

**STATE OF NEW HAMPSHIRE  
JUDICIAL CONDUCT COMMITTEE**

**JC-21-072-C**

**In RE: Master Bruce F. DalPra**

**STATEMENT OF FORMAL CHARGES PURSUANT TO  
NEW HAMPSHIRE SUPREME COURT RULE 40 (9)**

The New Hampshire Supreme Court Committee on Judicial Conduct (the "Committee"), by its Committee Counsel, Philip R. Waystack, complains against now-retired Marital Master Bruce F. DalPra as follows:

**Introduction**

1. The Committee is the duly authorized Committee on Judicial Conduct established by the New Hampshire Supreme Court pursuant to the Court's constitutional and statutory authority to provide for the orderly and efficient administration of the Code of Judicial Conduct (Rule 38 of the Rules of the New Hampshire Supreme Court). See Rule 39.
2. The Committee is proceeding against retired Marital Master Bruce F. DalPra pursuant to Rule 40 (7) (a) & (b), and this Statement of Formal Charges is issued pursuant to Rule 40 (9).
3. These formal charges are brought on the basis of a Committee initiated complaint.
4. On November 19, 2020, now-retired Marital Master Bruce DalPra filed a self-report with the Judicial Conduct Committee ("JCC" or "the Committee") regarding certain comments that he made during a hearing on November 6, 2020 in the matter of Albrecht v. Albrecht, No. 659-2016-DM-00288, which may have violated the Code of Judicial Conduct.
5. The Committee subsequently voted to elevate this self-report to the level of a complaint (JC-20-062-G) and invited Master DalPra to explain his behavior and answer the Committee's questions regarding the conduct involved.
6. Master DalPra accepted the JCC's invitation to appear before the Committee.

7. On February 16, 2021, the JCC dismissed the self-report made by Master DalPra based on the circumstances described in more detail below, “for the lack of any showing of judicial misconduct with no reasonable likelihood of a finding of judicial misconduct.”
8. Following the dismissal of this complaint, the New Hampshire Supreme Court issued an order in the appeal of Albrecht v. Albrecht, No. 2021-0192 (Dec. 16, 2021). In that decision, the Supreme Court ruled that Master DalPra was required to recuse himself from the Albrecht case because of comments he made during the hearing. As explained in more detail below, based on new information contained in the Supreme Court decision, the JCC initiated an additional inquiry (JC-21-072-C), which the Committee elevated to the level of a complaint and began its investigation.
9. Master DalPra was directed to answer the complaint, which he did. Having considered all of the circumstances, the JCC alleges that Master DalPra violated the Code of Judicial Conduct Rule 1.2, Rule 2.11, Rule 2.16 and Rule 2.8.
10. The within Statement of Formal Charges centers around comments Master DalPra made during a hearing on November 6, 2020 in the matter of Albrecht v. Albrecht, No. 659-2016-DM-00288, and his failure to disclose the same to the disciplinary authority as required by the Code of Judicial Conduct.
11. In his self-report dated November 19, 2020, Master DalPra informed the JCC that during the telephonic hearing the father began to testify about matters that Master DalPra did not believe were relevant. Master DalPra wrote, “Under my breath, I uttered a comment that contained a vulgar expression: ‘who the f\*\*\*<sup>1</sup> cares.’ During mother’s testimony somewhat later, I had uttered a sentence that was completely inappropriate.”
12. Master DalPra explained that Administrative Judge David King learned of the comments when the transcriptionist brought them to his attention. Judge King, in turn, informed Master DalPra of the comments. Master DalPra stated he did not remember making the comments until Judge King raised the issue. This conversation prompted Master DalPra to make his self-report.
13. At a meeting on December 11, 2020, the JCC took up the matter of Master DalPra’s self-report. The Committee voted to direct the Executive Secretary to obtain a copy of the November 6, 2020 hearing so that Committee members could listen to the hearing before its next meeting. Participating Committee members reviewed the hearing. Members were able to clearly hear Master DalPra state, under his breath, “Who gives a f\*\*\*?” not “Who the f\*\*\* cares,” as he reported.

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<sup>1</sup> The actual word stated by Master DalPra, as alleged, appears in Appendix A, which was prepared from the “Revised – Unabridged Final (Transcript) with timestamps” verbatim transcript which was transcribed by eScribers.

