

Bill as
Introduced

HB 1306 - AS INTRODUCED

2010 SESSION

10-2101
09/01

HOUSE BILL **1306**

AN ACT relative to approval of recommendations of marital masters and judicial referees.

SPONSORS: Rep. Rowe, Hills 6; Rep. W. O'Brien, Hills 4; Rep. Gorman, Hills 23; Rep. Nixon, Hills 17; Rep. Emiro, Rock 3; Sen. Bragdon, Dist 11; Sen. Letourneau, Dist 19

COMMITTEE: Judiciary

ANALYSIS

This bill requires the judge responsible for approving the recommendations made by a marital master or judicial referee to certify that he or she has read and approves the recommendations.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to approval of recommendations of marital masters and judicial referees.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Recommendations of Marital Masters. Amend RSA 490-D:9 to read as follows:
2 490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be
3 signed by a judge. ***The judge signing such recommendations shall certify that he or she has***
4 ***read the recommendations and approves the recommendations as if the approving judge***
5 ***was the sitting judge making the recommendations.***
- 6 2 Recommendations of Judicial Referees. Amend RSA 493-A:1-a, II to read as follows:
7 II. A judicial referee may be assigned to take testimony, receive and review evidence, and
8 make recommendations for findings of fact and conclusions of law in any court specified in paragraph
9 I by the chief justice of the supreme court or superior court, from which the referee retired, or the
10 administrative justice of any other court from which the referee retired. All recommendations of
11 judicial referees shall be approved by a justice in regular active service or senior active service of the
12 court to which the referee is assigned. ***The judge approving such recommendations shall***
13 ***certify that he or she has read the recommendations and approves the recommendations as***
14 ***if the approving judge was the sitting judge making the recommendations.*** A judicial referee
15 shall not preside over jury trials and shall not enter final orders in any case.
- 16 3 Effective Date. This act shall take effect January 1, 2011.

HB 1306 - AS AMENDED BY THE HOUSE

17Feb2010... 0466h

2010 SESSION

10-2101
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HOUSE BILL **1306**

AN ACT relative to approval of recommendations of marital masters and judicial referees.

SPONSORS: Rep. Rowe, Hills 6; Rep. W. O'Brien, Hills 4; Rep. Gorman, Hills 23; Rep. Nixon, Hills 17; Rep. Emiro, Rock 3; Sen. Bragdon, Dist 11; Sen. Letourneau, Dist 19

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill requires the judge responsible for approving the recommendations made by a marital master or judicial referee to certify that he or she has read the recommendations and agrees that the marital master or judicial referee has applied the correct legal standard to the facts.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
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5 ***legal standard to the facts determined by the marital master.***
- 6 2 Recommendations of Judicial Referees. Amend RSA 493-A:1-a, II to read as follows:
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10 administrative justice of any other court from which the referee retired. All recommendations of
11 judicial referees shall be approved by a justice in regular active service or senior active service of the
12 court to which the referee is assigned. ***The judge approving such recommendations shall***
13 ***certify that he or she has read the recommendations and agrees that the judicial referee***
14 ***has applied the correct legal standard to the facts determined by the judicial referee.*** A
15 judicial referee shall not preside over jury trials and shall not enter final orders in any case.
- 16 3 Effective Date. This act shall take effect January 1, 2011.

CHAPTER 320
HB 1306 - FINAL VERSION

17Feb2010... 0466h

2010 SESSION

10-2101
09/01

HOUSE BILL **1306**

AN ACT relative to approval of recommendations of marital masters and judicial referees.

SPONSORS: Rep. Rowe, Hills 6; Rep. W. O'Brien, Hills 4; Rep. Gorman, Hills 23; Rep. Nixon, Hills 17; Rep. Emiro, Rock 3; Sen. Bragdon, Dist 11; Sen. Letourneau, Dist 19

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill requires the judge responsible for approving the recommendations made by a marital master or judicial referee to certify that he or she has read the recommendations and agrees that the marital master or judicial referee has applied the correct legal standard to the facts.

