

# New Hampshire Judicial Branch

FY22-23 Budget Request  
Senate Finance Committee

April 23, 2021





# Our Mission:

Preserve the rule of law while protecting the rights and liberties guaranteed by the United States and New Hampshire Constitutions.

The courts provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve.



## Supreme Court



5/5 Authorized/Filled  
Full-time Justices

## Circuit Court



35/32 Authorized/Filled  
Full-time Judges

- 2 Marital Masters
- 6 Part-time Judges
- 5 Senior Active Status Judges

34 Court Locations:

- 10 Probate Divisions
- 31 District Divisions
- 31 Family Divisions

## Superior Court



22/19 Authorized/Filled  
Full-time Judges

11 Court Locations

## Administrative Office of the Courts



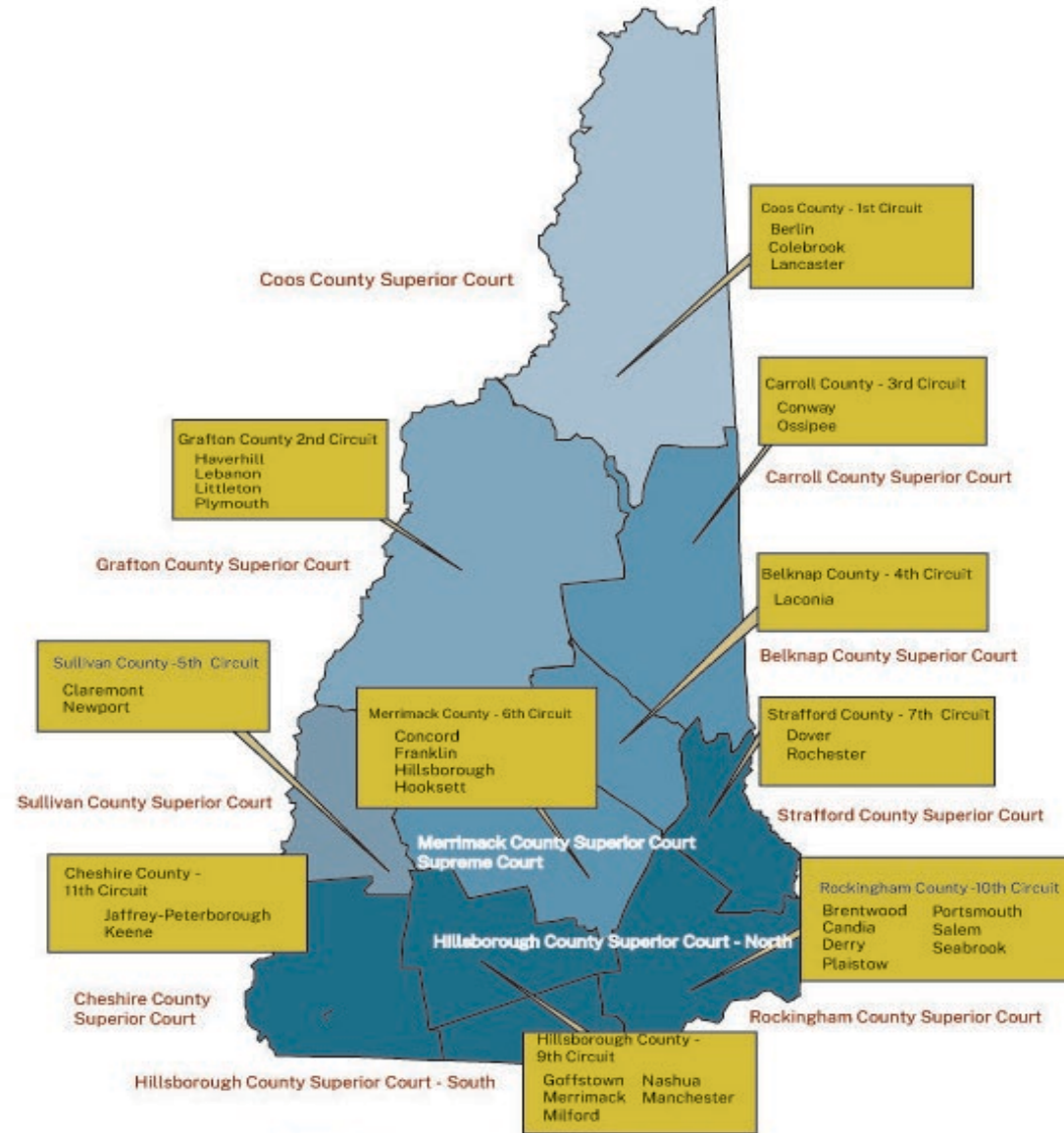
- Personnel
- Finance & Budget
- Information Technology
- Legal Counsel



# About the Judicial Branch

One appellate court, two trial courts, and an office with administrative duties to assist the courts

# Court locations map

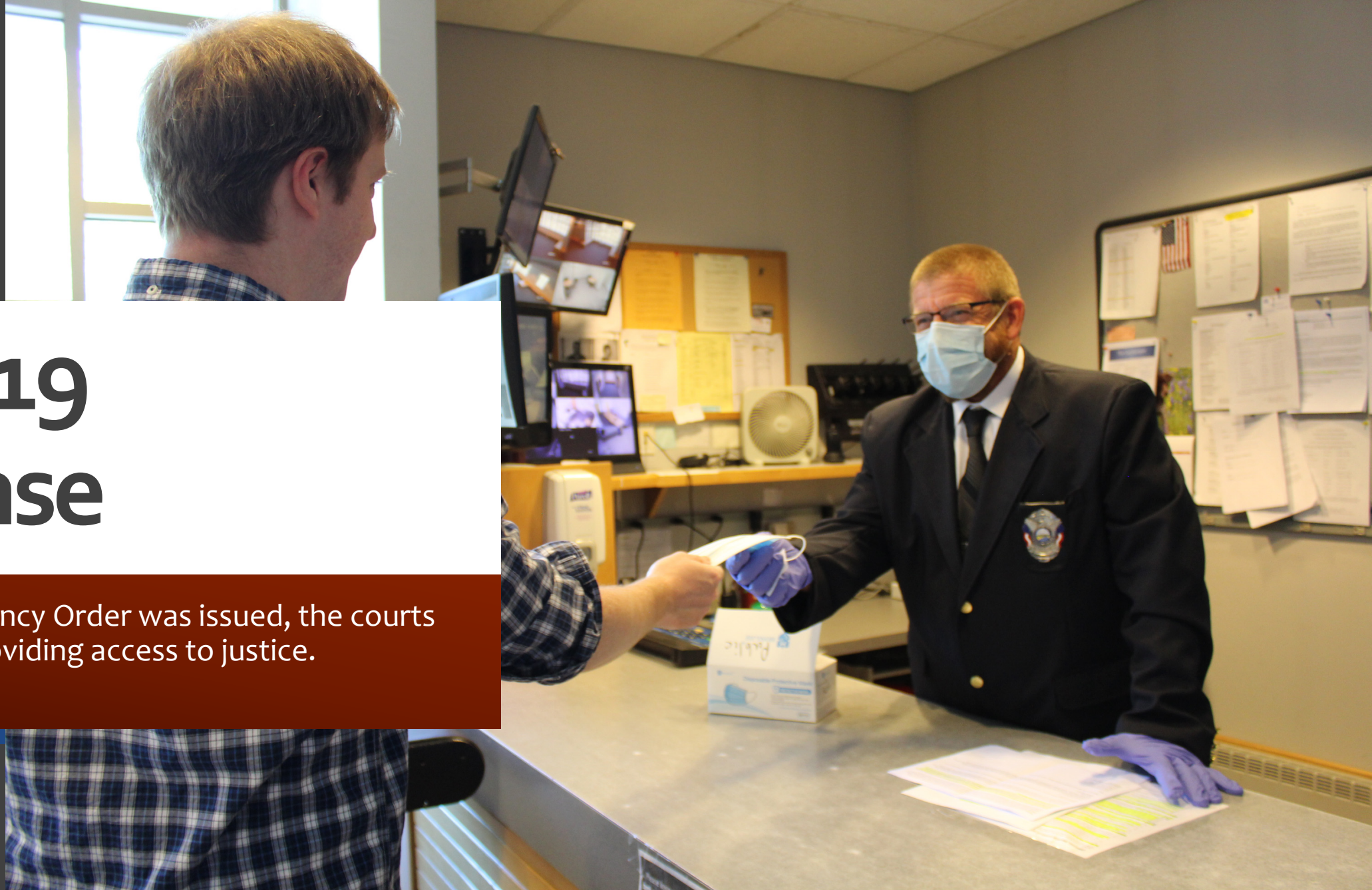


Circuit Court information courtesy of the New Hampshire Bar Association [www.nhbar.org](http://www.nhbar.org)



# COVID-19 Response

Since the first Emergency Order was issued, the courts have stayed open, providing access to justice.