14. None of the members of the Committee was able to discern the content of the second comment made by Master DalPra during the mother's testimony as referenced in Master DalPra's self-report. Based on this, the Committee voted to invite Master DalPra to attend the next Committee meeting to explain his conduct and answer the Committee's questions.
15. Master DalPra accepted the JCC's invitation and addressed the Committee during a *WebEx* meeting on February 12, 2021. The Committee's questions centered around the context and reasons for the comment, "Who gives a f\*\*\*?" The Committee did not explore in depth the second "inappropriate" comment made by Master DalPra during the mother's testimony because the Committee could not hear the content of that comment. Master DalPra did not mention that he was aware of the exact content of what he said during the mother's testimony.
16. The Committee accepted Master DalPra's explanation about the "Who the f\*\*\* cares?" comment. He informed the JCC that it was an isolated mistake. The statement was not audible to any of the participants because the courtroom was muted. He offered that the offending remark was the result of human error, made in a moment of frustration, during a highly contentious case. He expressed regret for the lapse. The Committee concluded that, under these circumstances, this remark did not constitute a violation of the Code of Judicial Conduct.
17. While the matter was pending before the JCC, Master DalPra issued a report and recommendation on January 20, 2021 relating to the matters covered in the November 6, 2020 hearing. He also presided over a hearing on January 27, 2021 to extend a domestic violence protective order against Dana Albrecht. (See Albrecht v. Albrecht, No. 659-2019-DV-00341.) (Dana Albrecht appealed the extension of the protective order, as recommended by Master DalPra.) Mr. Albrecht obtained a copy of Master DalPra's self-report and dismissal from the JCC and utilized this information to argue in his appeal before the New Hampshire Supreme Court that Master DalPra should have disclosed his comment, "Who gives a f\*\*\*?" to the parties and recused himself.
18. The New Hampshire Supreme Court remanded the matter back to Circuit Court on November 10, 2021, for the Circuit Court to determine whether Master DalPra was required to recuse himself. Master DalPra issued a report and recommendation which was approved by Circuit Court Judge John Curran on November 29, 2021. In that report, Master DalPra acknowledged that he did not disclose to the parties his comments from the November 6, 2020 hearing or his self-report to the JCC. In his Order Regarding Disqualification, Master DalPra only refers to the comment "who the f\*\*\* cares" and does not even allude to any other inappropriate remarks he made during the mother's testimony on November 6, 2020.

19. On November 30, 2021, the Supreme Court incorporated this order into Mr. Albrecht's appeal. On December 10, 2021, the Supreme Court issued the following order:

The transcript of the November 6, 2020 hearing held in the parties' domestic relations matter (docket no. 659-2016-DM-00288) does not include the "vulgar expression" that Master DalPra uttered during Dana Albrecht's testimony; nor does it include the "completely inappropriate" sentence that Master DalPra uttered later during Katherine Albrecht's testimony. Albrecht v. Albrecht, No. 2021-0192, Order (N.H. Dec. 10, 2021).

20. The Supreme Court ordered eScribers—the transcription service used by the New Hampshire Judicial Branch which originally identified the offending remarks—to "prepare an amended or additional *errata* sheet to the transcript of the November 6, 2020 hearing so as to include and identify (with page/line) those two comments." Id.
21. The corrected transcript was digitally signed on December 14, 2021. For the first time, it reflected that Master DalPra made the whispered comment, "Who gives a f\*\*\*?," during Mr. Albrecht's testimony on page 32, line 13 of the transcript. It also established that Master DalPra whispered, "Of course not, they're a bunch of morons," during Ms. Albrecht's testimony on page 72, line 21 of the transcript.
22. Ms. Albrecht's lawyer was questioning her about the children Mr. and Ms. Albrecht have together. The lawyer asked, "Do you believe that they're mature minors?" Ms. Albrecht answered, "Yes." The lawyer asked, "How do they do in school?" Answer: "They have good grades." Question: "Have they had any problems with their conduct in school or outside of school?" Answer: "Never." Question: "Do they make wise, mature decisions in their daily lives relative to, for example, schoolwork?" Answer: "Yes." Master DalPra is then heard to whisper, "Of course not, they're a bunch of morons." The lawyer continued to question Ms. Albrecht about other topics relating to the children.
23. The JCC first learned of the exact nature of Master DalPra's second comment in an email sent by Dana Albrecht to a number of recipients on December 15, 2021. On December 16, 2021, the Supreme Court ruled that Master DalPra should have recused himself from presiding over the hearing to extend the protective order. On December 20, 2021, the JCC held a special meeting at which it voted to open a Committee Initiated Inquiry to address the new information revealed in the revised November 6, 2020 transcript. The JCC directed the Executive Secretary to obtain the unredacted transcripts, pleadings from the Supreme Court appeal, and recordings of the November 6, 2020 hearing in its native format using the "For the Record" (FTR) application.
24. At its January 14, 2022 meeting, the JCC voted to elevate the Committee Initiated Inquiry to the level of a complaint and order Master DalPra to provide an answer to questions relating to:

- a. Master DalPra's understanding of the wording of the second comment referenced by the transcriptionist;
- b. An explanation from Master DalPra as to how and when this comment was brought to his attention; and
- c. His understanding as to who would have instructed the transcriptionist to not include the two comments at issue in the hearing transcript.

25. In addition to seeking an answer to this complaint from Master DalPra, the Committee directed the Executive Secretary to conduct an investigation into these matters. That investigation revealed the following facts:

The New Hampshire Judicial Branch utilizes eScribers as the official transcriptionist for court proceedings. On November 12, 2020, Michele Lilley, a Lead Client Relations Representative from eScribers, sent an email to Kathleen Yee, an employee working for the New Hampshire Administrative Office of the Courts. Ms. Lilley reported the following to Ms. Yee:

I thought you should be aware, per our transcriber regarding the above order:

So everyone is on Zoom/telephonic for this hearing, other than the judge. The mic is right next to the judge and I can hear everything. He talks to his clerk and himself a lot and makes some pretty bad remarks about the parties and the commentary the parties make. For instance, he whispers to himself, right in the mic, "who gives a f\*\*\*" when the witness is answering a question, or calls them all a bunch of morons, and so much. It actually creates it to where I can't hear what the witness is saying because he's talking into the mic, I think, completely unaware of what he's doing. Of course we are not going to transcribe that, however, the ordering party has also ordered the audio.

This is the order that was missing the audio that I emailed about today. The client already has most of the audio which I sent a couple of days ago. She was the one that let me know there was audio missing. I was just about to send her the rest when production let me know the above. I can't not send the audio to her but thought you should know.

26. Ms. Yee attempted to listen to the hearing but could not hear the comments on her own. She requested clarification from Ms. Lilley about the precise nature of the offending remarks. Ms. Lilley promptly responded that same day:

Here are a couple of examples from the transcriber:

Here are a few examples of time stamps where you can hear the Court:

“Who gives a f\*\*\*?” - \*\*12:28:16

“Of course not, they’re a bunch of morons.” - \*\*1:45:59

The first one is really hard to hear so don’t know if Ms. Albrecht will even hear it in her audio. The second example is pretty clear.

27. Ms. Yee brought these matters to Judge King’s attention the next day. Judge King tried to reach Master DalPra that same day, but he was on vacation. Judge King sent the audio clips of the offending remarks and the emailed examples to Master DalPra. Judge King then met with Master DalPra sometime the following week to discuss the matter. Judge King confirmed that he and Master DalPra discussed both comments, but the focus of the discussion was on the comment, “Who gives a f\*\*\*?” Judge King felt that the second comment about the kids being “morons” was merely a sarcastic aside in light of the context of the questions and answers from the lawyers. Even though none of the parties heard the remarks, Judge King felt that the first comment reflected a lack of patience or dignity by Master DalPra. Judge King informed Master DalPra he had an obligation to self-report his conduct. Master DalPra convinced Judge King that he was not biased or prejudiced against either party and could continue to fairly and impartially preside over the case. Judge King notified the JCC Executive Secretary of the general nature of his conversation with Master DalPra and that Master DalPra would make a self-report, which he did on November 19, 2020.