Explanation: Matter added to current law appears in *bold italics*.
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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 320
HB 1306 - FINAL VERSION

17Feb2010... 0466h

10-2101
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to approval of recommendations of marital masters and judicial referees.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 320:1 Recommendations of Marital Masters. Amend RSA 490-D:9 to read as follows:

2 490-D:9 Recommendations of Marital Masters. All recommendations of marital masters shall be
3 signed by a judge. ***The judge signing such recommendations shall certify that he or she has***
4 ***read the recommendations and agrees that the marital master has applied the correct***
5 ***legal standard to the facts determined by the marital master.***

6 320:2 Recommendations of Judicial Referees. Amend RSA 493-A:1-a, II to read as follows:

7 II. A judicial referee may be assigned to take testimony, receive and review evidence, and
8 make recommendations for findings of fact and conclusions of law in any court specified in paragraph
9 I by the chief justice of the supreme court or superior court, from which the referee retired, or the
10 administrative justice of any other court from which the referee retired. All recommendations of
11 judicial referees shall be approved by a justice in regular active service or senior active service of the
12 court to which the referee is assigned. ***The judge approving such recommendations shall***
13 ***certify that he or she has read the recommendations and agrees that the judicial referee***
14 ***has applied the correct legal standard to the facts determined by the judicial referee.*** A
15 judicial referee shall not preside over jury trials and shall not enter final orders in any case.

16 320:3 Effective Date. This act shall take effect January 1, 2011.

17 Approved: July 20, 2010

18 Effective Date: January 1, 2011

Amendments

Amendment to HB 1306

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to approval of recommendations of marital masters and judicial referees
4 and relative to state reimbursement rates for county sheriffs employed as court
5 bailiffs.
6

7 Amend the bill by replacing all after section 2 with the following:

8

9 3 Fees of Sheriffs and Deputy Sheriffs; Court Bailiffs; State Reimbursement. Amend
10 RSA 104:31, X to read as follows:

11 X. The state shall reimburse the sheriff's office, within available funds appropriated by the
12 legislature, [~~\$65 for each full day and \$35 for each half day~~] **at the full-day and half-day rates**
13 **contained in a collective bargaining agreement regarding court security officers of the**
14 **judicial branch**, plus traveling expenses to attend any official business, for any person employed as
15 a bailiff by the sheriff's office. For the purpose of this paragraph, a half day shall be defined as a day
16 in which a bailiff works 4 hours or less. The state shall reimburse the counties, within available
17 funds appropriated by the legislature, for all costs associated with employing court bailiffs, if those
18 costs are the result of job requirements imposed by federal and state governments.

19 4 Effective Date.

20 I. Section 3 of this act shall take effect upon its passage.

21 II. The remainder of this act shall take effect January 1, 2011.

2010-1897h

AMENDED ANALYSIS

This bill requires the judge responsible for approving the recommendations made by a marital master or judicial referee to certify that he or she has read the recommendations and agrees that the marital master or judicial referee has applied the correct legal standard to the facts.

The bill also modifies the state reimbursement requirements for county sheriffs employed as court bailiffs.

Committee Minutes

**AMENDED
SENATE CALENDAR NOTICE
JUDICIARY**

Printed: 04/28/2010 at 8:30 am

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 28, 2010

HEARINGS

Wednesday

5/5/2010

JUDICIARY

SH 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: THE PURPOSE OF THIS AMENDED NOTICE IS TO ADD HB 1306 WHICH WAS ORIGINALLY SCHEDULED FOR 5/4/10

- | | | |
|----------------------------|--------|---|
| 1:00 PM | HB1318 | (New Title) relative to victim services while the court is considering post-conviction DNA testing. |
| 1:15 PM | HB1398 | allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration. |
| 1:30 PM | HB1436 | requiring a report to the general court on New Hampshire's participation in the National Violent Death Reporting System. |
| 1:45 PM | HB1543 | relative to the annual rate of interest on judgments. |
| 4:05
2:00 PM | HB1306 | relative to approval of recommendations of marital masters and judicial referees. |

