. COLE, Notary Public
State of New Hampshire

My Commission Expires October 3, 2023