# Supreme Court

The Supreme Court switched to Webex video for remote oral arguments when needed and was able to continue with a full calendar throughout the COVID-19 pandemic.\*

793

• Final orders issued

1,348

• Briefs filed

656

• New appeals filed

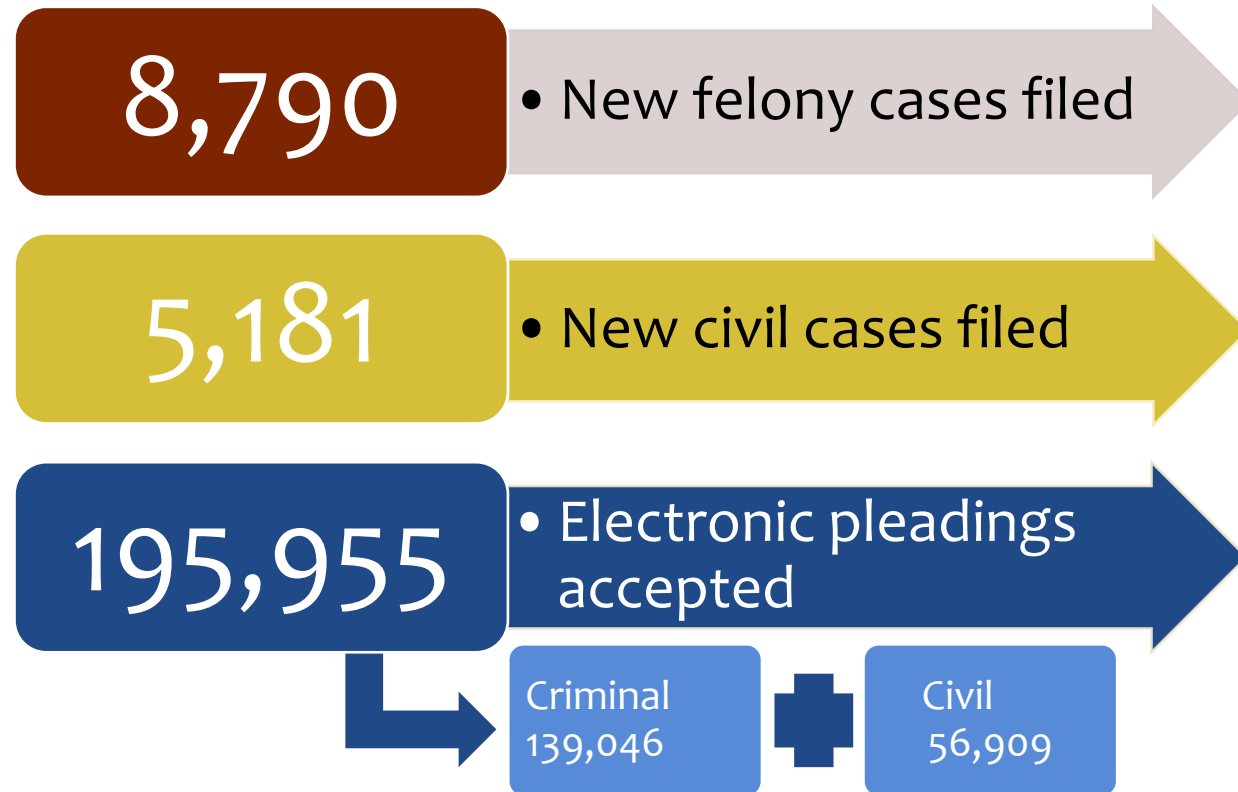


\*From March 1, 2020, to April 7, 2021



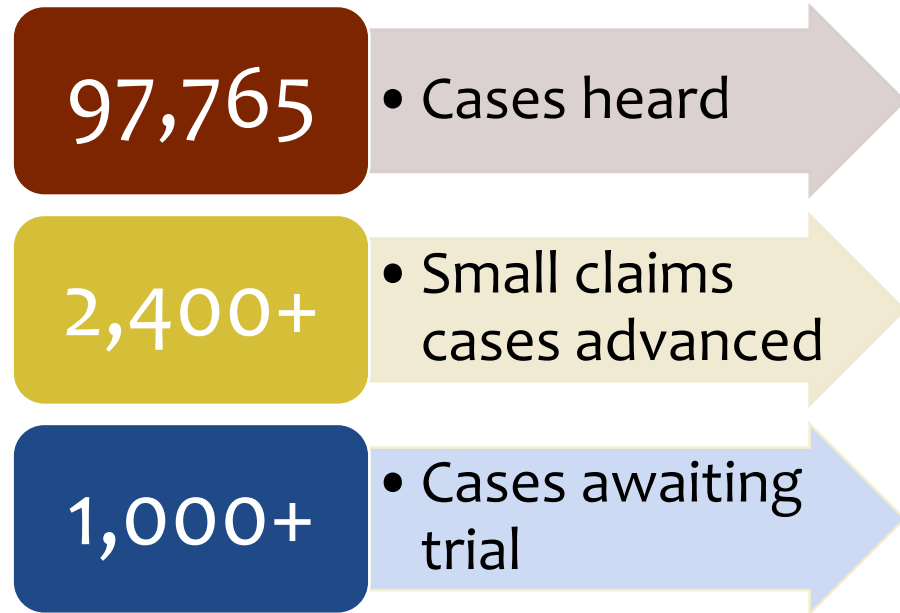
# Superior Court

By developing a COVID-19 jury trial protocol, and switching to video and telephonic hearings, the Superior Court was able to move forward on virtual cases and conducted 44,170 hearings in our 11 superior courts during the pandemic.