Sponsors:

HB1318

Rep. Robert Cushing

HB1398

Rep. Susan Emerson

Sen. Sheila Roberge

HB1436

Rep. Roger Wells

HB1543

Rep. David Nixon

HB1306

Rep. Robert Rowe

Rep. Frank Emiro

Rep. William Smith

Sen. Jacalyn Cilley

Rep. Robert Rowe

Rep. William O'Brien

Sen. Peter Bragdon

Rep. Frank Kotowski

Rep. Paul McEachern

Rep. Mary Gorman

Sen. Robert Letourneau

Sen. John Barnes, Jr.

Rep. James Craig

Rep. David Nixon

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, *Senior Legislative Aide*

RE: Hearing report on **HB 1306** – *AN ACT relative to approval of recommendations of marital masters and judicial referees.*

HEARING DATE: May 5, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Reynolds, Lasky, Roberge, Letourneau and Houde

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Representative Rowe with Representatives W. O'Brien, Gorman, Nixon and Emiro with Senators Bragdon and Letourneau

What the bill does: This bill requires the judge responsible for approving the recommendations made by a marital master or judicial referee to certify that he or she has read the recommendations and agrees that the marital master or judicial referee has applied the correct legal standard to the facts.

Who supports the bill: Representative Rowe; Representative Emerson; Representative Nixon; Attorney Howard Zibel on behalf of the Judicial Branch

Who opposes the bill: No one

Summary of testimony received:

- Representative Rowe introduced the bill and explained that the largest burden on the courts are the family law cases. He said that there are a significant number of them and that the decisions are complex, dealing with monetary matters, custody of children, support of spouses and retirement assets. He noted that the vast majority of these decisions are written by marital masters and that the judge must approve and sign the order. He said that there is a reasonable expectation that the judge who signed the order has also read the order. He said that RSA 490-D:9 says that the order shall be signed – and commented that he is sure that many judges do read the orders prior to signing.

- He noted that the bill was changed somewhat in the House, but that the Judicial Branch does agree with the change and that the bill was passed on the Consent Calendar.
- He said that HB 1306 creates a court requirement to read the order. He noted that the only objection raised was that this will require more time on the part of the judges.
- Senator Reynolds commented that we have had a number of these bills, for instance, to not sign non-dispositive orders – and asked what is he trying to do here. Representative Rowe responded that the judge is making a decision and that the judge should have to read the order if he or she did not sit in on the case.
- Senator Reynolds asked if there is any evidence that judges are not reading the orders. Representative Rowe responded “no,” but that he has heard it again and again that some do not read them but merely sign them.
- Senator Lasky asked if there is any enforcement involved here. Representative Rowe responded that he didn’t think that there should be – that he fully expects the judges will follow the law.
- Attorney Zibel testified that the Judicial Branch is in support of the bill. He expressed his appreciation for rescheduling this bill from yesterday to today when his schedule was lighter.
- He said again that the Judicial Branch does support this bill and that the language reflects the reality that judges do read the orders.
- He commented on unfortunate testimony given by Judge Morrill a few years ago in the House that was taken out of context. Attorney Zibel noted that Judge Morrill testified that he always sat with Master Pletcher, and that because of their long-standing relationship and his respect for Master Pletcher’s work, he didn’t always read the entire file before signing.
- Attorney Zibel noted that judges do not always read the entire file when signing because it is basically impossible. He remarked that many of these cases are extremely complex with very thick files. But he said that the language crafted here by Representative Richardson reflects what is happening in the courts. It says that when the judge signs the master’s order, the judge is stating that he or she has read the order and agrees with the legal standard that was applied by the master. Attorney Zibel remarked about the current way the signature is done and how this will change upon passage of this legislation.
- He noted that the legislation is basically self-enforcing.
- Senator Lasky commented that she certainly see no harm and that it is akin to making every Legislator certify that they read every bill before they voted on it – and said that she’s just trying to make sense of this. She noted that this is their job – and asked why this is before us. Attorney Zibel agreed that this is their job – and that it is not physically impossible. He went on to remark that he wished the Governor hadn’t vetoed last year’s bill – but agreed that the judges should be reading the orders before they sign them.

