

**STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE**

JC-24-078-C and JC-24-079-C

In RE: Honorable Anna Barbara Hantz Marconi

**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, brings the following complaints against former Associate Supreme Court Justice Anna Barbara Hantz Marconi (ABHM):

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 providing 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 ABHM 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 two complaints.
 - a. The first (JC-24-078-C), began as a referral to the Judicial Conduct Committee from NH Attorney General John M. Formella on or about October 17, 2024, which was elevated to the level of a complaint on November 8, 2024.
 - b. The second (JC-24-079-C), began as a self-report filed on behalf of ABHM by her attorney on or about October 23, 2024, which was similarly elevated to the level of a complaint on November 8, 2024.
4. ABHM resigned from the Supreme Court on February 12, 2026.

Background and Facts Relating to the Complaints

2024

5. On or about April 19, ABMH’s husband, Geno Marconi, then the Director of the NH Division of Ports and Harbors and a Pease Development Authority (PDA) employee, was placed on leave and informed of a criminal investigation (Exhibit (E)1 @ 18).
6. On or about April 19, Stephen Duprey, the PDA Board Chair, received and responded to a voice message from ABHM stating that she was “in need of just some basic information.” (E2@13) When they spoke, ABHM explained she was seeking information

about her husband's suspension and informed Duprey about its impacts on their family, her role as a judge, and the Supreme Court. (E2@18-20, 21, 22, 41-42, 57)

7. Duprey stated ABHM's communication with him was "very appropriate in not crossing the line," and she didn't ask for anything he couldn't tell her. (E2@22, 42)
8. Nevertheless, Duprey stated the call was "very awkward," but he returned ABHM's call because she was a Supreme Court Associate Justice and it would have been rude not to. (E2@18, 24)
9. In or around mid to late April, ABHM recused herself from all New Hampshire Department of Justice (NHDOJ) cases.
10. On or about June 3, ABHM emailed Governor Sununu's office seeking a meeting about "a personal matter involving a member of [her] immediate family." The email was sent from ABHM's New Hampshire court system email account, and the signature block listed her title as "Associate Justice NH Supreme Court." (E3@116)
11. The Governor "took the meeting" because ABHM was a Supreme Court Justice. (E4@121-122) They met on June 6 for approximately ten minutes. (E1@56) The Governor's legal counsel, Rudy Ogden, also attended the meeting. (E4@123; E1@55-56)
12. ABMH described her husband's investigation as a "big nothing" arising from petty, maybe personal, issues related to Rye Harbor (E4@128,146). ABHM also talked about its impact on her personally and professionally, and the challenges caused by her recusal at the Supreme Court. (E4@124-126)
13. Governor Sununu described the meeting as "awkward," "weird," and "quasi-inappropriate" but not illegal. (E4@143-144)
14. On or about July 25, ABHM was placed on administrative leave by the Supreme Court for 90 days. (E6)
15. On or about October 16, ABHM was indicted on seven charges, including two felonies and five Class A misdemeanors, by the Merrimack County Grand Jury. Five of the charges, including Attempt to Commit Improper Influence, Criminal Solicitation (Improper Influence), Official Oppression, Criminal Solicitation (Official Oppression), and Criminal Solicitation (Misuse of Position), arose from her meeting with Governor Sununu on or about June 6th. (E7)
16. The indictment alleging Obstructing Government Administration involved ABHM's April 19th – June 6th communications with Duprey and Governor Sununu, whereas the Criminal Solicitation (Misuse of Position) charge related to her April 19th contact with Duprey. (E7)

17. On or about October 17, the Supreme Court extended ABHM's leave, pending developments in her criminal case. (E6)
18. During the pendency of the criminal charges, ABHM reviewed statements and documents the NHDOJ obtained from Stephen Duprey, Governor Sununu, Attorney Rudy Ogden, New Hampshire Supreme Court Chief Justice Gordon MacDonald, and other discovery materials in the criminal case. (E9@ 10, 12-13)