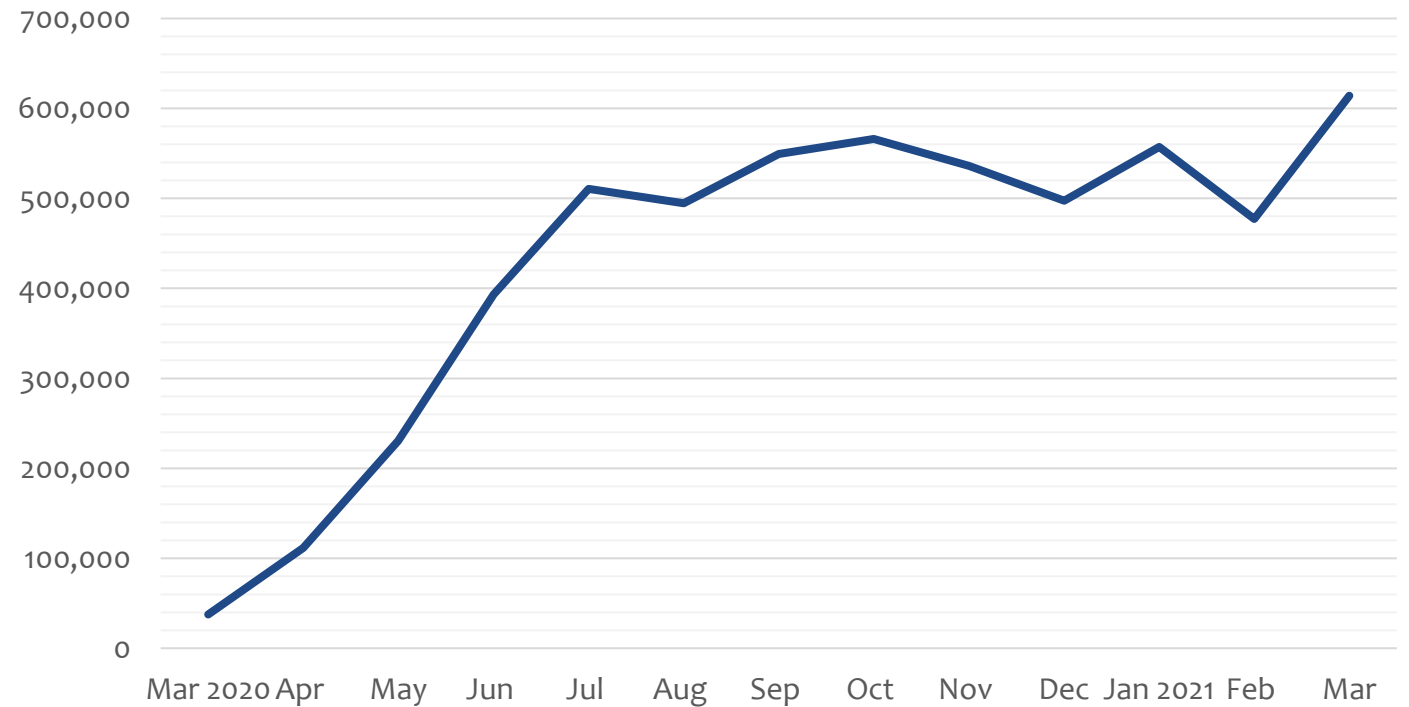


# Circuit Court

By increasing access to e-filing and moving to telephonic proceedings, the Circuit Court was able to move forward on 97,700+ cases.



## OpenVoice Minutes Used for Circuit Court Telephonic Hearings





# Information Center

Established in 2012, the Information Center answers calls for the Superior and Circuit Courts. Call volume during the pandemic has increased 18.7% to nearly 2,000 calls per day.

**Pre-pandemic Calls per Year**

353,516

**Calls during the Pandemic Year**

419,762

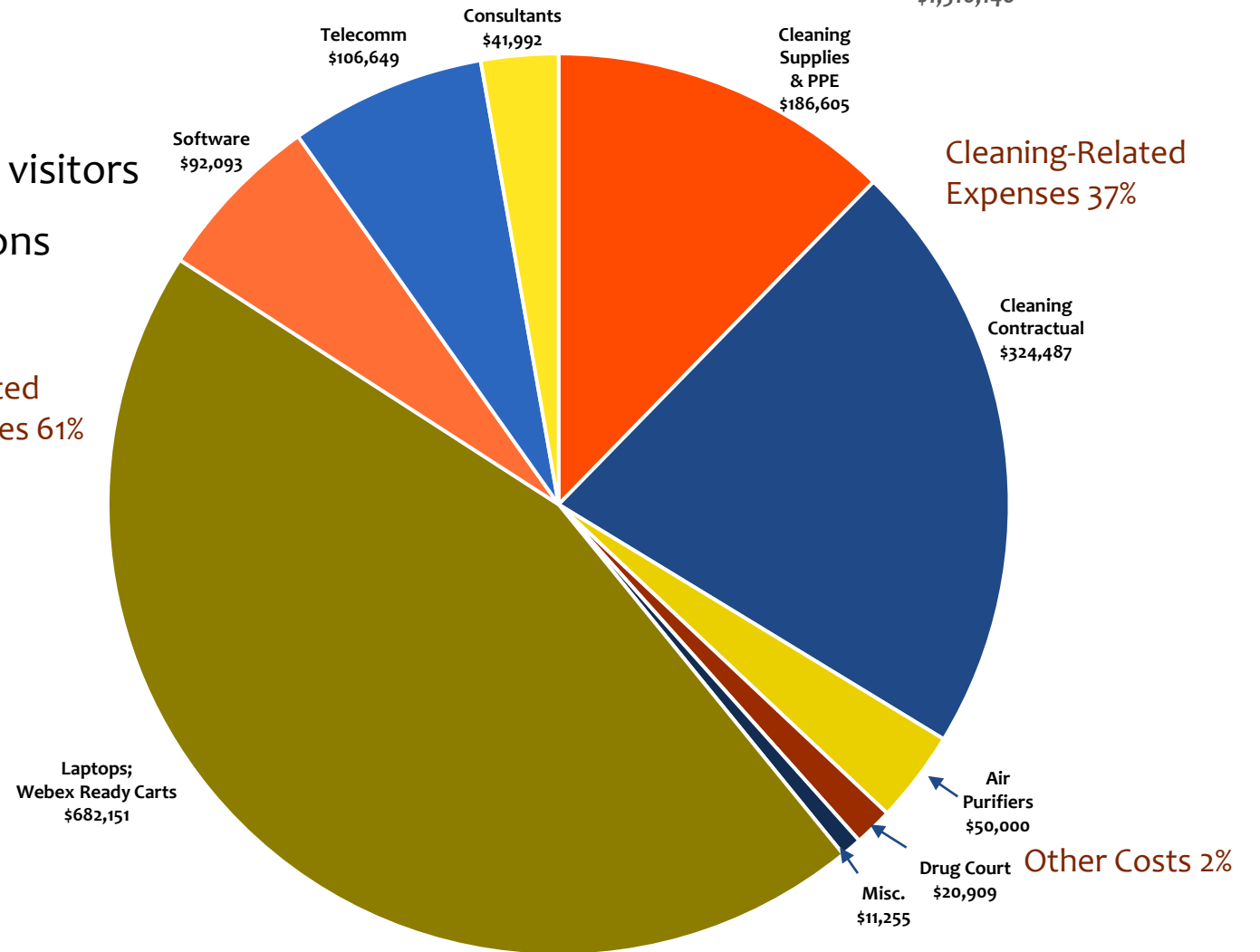
# CARES Act Spending

To meet the needs of the COVID-19 pandemic, the NH Judicial Branch received CARES Act funding for:

- CDC-prescribed cleaning services for courts
- PPE and cleaning supplies for judges, staff, and visitors
- Technology solutions for remote court operations
- Drug Court support for remote operations

IT-Related Expenses 61%

CARES Act Funds Spent  
\$1,516,140



## Did you know?

By enrolling 350+ participants annually, Drug Courts save the state \$10MM per year on incarceration expenses.

# Highlights FY21

Despite the challenges in FY21, two programs reflect the spirit of the Judicial Branch.

## Drug Courts Change Lives

'A chance to choose life': For some, drug courts break cycle of addiction and crime

By PAUL CUNO-BOOTH Sentinel Staff  
Jan 9, 2021



Christine Bemis outside her home in Keene on Dec. 30. She says drug court helped her get into long-term recovery from addiction.

Matteo Braoco

## Landlord/Tenant Mediation Program

NH landlord-tenant mediation could be national model, delegation says

By Caleb Symons Sentinel Staff  
Mar 30, 2021



Metro Creative Connection

New Hampshire's congressional delegation is calling on the U.S. Department of Housing and Urban Development to promote landlord-tenant mediation programs they say would help prevent evictions.