- Attorney Zibel added that Judge Kelly has read this legislation and is okay with it.
- Representative Nixon, a co-sponsor, testified in support. He said that probably the most grievous example comes with domestic relations cases such as alimony or division of property issues. He said that some people do not feel that when they are heard by a master, it is not the same as being heard by a judge. He remarked that he does not do family law work any longer, but that he looked at some materials and did not feel that there was a court / judicial proceeding. He said that at least if the judge reviews the order, then it would give it more significance.
- He noted that many judges have said that they do not read the orders prior to signing them.
- He said that the bill serves a very good purpose and that it is not overly burdensome. He said that it may well give more credence to these orders.

Fiscal Impact: Not applicable.

Action: Senator Letourneau moved "Ought to Pass." Senator Roberge seconded the motion. The Committee voted 5 to 0 in support. Senator Reynolds will report the bill out of Committee.

sfd

[file: HB 1306]

Date: May 8, 2010

Date: May 5, 2010
Time: 4:05 p.m.
Room: State House Room 103

JMB

The Senate Committee on Judiciary held a hearing on the following:

HB 1306 relative to approval of recommendations of marital
 masters and judicial referees.

Members of Committee present: Senator Reynolds
 Senator Lasky
 Senator Houde
 Senator Roberge
 Senator Letourneau

The Chair, Senator Deborah R. Reynolds, opened the hearing on HB 1306 and invited the prime sponsor, Representative Robert Rowe, to introduce the legislation.

Representative Rowe: Thank you, Madam Chair, Senators. My name is Robert Rowe. I am House Representative from Hillsborough District 6.

The largest number of cases in New Hampshire courts are small claims. There are about 16,000 of them, but still by far the largest burden on the courts is family law cases. Small claims have one case, one hearing. In family law, they have ex parte, they have original temporary orders, final cases. And then, after the final order, they probably come back two or three times. The decisions are very complex and very personal. They are money, property, custody, support, retirement and I think, of these cases, the vast majority are heard by marital masters, who cannot render a judgment. They can make a decision and recommendation to a judge and a judge must approve the order.

I think there is a reasonable expectation that the individuals assume that the judge has read the recommendations, however, but that hasn't been the case, nor is it required. RSA 490-D:9 states all recommendations of marital masters shall be signed by a judge. There is no requirement to read them. I'm sure many judges do.

JMB

I brought this bill and, in the original format, our committee and I had discussions with the Judicial Branch and we made changes to it. Originally, it said the judge approving the recommendations shall certify that he or she has read the recommendations and approved the recommendations as if the approving judge was the sitting judge making the recommendations. This was changed and modified to the point where the Judicial Branch agreed with it and that is what is before you at this moment.

This amended bill passed the House on a consent basis. It passed the Judiciary Committee in the House unanimously. I would ask that you make this slight change so that there is a requirement to read. The only objection to this came because they thought it would take more time on the part of the judge to read. Well, I guess that is true, but I think it is a reasonable expectation that they should read it. I think it is their job and, quite frankly, if we weren't such a parsimonious state, we wouldn't have marital masters, we would have judges so we wouldn't have to go through this two-step process. We get half the money for marital judges and that's where we are.

I will be happy to answer any questions.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Representative, we have had these bills a couple of times. One iteration was I think Judge Kelly of the Administrative Office responded to the bill that involved allowing the marital masters, and I think that that's, in the opinion of the justices, to sign non-dispositive orders like a continuance or something like that. So, I guess my question is, at the end of the day, what is it that you are trying to accomplish with this? What is the goal here?