28. At its February 11, 2022, meeting, the JCC directed the Executive Secretary to conduct additional investigation to learn about the meaning of Ms. Perkins’ email remarks, noting that Master DalPra “talks to his clerk and himself a lot and makes some pretty bad remarks about the parties and the commentary the parties make.... It actually creates it to where I can’t hear what the witness is saying because he’s talking into the mic, I think, completely unaware of what he’s doing.” Members of the JCC listened to the entire November 6, 2020 hearing and did not notice the same level of comments. Ms. Lilley reported that these observations were actually made by a transcriptionist named Erin Perkins who no longer works for eScribers. During the interview with Ms. Lilley the Executive Secretary learned that the eScribers transcriptionists use noise cancelling headphones with a “booster” app or device to enhance the sound quality. Ms. Lilley contacted Erin Perkins who reported through Ms. Lilley that she believed there were other comments made by Master DalPra during the hearing. At this time Erin Perkins does not have a specific recollection of the content of those other remarks.

29. Based on this information, the JCC voted to order a complete and unabridged transcript of the November 6, 2020 hearing with all remarks transcribed with the equipment utilized

by Erin Perkins to capture all audible statements in written format. The additional audible statements uttered by Master DalPra, beyond the statements in the abridged transcript, are attached to this statement as Appendix A.

30. On February 17, 2022, Master DalPra submitted his answer to the JCC—*albeit* it was unsigned. Master DalPra explained that he made only passing reference to the second “inappropriate” comment because when he wrote his self-report he did “not remember making it; did not know what the comment may have referred to; and ... did not have a copy of the transcript in order to determine what point in the hearing it was made; and in what context it was made.”
31. Master DalPra then explained that after review of the corrected transcript to answer the JCC complaint, he realized that the comment was a sarcastic remark meant only for himself, not intended to characterize the children in any way, and merely intended to emphasize in his own mind the “pedantic nature of the questions.” Master DalPra explained that he was thinking, “What do you expect her to say, no they are a bunch of morons?” He just did not realize he had verbalized this sarcastic thought.
32. Master DalPra had no explanation for why the remarks were not transcribed or who may have made that decision.

### **Violations of the Code of Judicial Conduct**

33. For the reasons set forth below, the JCC alleges that Master DalPra violated Code of Judicial Conduct Rule 1.2 (Promoting Confidence in the Judiciary), Rule 2.11 (Disqualification), Rule 2.16 (Cooperation with Disciplinary Authorities), and Rule 2.8 (Decorum, Demeanor).
34. Although not a constitutionally appointed judicial officer, Master DalPra is subject to the Code of Judicial Conduct because a judicial master is specifically included within the definition of the Code of Judicial Conduct N.H. S. Ct. R. 38 (Terminology). Moreover, Master DalPra’s recent retirement does not divest the JCC of its responsibility to continue to address any claims of misconduct. See In RE: Thayer, 145 N.H. 177, 181–82 (2000).

#### ***A. Canon 2, Rule 2.11: Disqualification***

35. The JCC alleges that Master DalPra violated Rule 2.11(C) by not notifying the parties of his inappropriate comments made in his self-report to the JCC and giving the parties an opportunity to move for his recusal. Master DalPra then violated Rule 2.11(A) by not disqualifying himself in light of the circumstances “in which his impartiality might reasonably be questioned.”

36. Rule 2.11(A) of N.H. S. Ct. R. 38, Canon 2 states in relevant part:

A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned. . . .

37. The Rule goes on to list a number of circumstances in which a judge must recuse himself from presiding in the case. Importantly, the comments to Rule 2.11 specifically provide that "a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply." Id. Cmt. 1. As the New Hampshire Supreme Court has explained, "[w]hether an appearance of impropriety exists is determined under an objective standard, *i.e.*, would a reasonable person, not the judge himself, question the impartiality of the court." State v. Bader, 148 N.H. 265, 268 (2002).

38. The New Hampshire Supreme Court has ruled that Master DalPra was required to recuse himself from these proceedings based on the objective circumstances. Albrecht v. Albrecht, No. 2021-0192, Order (Dec. 16, 2021). The JCC need not expound upon that conclusion in more detail because it is bound by the judicial finding of the Supreme Court.