# FY22-23 Budget Request

Balancing the needs of the public with fiscal responsibility

# Budget Changes

The chart below summarizes by Accounting Unit and Funding Source FY2020 Actuals, FY2021 Adjusted Authorized, and the FY2022/2023 Operating Budget as passed by the House:

Accounting Unit	AU Description	FY2020 Act	FY2021 Adj Auth	FY2022 Bgt	FY2023 Bgt	% Change	
						FY21-FY22	FY22-FY23
1880	Supreme & Superior Courts	\$42,706,155	\$45,983,485	\$47,827,738	\$49,589,025	4.0%	3.7%
1995	Mediation & Arbitration Fund	\$519,513	\$649,470	\$559,882	\$569,884	-13.8%	1.8%
8670	Circuit Court	\$38,573,112	\$41,241,777	\$43,307,325	\$45,536,299	5.0%	5.1%
1736	IT Dedicated Fund	\$3,113,947	\$3,500,000	\$3,260,000	\$3,330,000	-6.9%	2.1%
8010	Workers Compensation	\$438,394	\$75,000	\$303,120	\$306,150	304.2%	1.0%
2034	Court Security	\$5,964,971	\$6,935,513	\$8,270,199	\$8,460,868	19.2%	2.3%
2015	Judicial Conduct Committee	\$158,913	\$199,242	\$201,010	\$208,620	0.9%	3.8%
2722	Court Improvement Project	\$0	\$319,811	\$340,996	\$350,702	6.6%	2.8%
<b>Total</b>		<b>\$91,475,005</b>	<b>\$98,904,298</b>	<b>\$104,070,270</b>	<b>\$108,351,549</b>	<b>5.2%</b>	<b>4.1%</b>
	Federal Funds	\$24,312	\$319,811	\$360,195	\$369,302	12.6%	2.5%
	General Funds	\$86,958,031	\$92,535,363	\$98,008,021	\$102,270,188	5.9%	4.3%
	Highway Funds	\$2,000,000	\$2,000,003	\$2,000,000	\$2,000,000	0.0%	0.0%
	Other Funds	\$2,492,662	\$4,049,121	\$3,702,054	\$3,712,059	-8.6%	0.3%
<b>Total</b>		<b>\$91,475,005</b>	<b>\$98,904,298</b>	<b>\$104,070,270</b>	<b>\$108,351,549</b>	<b>5.2%</b>	<b>4.1%</b>

# Personnel & Non-Personnel Related Additions

The FY2022/2023 Operating Budget request as passed by the House includes additional personnel-related and non-personnel-related costs as detailed below:

## Personnel Related Additions

- Two Circuit Court Judges
- IT Support Desk Specialist I
- Court Navigator Project Manager and Staff Attorney
- Increase for CSOs Contract Pay

## Non-Personnel Related Additions

- The Court Navigator Program office equipment and software
- Sheriffs Reimbursements (10% Increase)
- Belknap County Superior Court furniture
- Law Library technological upgrades and 5% budget increase
- Sheriffs reimbursement for prisoner custody & control

	FY2020 Act	FY2021 Adj Auth	FY2022 Bgt	FY2023 Bgt	% Change	
					FY21-FY22	FY22-FY23
Personnel Lines Baseline	\$67,674,341	\$72,241,683	\$75,202,831	\$79,237,150	4.1%	5.4%
• Circuit Court Judges (2)			\$654,478	\$680,783	N/A	4.0%
• IT Support Desk/LAN Specialist I			\$79,038	\$85,000	N/A	7.5%
• Access to Justice/Navigator Program (Prog Mgr + Attorney)			\$219,241	\$236,921	N/A	8.1%
• CSO Per Diem Rate to \$118.80 from \$108 (10% Increase)			\$252,010	\$261,702	N/A	3.8%
<b>SubTotal - Personnel Lines</b>	<b>\$67,674,341</b>	<b>\$72,241,683</b>	<b>\$76,407,598</b>	<b>\$80,501,556</b>	<b>5.8%</b>	<b>5.4%</b>
Non-Personnel Lines Baseline	\$23,800,664	\$26,662,615	\$26,583,264	\$26,832,356	-0.3%	0.9%
• Access to Justice/Navigator Program			\$23,775	\$13,225	N/A	-44.4%
• Sheriffs Reimbursements (10% Increase)			\$206,912	\$206,912	N/A	0.0%
• Law Library Technology Items			\$6,500		N/A	-100.0%
• Belknap Superior Court Furniture			\$44,721		N/A	-100.0%
• 5% Increase to Law Library Books Budget			\$25,000	\$25,000	N/A	0.0%
• Sheriffs Reimbursements for Prisoner Custody & Control (from DAS/BCF)			\$772,500	\$772,500	N/A	0.0%
<b>Subtotal - Non-Personnel Lines</b>	<b>\$23,800,664</b>	<b>\$26,662,615</b>	<b>\$27,662,672</b>	<b>\$27,849,993</b>	<b>3.8%</b>	<b>0.7%</b>
<b>Total</b>	<b>\$91,475,005</b>	<b>\$98,904,298</b>	<b>\$104,070,270</b>	<b>\$108,351,549</b>	<b>5.2%</b>	<b>4.1%</b>



# FY 22/23 Budget Request: Where the Money Comes from

The Judicial Branch's budget is primarily Generally Funded:

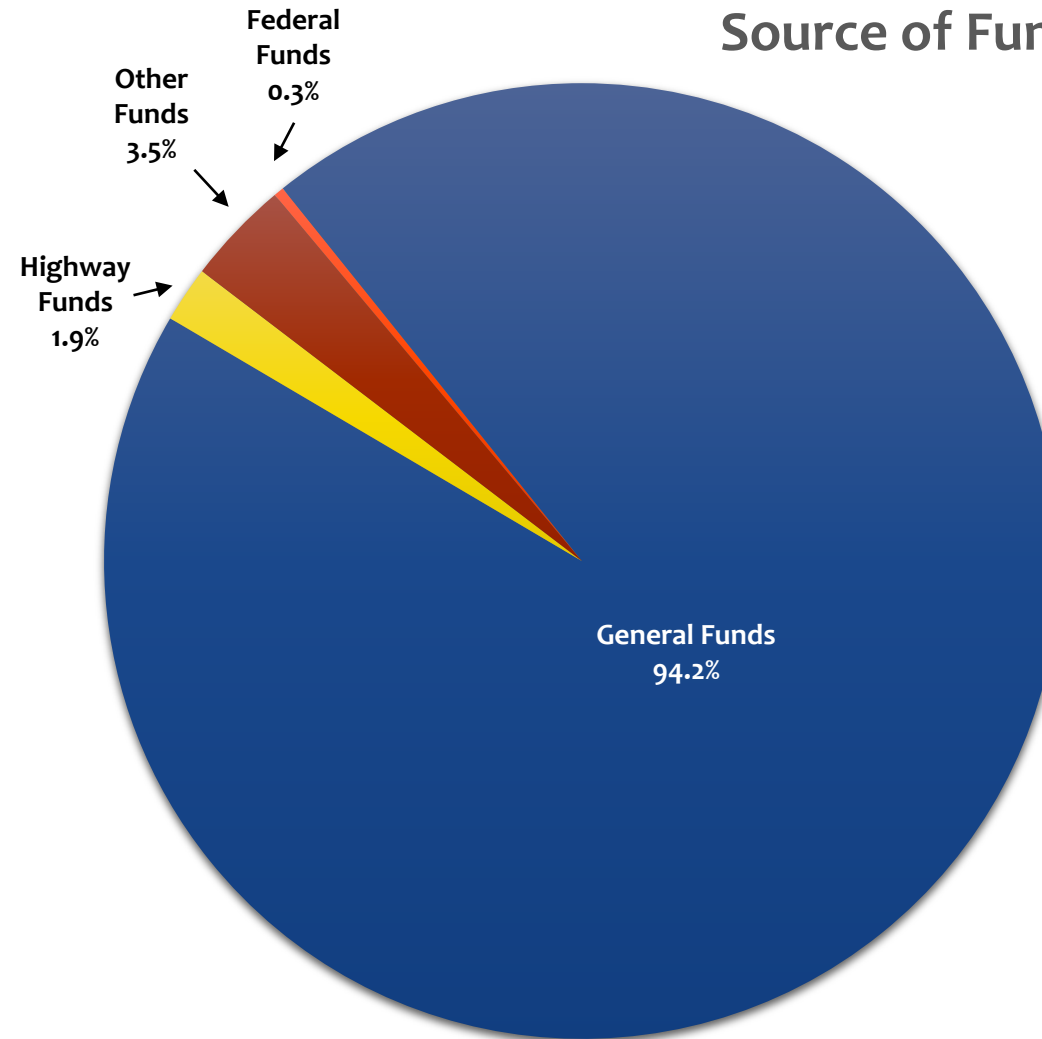
## FY22 Budget (House Finance Approved)

