

Adopt Rko 300 to read as follows:

CHAPTER Rko 300 ETHICAL STANDARDS

PART Rko 301 OMBUDSMAN'S ETHICAL OBLIGATIONS

Rko 301.01 Applicable Standards.

(a) The ombudsman shall abide by:

- (1) The Rules of Professional Conduct adopted by the New Hampshire Supreme Court which are applicable to active attorneys in New Hampshire;
- (2) RSA 91-A:7-a through 7-d;
- (3) The executive branch code of ethics set forth in RSA 21-G;
- (4) The statutory restrictions on gifts, honorariums, and expense reimbursements set forth in RSA 15-B;
- (5) The financial disclosure obligations of RSA 15-A; and
- (6) All other codes of ethics or codes of conduct which are required by law to be adhered to by a person in the position of the right to know ombudsman who holds the qualifications set forth in RSA 91-A:7-a.

(b) The ombudsman shall not serve as the attorney for, represent, or offer legal advice to members of the public, governmental units, other state agencies, or their employees or representatives, concerning any matter pending before the office, or which the ombudsman believes might in the future involve a case before the office.

(c) Rko 501.01 (b) shall not ~~be construed to~~ preclude the ombudsman from:

- (1) Offering basic instruction to a person regarding the procedures for filing or responding to a complaint prior to the time that that person becomes a claimant or respondent, provided that no communication is made by the ombudsman regarding the merit or lack of merit of the anticipated case or its defense;
- (2) Presenting or participating in educational programs for the public, for governmental units or for agencies of the state; or
- (3) Communicating the ombudsman's general view of the office's operations or its interpretation of RSA 91-A, including in the context of public comment hearings.

(4) Pursuant to RSA 541-A:38, the ombudsman shall encourage the parties in cases before the office to explore the possibility of informal resolution by mutual agreement.

Rko 301.02 Continuing Education Requirements.

(a) In addition to the continuing education requirements imposed upon a person holding the credentials of RSA 91-A:7-a, I, the ombudsman shall, pursuant to RSA 91-A:7-a, IV, annually complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of RSA 91-A.

(b) Courses or training used to fulfill the continuing education requirements of the New Hampshire Bar shall, if relevant, be counted towards fulfillment of the 3 hours of education or training required by RSA 91-A:7-a, IV.

APPENDIX

Rule	Statute
Rko 301.01	RSA 91-A:7-a, I, II; RSA 21-G; RSA 15-B; RSA 15-A; RSA 7-a-b; RSA 541-A:16, I(a), (b)
Rko 301.02	RSA 91-A:7-a, III, IV; RSA 541-A:16, I(a), (b); RSA 541-A:38