39. Master DalPra's decision not to disqualify himself from further proceedings in the Albrecht case was exacerbated when he failed to disclose his inappropriate comments to the parties. Master DalPra presided over the hearing on November 6, 2020. Less than a week later, Judge King brought the offending remarks to Master DalPra's attention. He emailed Master DalPra both the audio clips of the hearing and the transcript excerpts from eScribers. After discussing the issues with Judge King, Master DalPra agreed that he was obliged to self-report his conduct to the JCC, which he did on November 19, 2020. Master DalPra did not disclose either the inappropriate comments or his decision to make a self-report to the JCC to the parties. Instead, he continued to preside over proceedings by the same parties. On January 20, 2021, he issued an order based on the evidence presented during the November 6, 2020 hearing. On January 27, 2021, he presided over a hearing to extend the domestic violence petition against Mr. Albrecht. He ultimately issued a report and recommendation that the petition be extended for another year.

40. Master DalPra was not automatically required to recuse himself from further proceedings in these matters. Rule 2.11(C) provides:

A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the



presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

41. N.H. S. Ct. R. 38, Canon 2, Rule 2.11(C). The comment to this provision expands upon the judge's obligation: "A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification." Id. Cmt. 5.

42. Had Master DalPra made a timely disclosure of his offending remarks, the parties could have assented to his continued participation. At a minimum it would have given them an opportunity to learn of the master's offending remarks and to create a contemporaneous record. Instead, Master DalPra's decision to remain silent on the matter resulted in a considerable waste of litigation resources for both the parties and the court system. For the reasons discussed in more detail below, Master DalPra's failure to disclose all of the facts and circumstances in a timely manner undermined the integrity of the judicial process. But see In re Tapply, 162 N.H. 285, 299 (2011) (judge was not required to disclose JCC referral and letter of caution to the parties when the parties were already aware of JCC complaints made about the judge's conduct during the proceedings).

### ***B. Canon 2, Rule 2.16: Cooperation with Disciplinary Authorities***

43. Rule 2.16(A) mandates: "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies." Master DalPra did not disclose the exact content of both of his remarks to the JCC, even though he knew what he said when he made the self-report. Rather, he only alluded cryptically to a second "inappropriate comment" during the mother's testimony. When Master DalPra appeared before the Committee on February 12, 2021, a number of Committee members remarked that they were only able to discern the "Who gives a f\*\*\*?" remark. Master DalPra did not disclose the content of the second comment, "Of course not, they're a bunch of morons." He did not even suggest to the Committee that he was aware of the exact content of that remark.

44. In his answer to the Committee Initiated Complaint (21-JC-072-C), Master DalPra attempted to explain this lack of transparency as follows:

I do not remember making it; did not know what the comment may have referred to; and ... did not have a copy of the transcript in order to determine what point in the hearing it was made; and in what context it was made. Hence, the passing reference in the letter.

45. This explanation is simply not credible. Viewed in isolation the “morons” comment actually appears to be the more offensive remark. If Master DalPra truly did not know of the context of the second remark when he made his self-report on November 19, then he could not have made either a subjective or objective evaluation about the impact of the “morons” comment on the proceedings. His decision to withhold that information from the JCC constitutes a lack of candor to the Committee. A lack of cooperation occurs when a judicial officer not only makes overt misrepresentation to the JCC, but also by the omission of complete information. Cf. In re Coffey's Case, 157 N.H. 156, 182-85 (2008) (when considering mitigation evidence in the context of a judicial sanction judge did not fully cooperate with JCC and PCC investigation when she failed to disclose important transactions and made “evasive and misleading” statements). Omission of these facts is in violation of Rule 2.16.

46. At the time of his self-report or when he appeared before the JCC on February 12, 2022, Master DalPra could not have made his own determination that the “morons” comment did not violate the Code because claims he did not know the context of that statement until recently. Master DalPra knew from his appearance before the JCC that the Committee could not discern the content of the second “inappropriate” remark. By remaining silent and not affirmatively disclosing the content of the “morons” comment in the face of this knowledge, Master DalPra reinforced the Committee’s focus on the “Who gives a f\*\*\*?” remark. As a result, the JCC did not conduct its own independent analysis of the combined effect of the two remarks. Indeed, when the “morons” statement eventually came to light, the Supreme Court noted that remark reinforced its conclusion that Master DalPra was required to recuse himself. Albrecht, No. 2021-0192, supra, Order at 4. As a result of Master DalPra’s lack of full transparency, the Committee initially cleared him of wrongdoing based on incomplete information.