• Federal funds	\$ 360,195
• General funds	\$ 98,008,021
• Highway funds	\$ 2,000,000
• Other funds	\$ 3,702,054
Total funds	\$104,070,270

## FY23 Budget (House Finance Approved)

• Federal funds	\$ 369,302
• General funds	\$ 102,270,188
• Highway funds	\$ 2,000,000
• Other funds	\$ 3,712,059
Total funds	\$108,351,549

## FY22/23 Budget Request Source of Funds



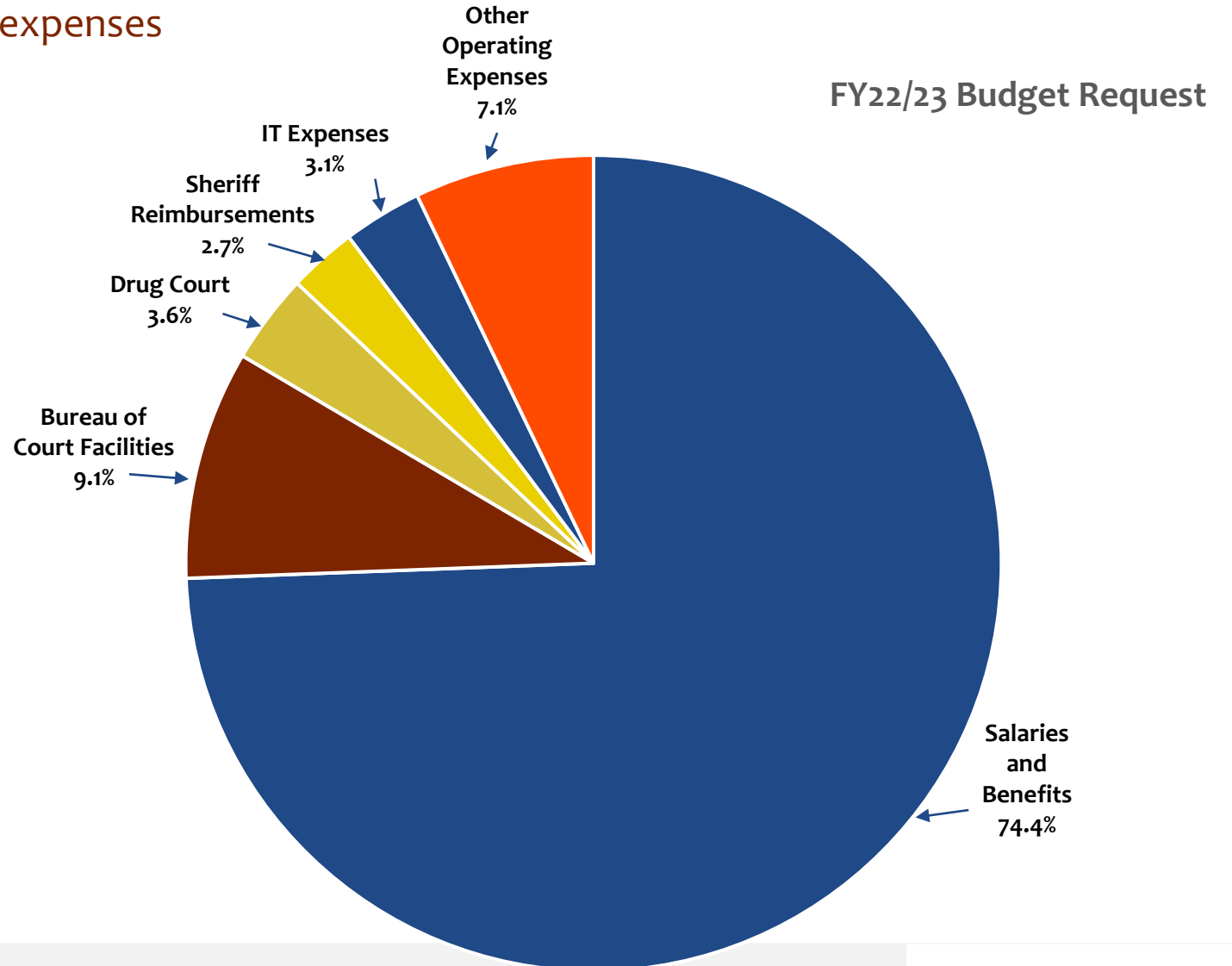
# FY 22/23 Budget Request: Where the Money is Spent

About **74 percent** is allocated for personnel expenses

- Salaries and Benefits

The **balance** is in five areas

- Bureau of Court Facilities
- Drug Court
- Sheriffs Reimbursement
- IT Expenses
- All Other Expenses



## Did you know?

In FY20, the Judicial Branch deposited

- \$12.3MM to the General Fund
- \$4.7MM to the Highway Fund

# Supplemental Priorities for FY22 /23





# Priorities Identified by Chief Justice MacDonald

Since joining the Judicial Branch in early March, Chief Justice MacDonald has identified three supplemental priorities to be addressed in FY22/23.