Representative Rowe: It really is to have someone who is approved by Governor and Council to be a judge, for life, retire at seventy, to make a decision and that person who makes that decision, the judge, certainly should have read the order that the judge hasn't sat in the case. So, all we're saying is we would like that judge to read the order, the recommendation of the marital master, that that judge is signing and putting into legal effect.

Senator Deborah R. Reynolds, D. 2: Do you have any evidence that judges are not reading the recommendations of the masters? Is there some data that you have to indicate that?

Representative Rowe: Well, when you say data, if you're talking about research, a survey, no, but we have heard again and again and again that they are not read, they are signed.

Senator Deborah R. Reynolds, D. 2: But, who has said that?

JLB

Representative Rowe: Other Representatives have said that; other lawyers have said that. Representatives who come before our committee that have been involved in marital matters.

Senator Deborah R. Reynolds, D. 2: But, how could they possibly know if the judge is sitting in his or her chambers reading these orders?

Representative Rowe: I have no idea.

Senator Deborah R. Reynolds, D. 2: Okay.

Representative Rowe: They have said that. It is very likely they have spoken with judges.

Senator Deborah R. Reynolds, D. 2: The judges have said that they are not reading them. Is that what I'm hearing?

Representative Rowe: When you say, do I have any evidence.

Senator Deborah R. Reynolds, D. 2: I don't mean to be disrespectful. I apologize. Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Good afternoon, Representative Rowe. There is no enforcement involved in this.

Representative Rowe: I don't think there should be.

Senator Bette R. Lasky, D. 13: So, you just want it to state in the statute that the judge signing has read.

Representative Rowe: That's all. And, I fully expect our judges to follow the law and read and they will. And, probably a great number do read it, but we have had evidence that they don't.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Robert J. Letourneau, D. 19: I think we had a judge tell us. Remember that?

Senator Deborah R. Reynolds, D. 2: Any further questions of Representative Rowe? Thank you very much, Representative Rowe.

RWB

I want to indicate that Susan Emerson, Representative Emerson is signed in support, does not wish to speak.

Last, we have our esteemed colleague, Attorney Howard Zibel on behalf of the Judicial Branch. Welcome, Attorney Zibel. My sign-in sheet indicates you are in favor.

Attorney Howard Zibel: Yes.

Senator Deborah R. Reynolds, D. 2: And, I just want to note to my colleagues that last night I went to the New Hampshire Fire Foundation event and Attorney Zibel was recognized with an award and I just want to congratulate him on that.

Senator Robert J. Letourneau, D. 19: Congratulations.

Attorney Zibel: I appreciate that. It was quite a nice night and I really appreciate Senator Reynolds being there.

For the record, Howard Zibel, General Counsel to the Supreme Court and the Judicial Branch. First of all, I thank the Committee for rescheduling this for today because it was because of that award dinner that I asked for it to be rescheduled because it was getting late on yesterday's calendar and I knew there were some heavier hearings scheduled earlier that could have put it back and would have given me some trouble. So, I appreciate it. It is probably appropriate, I guess this is the last bill of the session and I'm the last witness and I think I was the first witness in the first bill back in the winter.

Senator Robert J. Letourneau, D. 19: First and last word.

Attorney Zibel: Right. It is appropriate.

Yes, the Judicial Branch does support this. This actually has turned out to be a good bill and it reflects reality. I do disagree with Representative Rowe in his statement that judges do not read orders of marital masters. They do read orders. There was unfortunate testimony in 2002, I think it was, of Judge Morrill that he didn't always read the orders, but the context to his testimony and that context was, and Senator Lasky may have been in there because it occurred in House Judiciary, the context of his testimony was that he always sat with Master Pletcher who he had staffed with for twenty years and he had great confidence in Master Pletcher's orders. So, he didn't always read them. That's wrong. I'm not saying he is right. But, I know of no judge who doesn't read them, no judge who has said they don't read them. They do

JLB

read the orders. What they don't read is the file. It is physically impossible to read an entire file.