***C. Canon 1, Rule 1.2: Promoting Confidence in the Judiciary***

47. A judge does not automatically violate the Code of Judicial Conduct every time he commits an error of law. “When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.” N.H. S. Ct. R. 38, Canon 2, Rule 2.2, Cmt. 3. In other words, the Committee does not believe that Master DalPra is subject to discipline simply because he did not correctly construe the objective circumstances to require his recusal. In fact, Judge Curran reached the same conclusion on these same facts when he reviewed Master DalPra’s report and recommendation on disqualification following remand from the Supreme Court. Albrecht, No. 659-2019-DV-00341, Order (Nov. 29, 2021). Master DalPra also was not obligated to disqualify himself just because he had a matter involving the same parties pending before the JCC. See In re Tapply, 162 N.H. 285, 298 (2011) (judge was not required to recuse himself from presiding over a case even though the JCC expressed concern about the tone used by the judge during a proceeding); and State v. Hall, 152 N.H. 374, 377 (2005).

48. Rather, other circumstances combined with Master DalPra's failure to disqualify himself lead the JCC to the conclusion that Master DalPra violated the Code of Judicial Conduct.
49. He did not simply make an isolated mistake of law by not recusing himself from these proceedings following the November 6, 2020 hearing. Master DalPra's error of law was compounded when he violated Rule 2.11(C) by not disclosing the potential basis for recusal to the parties and giving them an opportunity to move for his disqualification. In addition, he withheld complete information from the JCC during its investigation, thereby violating his obligation to fully cooperate with disciplinary authorities in violation of Rule 2.16. These errors, even if not intended to deceive either the parties or the JCC, demonstrate such a grave misjudgment that Master's DalPra's combined conduct undermines the public's confidence in the integrity of the judiciary in violation of Rule 1.2. See In re Case of Snow, 140 N.H. 618, 624 (1996) (violation of the Code of Judicial Conduct is not dependent on the judge's motive or intent).
50. Rule 1.2 states:
- A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- N.H. S. Ct. R. 38, Canon 1, Rule 1.2. The commentary to the rule explains that "[t]he test for appearance of impropriety is whether the conduct would create in the mind of a reasonable, disinterested person fully informed of the facts a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired." Id., Cmt. 5.
51. The basis for Master DalPra's disqualification may never have come to light but for Mr. Albrecht's persistence. Parties should not be required to ferret out facts that might form a basis for a judge's recusal. Part I, Article 35 of the New Hampshire Constitution guarantees "the right of every citizen to be tried by judges as impartial as the lot of humanity will admit." To further this end, the litigants, and the public in general, should be able to rely on candid, transparent self-disclosure by judicial officers.
- D. Canon 2, Rule 2.8(B): Decorum, Demeanor***
52. The complete and unabridged transcript of the November 6, 2020 hearing includes many statements and utterings made by Master DalPra during the course of the hearing. Although it appears that most of the statements and utterings made by Master DalPra on the telephonic hearing were not heard by the parties and counsel at the hearing, the complete and unabridged transcript documents that many inappropriate comments were made, beyond the two comments previously discussed herein.

53. Comments and utterings were made by Master DalPra about a variety of other matters unrelated to the hearing that Master DalPra was conducting. The comments and utterings are numerous. See Appendix A. It appears that Master DalPra was, at times, having a discussion with a third party at the same time that he was conducting the marital hearing.

54. Rule 2.8(B) of N.H. S. Ct. R. 38, Canon 2 states in relevant part:

A judge shall be patient, dignified, and courteous to all litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity . . . .

55. Master DalPra's numerous comments and utterings during the course of a telephonic hearing were impatient, undignified, and discourteous to the litigants and their counsel. While Master DalPra may have believed that the litigants and lawyers could not hear his comments and utterings, the revised, unabridged transcript makes it clear that his comments and utterings were made while the hearing was underway and appear on the record.

56. Rule 2.8(B) sets a standard for judges to follow in proceedings before the court. This rule is no less applicable to judges because a particular hearing may be a telephonic hearing rather than an in-person hearing in open court.