Improve  
access to  
justice in the  
Circuit Court

Promote  
diversity,  
equity and  
inclusion in  
the Judicial  
Branch

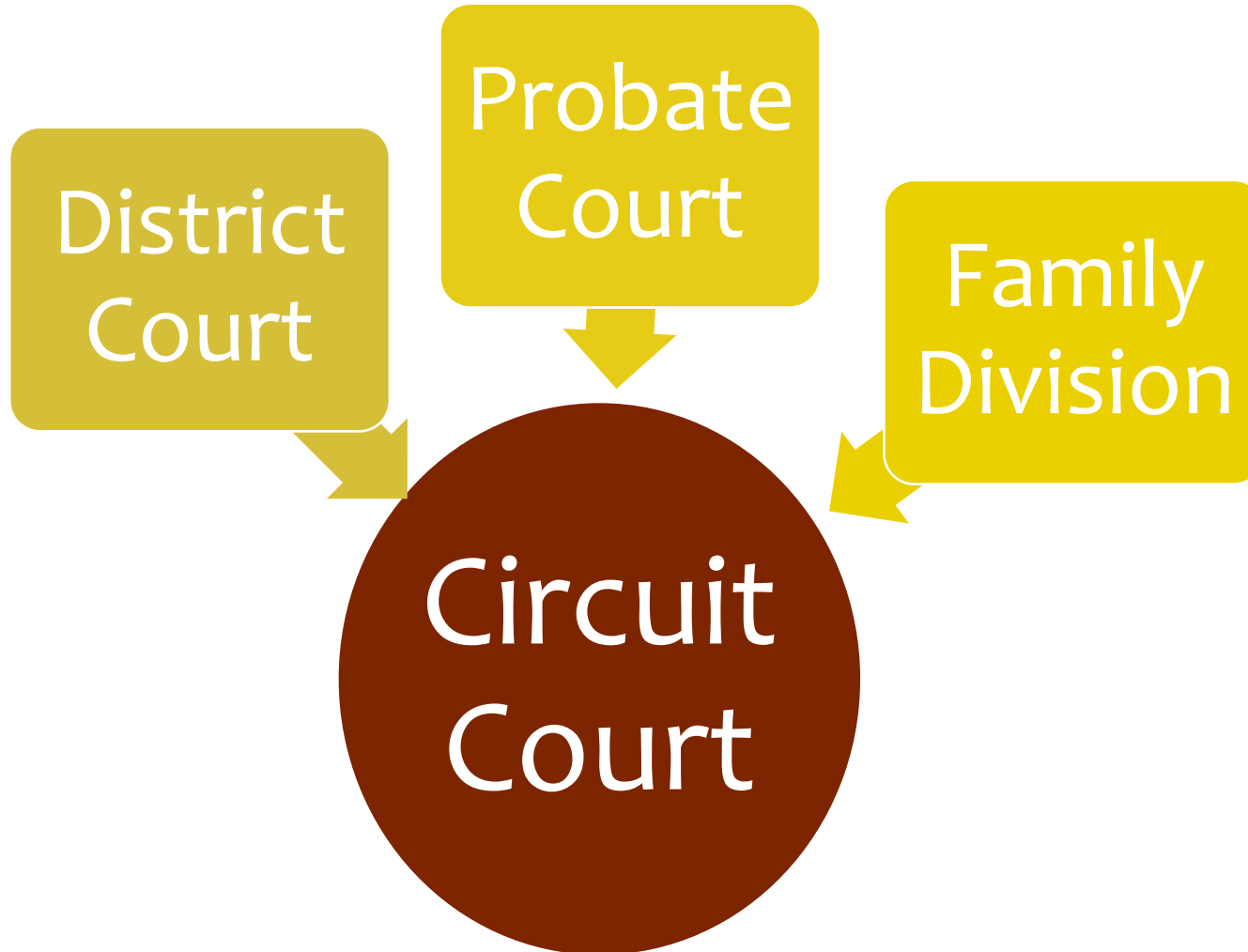
Achieve  
efficiencies  
by  
consolidating  
functions



# Improve Access to Justice in the Circuit Court

# Circuit Court History and Structure

The Circuit Court was created in 2011 when the Legislature combined 3 courts.



**The consolidation achieved management efficiencies ...**

- 2011 52 clerk positions
- 2021 20 clerk positions

**... but caused other problems—**

- A shortage of judicial officers in Circuit Courts

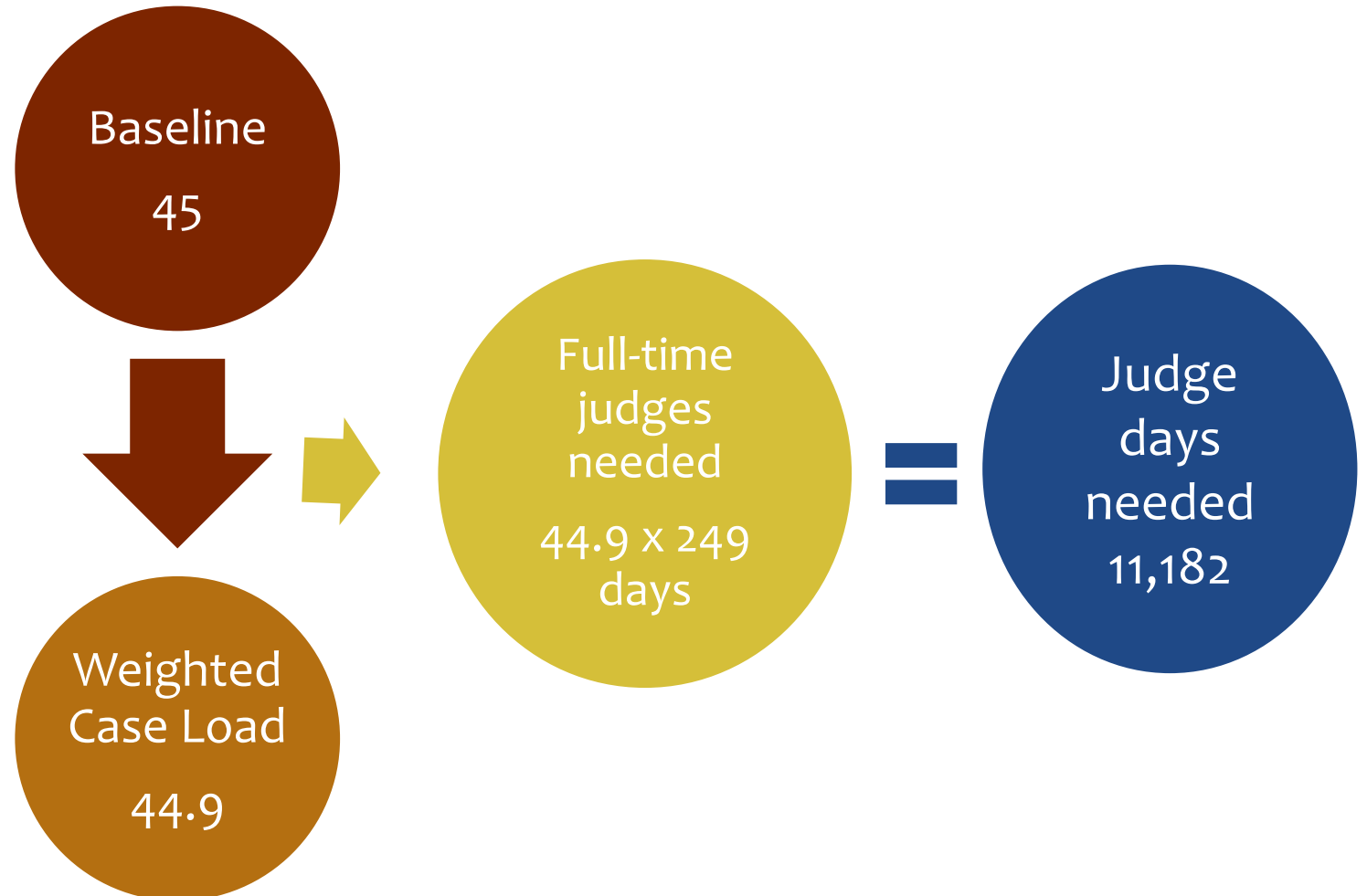
# Judicial Officers in the Circuit Court: Statutory Formula

## **RSA 490-F:5**

The minimum number of judicial officers in the circuit court “shall not be less than” the number authorized for pre-July 1, 2011, district, family, and probate courts and superior court marital masters. That number is 45 full-time.

## **RSA 490-F:11**

To calculate the number of judicial positions required in the circuit court, the supreme court uses an annual weighted case load (WCL). It determines judicial time required for each case, which is then translated into “judge days.” For 2021, that number is 11,182 judge days.