2025

19. On or about October 7, ABHM pleaded no contest to a new charge of Criminal Solicitation (Misuse of Position), a class B misdemeanor. (E8; E9; E10) The factual description of the offense was that ABHM sought information from Governor Sununu about her husband's investigation to which she was not entitled. (E8; E9@3, 10-11)
20. The initial seven charges were dropped (i.e., nolle prossed) after the hearing. The court (Judge Honigberg) entered a finding of "guilty" to the charge of Criminal Solicitation (Misuse of Position), and sentenced ABHM to a \$1200 fine and a \$288 penalty assessment. (E11@904-906; E8@907; and E9@896, 900)
21. On or about October 9, the Supreme Court lifted ABHM's interim suspension and reinstated her to the practice of law. (E6)
22. On or about October 27, the JCC's Executive Secretary requested ABHM's counsel, Attorney Richard Guerriero, to provide further information about the facts alleged in the seven indictments and the applicability of several provisions of the Code of Judicial Conduct to his client's conduct.
23. On or about November 25, Attorney Guerriero's response acknowledged that ABHM's meeting with Governor Sununu violated Rule 1.2 because it "may have created the 'appearance of impropriety'" and "could have been seen as not promoting public confidence in the independence, integrity, and impartiality of the judiciary." (E13)
24. On or about October 15, ABHM returned to the Supreme Court but limited her role to administrative work. She did not hear oral arguments, deliberate on case outcomes, or write opinions. (E1@83- 89)

2026

25. ABHM retired on or about February 12 upon reaching the mandatory retirement age of 70.
26. In a January 19 statement under oath, ABHM affirmed the statements appearing in her counsel's November 25 letter that her meeting with Governor Sununu was "ill advised" and may have created the "impression of impropriety." She regretted her lack of judgment, took responsibility for her actions, and agreed her June 6 meeting violated Judicial Conduct Code Rules 1.1 and 1.2. (E1@92-94)

27. In the same January 19 statement, ABHM acknowledged that her April telephone call with Stephen Duprey, who was essentially her husband's boss, was "ill advised" and, retrospectively, "it should not have happened." She agreed it violated Rules 1.1 and 1.2, but "to a lesser degree" than her meeting with Governor Sununu. (E1@94-96) ABHM took responsibility for the call and admitted it should not have occurred. (E1@95-96)

Violations of the Code

New Hampshire Code of Judicial Conduct

28. New Hampshire Supreme Court Rule 38 sets forth the code of judicial conduct:

- Canon 1 of the Code of Judicial Conduct states that: "A judge shall uphold and promote the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety."
 - Rule 1.1, *Compliance with the Law*, states that, "A judge shall comply with the law, including the Code of Judicial Conduct."
 - Rule 1.2, *Promoting Confidence in the Judiciary*, states that, "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."

29. In and around April and June 2024, ABHM knew or should have known that "[p]ublic confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge". (Sup.Ct.R. 38, Canon 1, R.1.2 cmt. 1)

30. In and around April and June 2024, ABHM knew or should have known that a "[j]udge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code." (Sup.Ct.R. 38, Canon 1, R.1.2 cmt. 2)

31. In and around April and June 2024, ABHM knew or should have known "[c]onduct that compromises or appears to compromise the independence, integrity and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms." (Sup.Ct.R. 38, Canon 1, R.1.2 cmt. 3)

32. In and around April and June of 2024, ABHM knew or should have known that "[a]ctual improprieties include violations of law, court rules, or provisions of this Code. The 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." (Sup.Ct.R. 38, Canon 1, R.1.2 cmt. 5)

Formal Charges

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

- a. ABHM, in violation of Canon 1, Rule 1.1, failed to comply with the law, including the Code of Judicial Conduct.
- b. ABHM, in violation of Canon 1, Rule 1.2, failed to 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.

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 former Associate Justice Hanz Marconi intends to raise at the hearing.

Respectfully submitted,
Judicial Conduct Committee
By its Hearing Counsel,

By: /s/Mark S. Zuckerman
Mark S. Zuckerman

JUDICIAL CONDUCT COMMITTEE

Dated: July 29, 2026