### **Formal Charges**

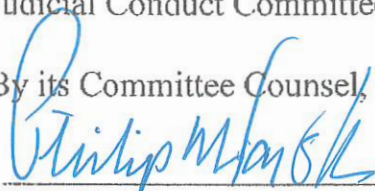
57. Based on the foregoing, there is clear and convincing evidence of violation of the following provisions of the Code of Judicial Conduct:

- a. Master DalPra, in violation of Canon 1, Rule 1.2, failed to disqualify himself thus undermining the public's confidence in the judiciary.
- b. Master DalPra, in violation of Canon 2, Rule 2.11, failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned.
- c. Master DalPra, in violation of Canon 2, Rule 2.16(A), failed to cooperate with the Committee by not fully disclosing all facts known to him concerning his utterances at the telephonic hearing in the Albrecht case.
- d. Master DalPra, in violation of Canon 2, Rule 2.8(B), failed to act in a dignified, patient and courteous manner in a court proceeding.

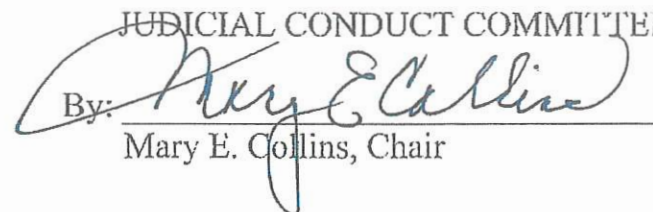
Within thirty (30) days of receipt of this Formal Statement of Charges, the Respondent shall file an Answer with the Executive Secretary of the Committee on Judicial Conduct in accordance with Supreme Court Rule 40(9)(F), setting forth all denials, affirmative defenses, mitigating circumstances, and other matters which Master DalPra intends to raise at the hearing.

Respectfully submitted,  
Judicial Conduct Committee

By its Committee Counsel,

By:   
Philip R. Waystack, Esquire

JUDICIAL CONDUCT COMMITTEE

By:   
Mary E. Collins, Chair

Dated: June 16, 2022

State of New Hampshire  
9<sup>th</sup> Circuit Court – Family Division – Nashua  
Case No: 659-2016-DM-00288

In the Matter of Dana Albrecht and Katherine Albrecht

Revised - Unabridged Final Transcript With Timestamps of the  
11/6/20 Hearing on Motions Before the Honorable Bruce DalPra, Marital Master

APPENDIX A

(Marital Master DalPra's Statements and Utterances not included in  
Original Hearing Transcript)

Page 33; line 23 – *[Whispered] Who gives a fuck?*

Page 51; line 19 – *[Whisper] (Indiscernible) want something (indiscernible)*

Page 52; line 5 – *[Whispered] (Indiscernible)*

Page 61; line 20 *[Laughter]*

Page 62; line 16 – *[Whispered] The Court: I'll be back in about an hour.*

Page 62; line 23 – *[Whispered] Put him on mute.*

Page 63; line 4 – *[Whispered] Again, we need (indiscernible)*

Page 63; line 11 – *[Whispered] Not this – not this one, but the previous.*

Page 63; line 17 – *[Whispered] Tom, (phonetic) looks like this (indiscernible).*

Page 63; line 23– *[Whispered] All excited.*

Page 64; line 3 – *[Whispered] (indiscernible) voice. He's got another voice. He's got another voice. [Whispered] Sweet. Pretty.*

Page 64; line 19 – *[Whispered] I don't seem to have the rest of this.*

Page 65; line 7 – *[Whispered] And while you're looking through that, I'm gonna go pee. Can you imagine if this was in person?*

*Unidentified Speaker: Oh, my God. I don't know if I (indiscernible).*

Page 65; line 3 – *[Laughter]*

Page 66; line 11 – *Unidentified Speaker: (whispered) Stupid.*

Page 66; line 24 – *[Whispered] No, (indiscernible)*

Page 67; line 7 – *[Laughs]*

Page 67; lines 13 through 16 – *Hopeless. Heartless.*

*Unidentified Speaker: No, he did.*

*He was concerned; he said he was hopeless. (Indiscernible)*

Page 68; line 1 – *(Indiscernible).*

Page 68; line 5 – *[Laughs]*

Page 68; line 7 – *[Laughs]*

Page 68; line 25 through page 69; line 2– *[Whispered] The apology (indiscernible) to have a (indiscernible) relationship. He doesn't think his son's (indiscernible).*