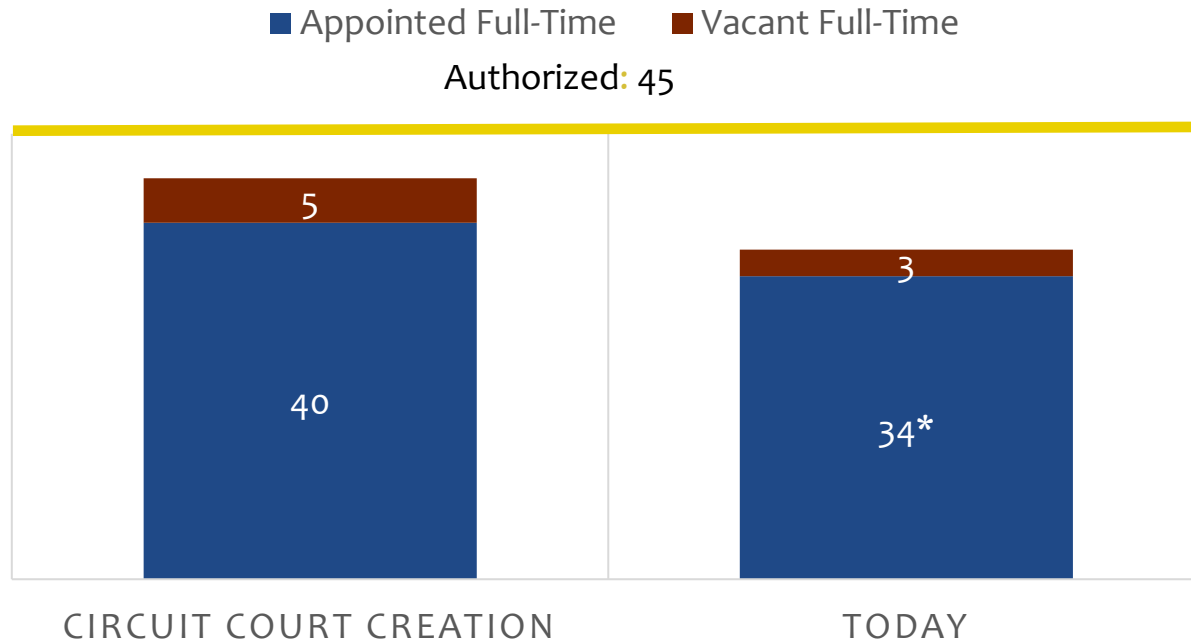




# Authorized versus Appointed

Though Circuit Court is authorized to have “no less than” 45 full-time judicial officers, Circuit Court began 2021 with 31 full-time judges and 2 marital masters. [RSA 490-F:5]

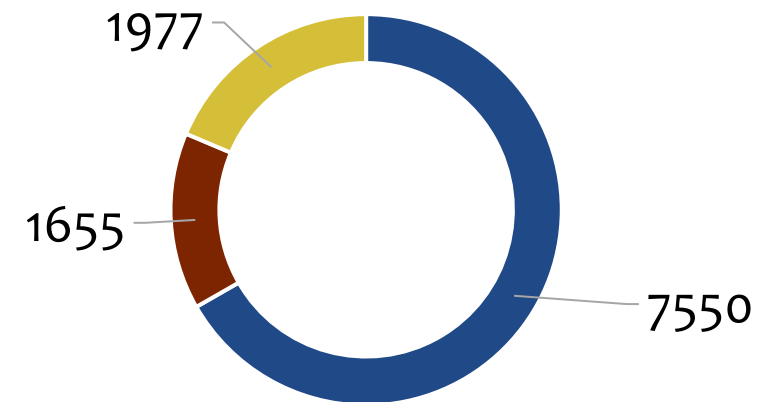
## Judicial Officers, 2011 and Now



\*Includes 2 new appointees training third week of April.

## Judicial Days Needed Based on WCL

- Meet with Current Full-Time Judges
- Met with Stop-gap Measures
- Not Met



# We now have a systemic problem in the Circuit Courts\*

With fewer judges we are denying access to justice to the people of New Hampshire.

**With retirements, attrition and budgetary restrictions, the number of judicial officers has declined significantly since 2011:**

2011      27 judges with 5 vacancies  
            13 marital masters  
            29 part-time judicial officers  
            with 6 vacancies

2021      32 full-time judges with 3 vacancies  
            2 marital masters  
            6 part-time judges



**And the gap is likely to grow worse:**

The response to the pandemic has produced a looming backlog

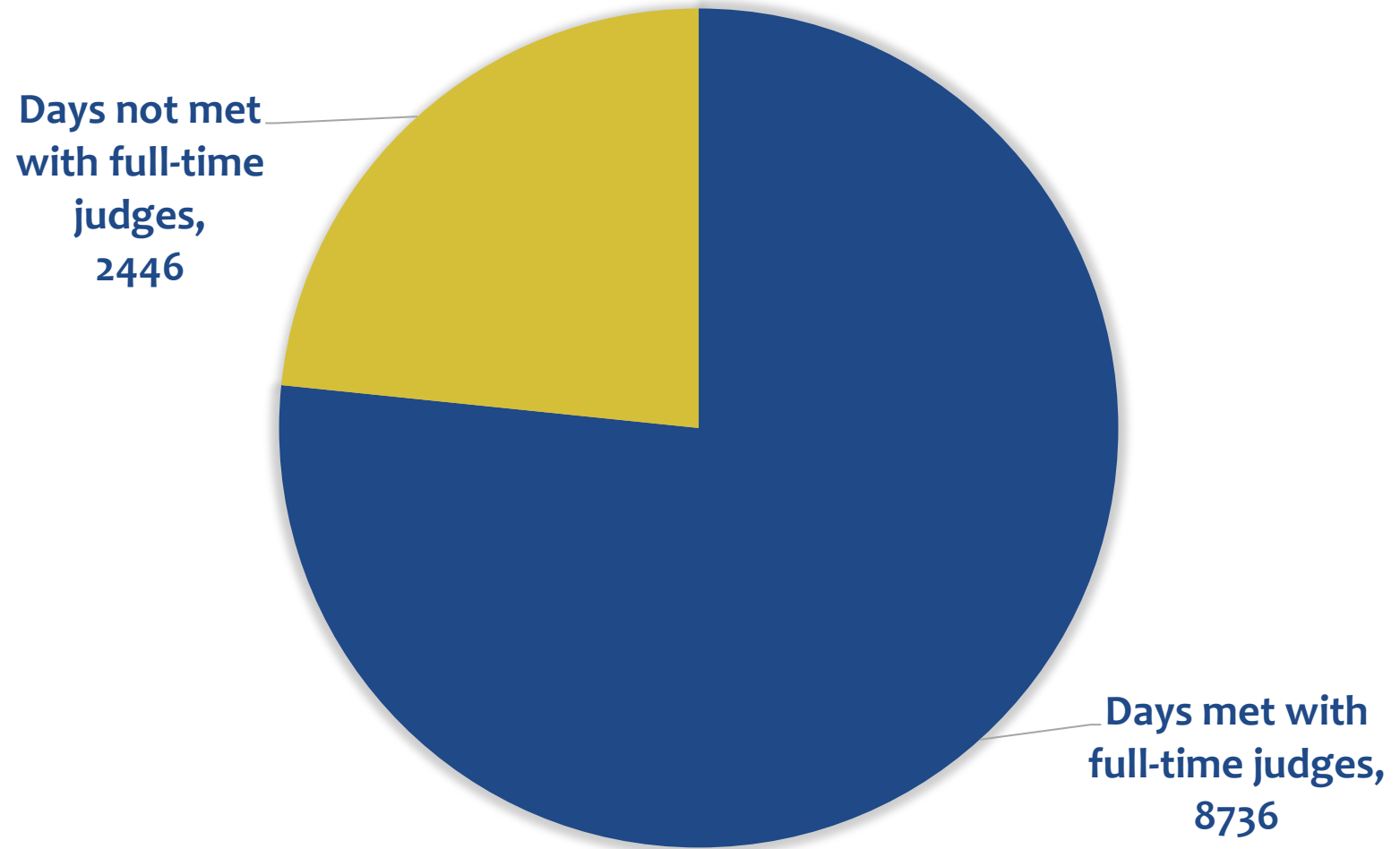
Contested hearings have been postponed

Landlord-Tenant cases will likely significantly increase upon the end of the eviction moratorium

\*Despite being authorized to have 45 full-time judicial officers, the Circuit Courts have only 37 funded full-time judicial officers (35 judges + 2 marital masters) in the Circuit Courts in FY21 [RSA 490-F:5]