The way the bill was originally drafted, which, as Representative Rowe said, it said something to the effect that if the judge was there, that would find the judge to having heard the evidence. Of course, judges don't sit in on these master hearings; they don't know the evidence. This was language crafted. I have to thank Representative Richardson, who was really the moving party behind this bill and helped craft the language. It reflects what is happening, that a judge signing certifies that he has read it, he or she has read it, and agrees that the marital master has applied the correct legal standard to the facts determined by the marital master. They just can't determine the facts anew. That's already been done. But, the judge can read the order and make it sure the correct legal standard is applied. If the Supreme Court eventually reverses, well, the judge certified to the wrong legal standard. That does happen. But, that is what the certification is to.

The bill is basically self-enforcing because right now above a signature it would say approved by, so ordered. Now, it would say the judge certifies that he or she has read the recommendation and agrees that the marital master has applied the correct legal standard to the facts determined by the marital master. I expect that to appear above the signature of the judge in every order after the effective date, maybe even before.

Senator Deborah R. Reynolds, D. 2: Thank you, Attorney Zibel. Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Congratulations, Mr. Zibel.

Attorney Zibel: Thank you.

Senator Bette R. Lasky, D. 13: I see certainly probably there is probably no harm in putting this in statute, but it seems to me as I sit here, it is akin to making every legislator certify somehow that they have read every bill before they vote on it. We all know that is almost impossible.

Senator Robert J. Letourneau, D. 19: I read all the bills.

Senator Bette R. Lasky, D. 13: Well, throw me in jail. So, I guess I'm trying to make sense of it. I think it is true they should read it, but that is their job. It is our job to read our bills and do our jobs to the best of our abilities, so just tell me, why it is here?

Attorney Zibel: I think it is their job. I think they are actually doing it. I'm not going to go into whether the legislators are or not. But, it would probably be physically impossible to read every bill that comes before you on the calendar. That gets into some physical impossibility probably.

Senator Bette R. Lasky, D. 13: Considering most have other jobs.

Attorney Zibel: Right. That would get to be a physical impossibility. This isn't a physical impossibility. Some of these are motions to continue granted. So, while you're signing, you're reading that. I wish the bill that passed last year that the Governor vetoed and he vetoed because of the section of the bill that allowed parties to consent to final orders. I wish we didn't have that part in that bill. I wish we had limited it to non-dispositive, consented to motions because the Governor would have signed that, it would have passed. I hope next year we can get that through because it is budget crunch time and it would save a lot.

But, judges should be reading them. I think they do read it. It is not a physical impossibility. In that stack of orders, there is an occasional five, six, seven, eight, maybe even longer page orders, but those aren't the norm. Judges should be reading them. Judge Kelly has reviewed this language and he is happy with it.

I don't come over here on my own; I have clients.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Howard Zibel. Any further questions? Seeing none, thank you very much.

Is anyone else here to testify relative to HB 1306? Representative Nixon?

Representative David Nixon: Thank you, Madam Chair. I hesitate to take more time of this Committee because I have taken a lot.

Senator Deborah R. Reynolds, D. 2: No problem.

Senator Robert J. Letourneau, D. 19: Say you.

Representative Nixon: I am a co-sponsor of this bill and I did so with some of the reservations that have been expressed in your questions. I will try to help the Committee this way.

Probably the most grievous area of the law now in terms of dissatisfaction, unhappiness and sometimes violence, as I have told you before, I do domestic violence stuff for the Bar Association, domestic relations cases where custody

of children, visitation, child support payments, alimony, division of property are issues.

People out there, rightly or wrongly, do not believe that they are being heard by a judge when they are being heard by a marital master. It is part of the psyche that they do not think that an order means anything unless it is signed by a judge. So, the original bill, we were told, would require judges to certify not only that they read the bill, but they understood it and agreed with the conclusions of their marital master. Well, as has been pointed out, some of these decrees and orders are ten, twenty, thirty pages long.