Page 69; line 12 – *He lives on the East Coast. They live on the West Coast. They're going to go there (indiscernible)*

*Unidentified Speaker: [Laughs]*

Page 69; line 25 – *[Laughs]*

Page 70; line 20 – *[Laughs]*

Page 71; line 22 – *Unidentified Speaker: You're absolutely right; it sounds like Gilbert Gottfried.*

Page 72; line 9 through page 73; line 22 – *[Whispered] She's probably having a hot dog [Laughter]*

So Alex Corey is back.

I wonder if they're going to do anything with the other guy with a thing like the guy from New Hampshire. Fold (phonetic)?

Unidentified Speaker: Oh, it's not -- what's his name? The guy that was the manager this year who was the bench coach, he's not coming back.

No.

Unidentified Speaker: Did they -- the first base coach and third base coach, was those new coaches?

They're back.

Unidentified Speaker: Were they the ones that worked on this (indiscernible) previously?

Yeah, they were. I think they're both back. Febles and the other guy, I think they're both back.

Unidentified Speaker: I'll be curious to see what they do to improve the team, if they even try.

I don't know. I don't -- I don't mind John Henry as an owner, but I don't like Werner at all.

Unidentified Speaker: Oh yeah.

He's too --

Unidentified Speaker: What do you think of this new GM they have?

It's hard -- it's hard to say over the first --

Unidentified Speaker: Yeah, because of the --

-- first year with what went on.

Unidentified Speaker: The way the end of the season was.



I mean, they -- they basically told him to trade Betts (phonetic), and I don't think Betts was going to stay anyway. Didn't sound like he wanted to be in the -- the Boston.

Unidentified Speaker: Ken Nuke can pitch.

*[Laughter]*

Page 80; line 19 – *[Whispered]* *Of course not; they're a bunch of morons.*

Page 81; line 10 – *[Sigh]*

Page 81; line 14 – *[Laughter]*

Page 92; line 23 (Indiscernible)

Page 126; line 21 – *[Whispered]* *Not in the pleading, but in his testimony, he has.*

Page 127; line 5 – *[Wheeze or laughter]* *[Whispered]* *Okay.*

Page 127; line 9 – *[Whispered]* *He's actually born on (indiscernible).*

Page 127; line 14 – *[Whispered]* *Do you have to say that?*

Page 127; line 17 *[Whispered]* *I'm not throwing you out, but if you have to leave --*

*[Laughter]*

Page 128; line 1 – *[Whispered]* (Indiscernible) *clearly asked her that.*

Page 130; line 12 - *[Wheeze or laughter]*

Page 131; line 1 – *[Whispered]* *He's not doing it.*

Page 133; line 18 – *[Whispered]* *Would you (indiscernible) and ask defense (indiscernible). Thank you.*

Page 136; line 9 – *[Laughter]*

**STATE OF NEW HAMPSHIRE  
JUDICIAL CONDUCT COMMITTEE**

**JC-21-072-C**

**In RE: Master Bruce F. DalPra**

**JCC EXHIBITS FOR HEARING (Revised 10/3/22)**

1. Statement of Charges – 6/16/22
2. Michele Lilley, Kathleen Yee email exchange 11/12/20
3. Judge King email to Master DalPra, November 13, 2020 (4:22 pm)
4. Master DalPra's November 19, 2020 self-report to JCC
5. December 10, 2021 Supreme Court Order
6. December 16, 2021 Supreme Court Order
7. JCC letter to Master DalPra 1/18/22
8. Master DalPra's response to JCC letter 2/10/22
9. Master DalPra's statements regarding statement of formal charges 8/17/22
10. Stipulation concerning admissibility of Unabridged – Revised Final Transcript
11. Unabridged – Revised Final (Transcript) with Timestamps (of November 6, 2020 hearing)
12. Timeline
13. Audio snippets attached to Judge King's 11/13/20 email to Master DalPra (flash drive provided to R. Mittelholzer by AOC)
14. Judge David King's 8/26/22 redacted deposition transcript