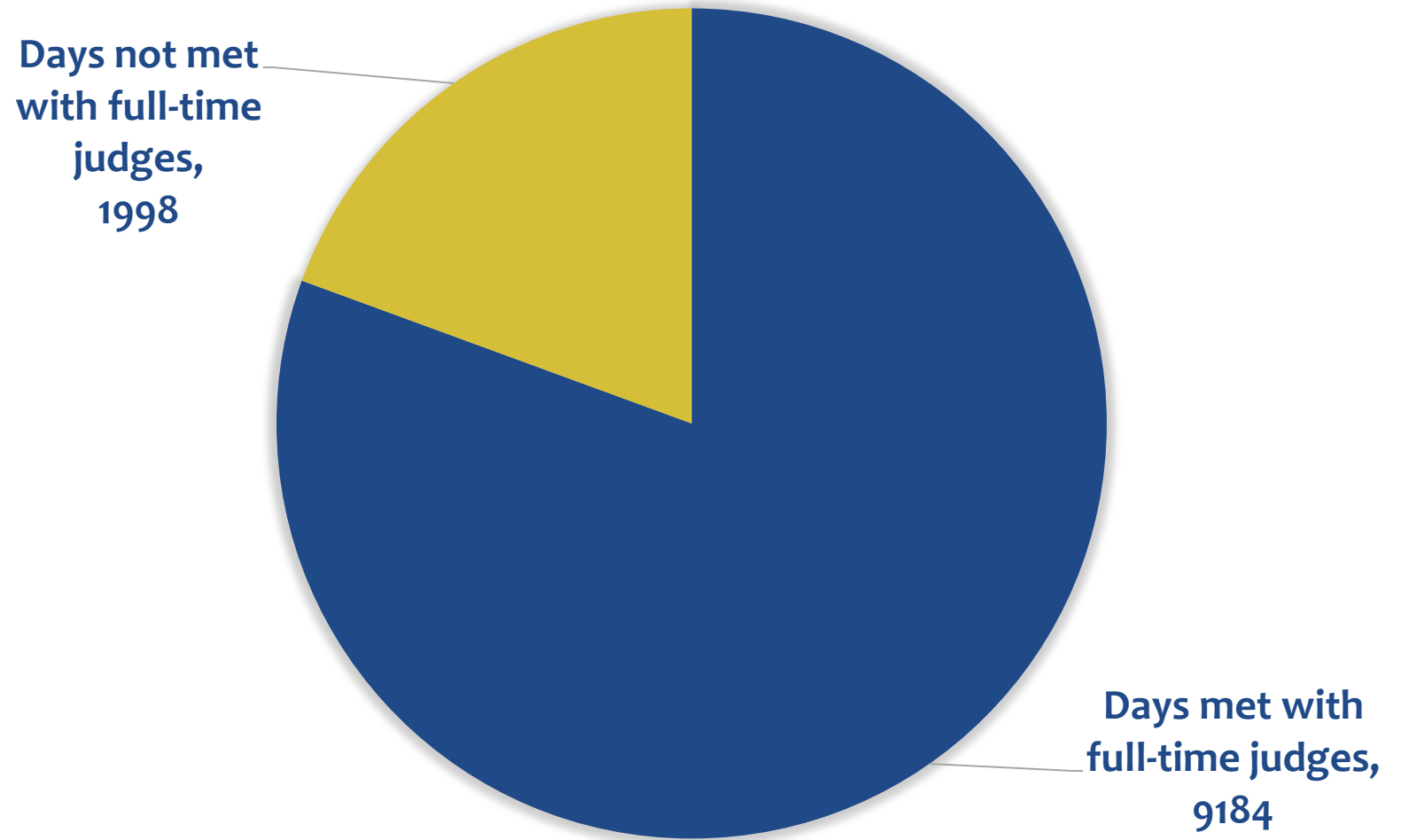
# Options for Addressing Justice Gap

FY22/23 budget as submitted includes 37 funded full-time Circuit Court judges, and 2 marital masters. That will meet 78% of the need.



# Options for Addressing Justice Gap

Funding four new judicial positions in FY22/23 will meet 82% of need.





# Supplemental proposal: Add two additional Circuit Court judges

45 judicial officers are currently authorized, but only 37 are funded. The FY22/23 supplemental proposal would bring the funded total to 41.



Supplemental Request	FY2022 Bgt	FY2023 Bgt	Change from FY21-FY22	Change from FY22-FY23
Circuit Court Judges (2)	\$653,564	\$679,747	N/A	4.0%



# Promote diversity, equity and inclusion in the Judicial Branch

# A commitment to fairness and equal justice

## Add a New Position to Coordinate Diversity and Access Initiative

- Courts across the country are undertaking efforts to assess judicial systems to ensure that we are meeting the promise of fairness and equal justice for all
- New Hampshire needs to be part of that effort
- The Judicial Branch has initiated a process to identify and implement recommendations with respect to training, recruitment and community engagement
- This supplemental proposal will add an additional position to coordinate the efforts of the Judicial Branch with respect to this initiative, as well as to support efforts to increase access to justice
- This will help align the Judicial Branch with the principles underlying the LEACT Commission recommendations

Supplemental Request	FY2022 Bgt	FY2023 Bgt	Change from FY21-FY22 %	Change from FY22-FY23 %
Director of Diversity and Inclusion	\$106,223	\$115,091	N/A	8.3%



**Achieve efficiencies by  
consolidating functions**



# Doing more by doing it better

## Expand Existing Lease to Accommodate Other Court Functions

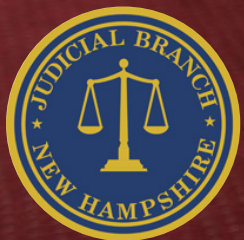
- The Administrative Office of the Courts assists the Chief Justice with the administration of the Judicial Branch by providing support in the areas of personnel, budget and finance, information technology, and legal counsel
- AOC operates from leased space at One Granite Place, Concord
- There is an opportunity to achieve efficiencies by means of the AOC providing support to 2 important Court functions: the Attorney Discipline Office and the Office of Bar Admissions
- First step is to secure approximately 8700 square feet of space that is immediately adjacent to the AOC's current operations and which recently became available

Supplemental Request	FY2022 Bgt	FY2023 Bgt	Change from FY21-FY22 %	Change from FY22-FY23 %
Lease of Vacant Space at One Granite Place	\$126,000	\$126,000	N/A	0.0%

# Total Supplemental Budget Request

These supplemental items increase the FY2022/2023 Operating Budget request as passed by the House by 0.87% in FY22 and by 0.81% in FY23.

	FY2020 Act	FY21 Adj Auth	FY2022 Bgt	FY2023 Bgt	% Change	
					FY21- FY22	FY22-FY23
Personnel Lines Baseline <i>(House Finance Approved)</i>	\$67,674,341	\$72,241,683	\$76,407,598	\$80,501,556	5.8%	5.4%
• Circuit Court Judges (2)			\$653,564	\$679,747	N/A	4.0%
• Director of Diversity and Inclusion			\$106,223	\$115,091	N/A	8.3%
• Accounting Analyst III			\$68,003	\$73,444	N/A	8.0%
Non-Personnel Lines Baseline <i>(House Finance Approved)</i>	\$23,800,664	\$26,662,615	\$27,662,672	\$27,849,993	3.8%	0.7%
• Shortfall in projected VoIP costs			\$109,600	\$109,600	N/A	0.0%
• Lease of vacant space at 1 Granite Place			\$126,000	\$126,000	N/A	0.0%
• Miscellaneous costs (Equipment, software for personnel)			\$51,520	\$7,020	N/A	-86.4%
Technical Correction (Reduced Budgeted Health & Dental Rates) (Rates received after House Finance Div I presentation)			-\$212,488	-\$238,585	N/A	12.3%
<b>Total</b>	<b>\$91,475,005</b>	<b>\$98,904,298</b>	<b>\$104,972,692</b>	<b>\$109,223,866</b>	<b>6.1%</b>	<b>4.0%</b>



Thank you! Questions?