

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

April 14, 2023

Chris T. Sununu, Governor
State of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Jeb Bradley, President
New Hampshire Senate
State House, Room 302
107 North Main Street
Concord, NH 03301

Sherman Packard, Speaker
New Hampshire House of Representatives
State House, Room 311
107 North Main Street
Concord, NH 03301

Kenneth Weyler, Chairman
And Members of the New Hampshire Joint Legislative Fiscal Committee
State House, Room 102
107 North Main Street
Concord, NH 03301

Re: 2023 Quarter One Report for the YDC Claims Administration and Settlement Fund

I was appointed by the New Hampshire Supreme Court on October 6, 2022, to be the full-time Administrator of the newly created YDC Claims Administration and Settlement Fund. Claimants' counsel and the Attorney General jointly recommended me for appointment. I was honored to accept it. The post of Administrator presents a unique opportunity for further public service. I felt uniquely suited to assist because of my years as a trial lawyer and judge, coupled with my mental health advocacy work.

My first task was to assemble a small, committed and competent staff, while also working with the Administrative Office of the Courts on a number of needs including to find space for our operations in its facilities. Our initial work involved creating a website,

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identifying and acquiring appropriate and secure technology and capacity, generating and posting notices required by statute, and reaching out to stakeholders and potential consultants. The beginning success in fashioning a confidential, timely and workable process consistent with statutory mandates will likely need some adjustments as time unfolds and we see areas to adapt. If any changes require legal approval of the Joint Fiscal Committee, I will, of course, be in direct contact with the Committee.

Before our claims operation opened on January 1, 2023, I met informally with counsel who represent hundreds of people with lawsuits pending in the superior court to explain my initial expectations for the Fund and its claims process, to gather their suggestions and concerns, and to answer their questions where appropriate. The Attorney General's designee, who is charged with managing the administrative claims process for that office, attended as well. I thought the meeting went well and plan to have informal and open discussion with counsel periodically as we build out our collective efforts. This will also involve those attorneys who have since stepped forward to serve on the volunteer attorney list. At the December discussion, I emphasized that my role as claims administrator for the Settlement Fund is independent and neutral. In this role, I want to work as collaboratively as possible with claimants, counsel, and the Attorney General's designee to do all we can to fulfill expectations for fairness and efficiency while ensuring that the claims process is trauma-informed and focused on victims of abuse eligible for recovery under the Fund. It is a high priority for my staff to receive training and advice to ensure that we, and the process I oversee, will be in full compliance with this legislative mandate.

A number of potential claimants are currently incarcerated. My staff and I have been working with the Department of Corrections and the superintendents of the county houses of corrections to ensure that DOC residents are having their needs met as much as possible. We are working together to make sure that DOC residents are aware of the claims process, have access to the claims packets, are able to reach our office by phone, and will have access to therapists and counselors if completing the claim form becomes emotionally difficult. To date, I have been very gratified and appreciative of the cooperation we have received. This will be a continuing effort to make sure those who are incarcerated have appropriate access to the claims process.

The website for YDC claims administration is key for providing practical and useful information to the general public and government officials, as well as to claimants and counsel. For example, we have posted a number of "Frequently Asked Questions" in Question/Answer format for easy access. The FAQs should answer some initial inquiries we have received while saving time for claimants, counsel and our staff. We have also posted a brief, narrative outline of the claims process to highlight its mission, its structure, its expected timeline and also to discuss how it differs from the litigation process.

Because those currently incarcerated face specific challenges accessing our process, we have posted a separate narrative for them on our website. We plan to periodically refresh the information on the website and soon will add one or two short instructional videos to assist those contemplating filing a claim. The instructional videos may be particularly helpful to those who are incarcerated, to those who are unrepresented by legal counsel, and to those who are new to the YDC claims administration process.

At this point we believe we have met our goals for Quarter 1 and look forward to Quarter 2. But as you certainly appreciate, setting up a one-of-a-kind outward-facing claims operation with just a few months lead time is no small undertaking. This is punctuated by the significant public responsibility and confidentiality protections for claimants put in place by the Legislature. Our staff has been tireless and unrelenting. We have also benefitted from cooperation of many stakeholders including the State Department of Corrections, the New Hampshire Bar, the Administrative Office of the Courts, claimants' counsel, and the Attorney General designee.