I had a fellow tell me the other day, I don't do domestic violence work any more, thank god. I did it for thirty or forty years. He was very unhappy about an order and so on and so forth. I said, well, somebody probably told you I don't do this work and he said, yes, somebody told me that you would at least talk. So, I said, send me the stuff and I will take a look at it. I took it home the night before last. The basis for this complaint is that he didn't feel like there was a court involved in what happened to him. That it wasn't really a judicial proceeding. So, I'm trying to find him a lawyer now and so forth.

But, so the bill is really, you might say, almost a placebo. It strives to satisfy people that these important issues, and they are so important to people, are really being decided by a judge, or at least reviewed by a judge who has certified that he/she has read it. The fact of the matter is, many judges have told me, scout's honor, that they haven't had time to read the stuff that they sign at the end of the day when they are leaving the courthouse. That they get a pile from the clerk who says, "Judge, we need these signed to go out in the mail" and they do it. That's all I know and I hope it is some help to you.

But, I think the bill has good purpose. I don't think it will be overly burdensome. And, to the extent that it will help people believe and understand that their cases are being decided by judge and the judges are in fact reading the marital masters' reports and certifying that they have might help.

Thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much. Any other parties here to testify relative to HB 1306? Seeing none, I will close the hearing.

Hearing concluded at 4:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Gail Brown". The signature is written in a cursive style with a large initial "L" and "B".

L. Gail Brown

Senate Secretarial Supervisor

9/21/10

Speakers

Voting Sheets

Senate Judiciary Committee

EXECUTIVE SESSION

Bill # HB 1306

Hearing date: 5/5/10

Executive session date: 5/5/10

Motion of: OTP

VOTE: 5-0

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Motion of: _____

VOTE: _____

Made by Reynolds
Senator: Lasky
 Houde
 Letourneau
 Roberge

Seconded Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

Reported Reynolds
by Senator: Lasky
 Houde
 Letourneau
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 6, 2010

THE COMMITTEE ON Judiciary

to which was referred House Bill 1306

AN ACT relative to approval of recommendations of marital
 masters and judicial referees.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Deborah R. Reynolds
For the Committee

L. Gail Brown 271-3076

New Hampshire General Court - Bill Status System

Docket of HB1306

Docket Abbreviations

Bill Title: relative to approval of recommendations of marital masters and judicial referees.*Official Docket of HB1306:*

Date	Body	Description
01/06/2010	H	Introduced and Referred to Judiciary; HJ 6 , PG.235
01/06/2010	H	Public Hearing: 1/14/2010 11:00 AM LOB 208
01/26/2010	H	Executive Session: 2/4/2010 10:00 AM LOB 208
02/09/2010	H	Committee Report: Ought to Pass with Amendment #0466h for Feb 17 CC (Vote 17-0); HC 14 , PG.592
02/09/2010	H	Proposed Committee Amendment #0466h; HC 14 , PG.631
02/17/2010	H	Amendment #0466h Adopted, VV; HJ 18 , PG.961
02/17/2010	H	Ought to Pass with Amendment #0466h: MA VV; HJ 18 , PG.961
03/24/2010	S	Introduced and Referred to Judiciary; SJ 11 , Pg.261
04/19/2010	S	Hearing: === CANCELLED === May 4, 2010, Room 103, State House, 3:30 p.m.; SC17
04/28/2010	S	Hearing: === RESCHEDULED === May 5, 2010, Room 103, State House, 2:00 p.m.; SC18
05/06/2010	S	Committee Report: Ought to Pass, 5/12/10; SC19
05/12/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 18 , Pg.475
05/12/2010	S	Passed by Third Reading Resolution; SJ 18 , Pg.497
05/19/2010	S	Enrolled; SJ 20 , Pg.665
05/19/2010	H	Enrolled; HJ 46 , PG.2244
07/21/2010	H	Signed by the Governor 7/20/2010; Effective: 01/01/2011; Chapter 0320

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1306 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE on which you have taken attendance
- HEARING REPORT (written summary of hearing testimony)
- HEARING TRANSCRIPT (verbatim transcript of hearing)
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____
- SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1897 _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

9/23/10

Debra Brown
COMMITTEE SECRETARY