Because the operation of the claims process is confidential in accordance with the legislative mandate and because the work of the Administrative Office of the Courts also requires confidentiality, it has been a challenge for all concerned to accommodate the space we need. Accordingly, our operation will be moving to a new location in Concord at the end of April. Both the Chief Justice of the Supreme Court and the Attorney General have signed off on that move and the related expenses that will be involved. The move will allow our operation the expansion it will likely need as more claims are received and the claims process develops with claims filed.

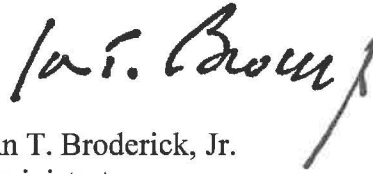
At this point, we are not in a position to estimate the number of claims that will be filed in Quarter 2, the amount of those claims or how much might be paid out from the Fund to resolve them. There is simply no way of knowing at this early date. Nevertheless, inquiries and dialogue during Quarter 1 give a fair indication that more claims will be filed and new claims may exceed those filed in Quarter 1. To give a picture, filed and anticipated claims cover situations where there is a related lawsuit and those that do not. A general measure of costs to be incurred for claims processing in Quarter 2 is identified in this first report. These anticipated costs identified in the Quarter 1 report involve both processing for any newly filed claims and continuing to process existing claims in the next stages which may or may not involve investigations and resolution proceedings.

It is my goal to keep administrative costs as low as possible, in order that funding go to the victims of abuse. As we move forward in the quarters, I will do all I can to project costs in coordination with the Attorney General's Office for the Joint Fiscal Committee.

If there is any interest, especially with the Joint Fiscal Committee, to discuss informally with me my early thoughts and impressions surrounding the Fund and the process, I would be happy to make myself available.

As Administrator of the YDC Claims Administration and Settlement Fund and in accordance with my statutory reporting obligations, I am submitting this report of our operations for Quarter 1. If you have any questions, please let me know.

Respectfully submitted,



John T. Broderick, Jr.
Administrator
New Hampshire Youth Development Center
Claims Administration and Settlement Fund

CC:

Michael Kane, Legislative Budget Assistant
Office of Legislative Budget Assistant
State House, Room 102
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New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

April 14, 2023

To: Chris T. Sununu, Governor, State of New Hampshire
Jeb Bradley, President, New Hampshire Senate
Sherman Packard, Speaker, New Hampshire House of Representatives
Kenneth Weyler, Chairman and Members of the New Hampshire Joint Legislative Fiscal
Committee

Administrator's Quarterly Report for the YDC Claims Administration and Settlement Fund 2023 Quarter One

The New Hampshire Legislature established the YDC Claims Administration and Settlement Fund under NH RSA 21-M:11-a, for victims of sexual and physical abuse at New Hampshire's youth detention center in prior decades to provide an administration process as a trauma-informed, victim-centered alternative to litigation for the efficient and fair resolution of potential claims against the State of New Hampshire. 2022 HB 1677, *Statement of Purpose* for NH RSA 21-M:11-a. The Legislature established a process for determining settlement amounts of claims under the Fund and directed the Attorney General to use the Fund for purposes of administering claims. NH RSA 21-M:11-a, II *et seq.* The Legislature established a position known as the youth development center claims administrator in the New Hampshire Judicial Branch, *id.* at I(a), III; and the New Hampshire Supreme Court appointed John T. Broderick, Jr. to serve an independent, neutral claims administrator. The duties of the administrator involve processing claims and settling claims at amounts agreed upon by the Attorney General Designee and each claimant, or at amounts which are determined by the administrator, giving due consideration to the guidelines adopted by the joint fiscal committee. *Id.* at III.

The YDC Claims Administration and Settlement Fund statute requires the claims administrator, in consultation with the Attorney General's Office, to submit a quarterly report on the claims process, including information about the claims filed or anticipated to be filed, as well as administrative costs paid and anticipated. NH RSA 21-M:11-a, XV.

For information about claims, the statute requires reporting for the following data: the number and nature of claims made and settled, the amounts requested and paid in settlement to date, the claim amounts pending, an estimate of the likely amounts which will be approved and paid. NH RSA 21-M:11-a, XV. The Quarter One Report covers information about claims filed from January 1 through March 31, 2023.

The claims process is in its inception stage, which impacts the level of detail that may be provided for reporting and projections. As the claims process develops throughout 2023, the claims administrator and the Attorney General's Office will contemplate how future reports can provide further detail and comparisons about claims filed and resolved, as well as projections about claims and anticipated payments.

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For information about costs, the statute requires reporting for the following data: costs which have been paid from the Fund, and an estimate of future costs to be paid. NH RSA 21-M:11-a, XV. Under the YDC Claims Administration and Settlement Fund statute, the costs of administration of the Fund and any costs of the attorney general which are outside of the ordinary operational expenses of the department of justice shall be paid from the Fund. NH RSA 21-M:11-a, XIII.

Administrative costs identified in this Report include Administrator Broderick's expenses for the claims administration in the fulfillment of his duties and responsibilities under the YDC Claims Administration and Settlement Fund statute. The New Hampshire Judicial Branch pays the Administrator's expenses as administrative costs, with the Attorney General's Office making reimbursement payments pursuant to a Memorandum of Understanding. NH RSA 21-M:11-a, II.

Information in this Report covers actual payments from the Fund through March 31, 2023 and projected payments in and costs anticipated to be incurred Quarter Two:

1. Settled claims, including fees and costs of attorneys who represent claimants.
2. Costs for claims processing by the claims administrator.
3. Costs of the Attorney General's Office.

The remainder of this Report breaks out information about claims and payments from the Fund, both actual and projected to the extent possible and appropriate at this early stage. The format for reporting information about claims is structured to protect the privacy and anonymity of the claimants.

I. Information about Claims

During the first quarter of claim activity, the Administrator and the AG Designee have worked to develop processes for claims such as docketing, with that work continuing. At this time the following information is available to be reported. The Administrator and the AG Designee are working to develop more extensive reporting for information about claims to be presented in a future report.

A. Number and Nature of Claims Made for Quarter One

Claims filed with the claims administrator in Quarter One: **38**
Claims filed involving sexual abuse: **11**
Claims filed involving physical abuse: **5**
Claims filed involving both sexual abuse and physical abuse: **22**

B. Number and Nature of Claims Settled for Quarter One

Claims for payment under the Fund are settled in the following ways: (1) by amounts agreed upon by the claimant and the Attorney General's Office, or (2) by amounts determined by the claims administrator.

Claims settled in Quarter One: **1**
Nature of claims settled: *Not disclosed in this Report*¹

C. Amounts Requested and Paid from the Fund in Settlement for Quarter One

The total for amounts requested in claims filed for Quarter One as identified in this Report relates to capped amount of claims. Some filed claims identified uncapped amounts.

Amounts requested in claims filed in Quarter One: **\$31,869,375.00**
Amounts approved to be paid for claims in settlement: **\$170,00.00**

¹ Report Note: The nature of the abuse is not disclosed for the singular settled claim in this 2023 Quarter One report in order to protect the privacy of the claimant. The nature of this settled claim will be aggregated into the 2023 Quarter Two report, as appropriate.

Amounts actually paid from the Fund for settled claims: **\$0.00**

D. Claim Amounts Pending for Quarter One

The total for claim amounts pending is **\$30,199,375.00**. This amount *excludes*: (i) amounts approved for payment or actually paid as identified under I.C, and (ii) amounts requested for any filed claim denied as ineligible. For Quarter One, the claims administrator denied as ineligible a claim requesting \$1.5 million for sexual abuse and physical abuse.

E. Estimate of Pending Claim Amounts Likely to be Approved and Paid for Quarter Two

Claim requests that have been settled and approved for payment are identified under I.C. Information for any additional claim amounts likely to be approved and paid are unknown at this early stage of the claims process.

II. Information about Costs

At this time, the New Hampshire Judicial Branch is invoicing costs of the Administrator on a quarterly basis to the Attorney General's Office. Costs incurred in one quarter are therefore paid from the Fund in the subsequent quarter. The quarterly invoices are based upon invoices the Administrator regularly provides to the New Hampshire Judicial Branch throughout a quarter. This Report shows amounts for quarterly invoices as well as for invoices pending with the New Hampshire Judicial Branch. In addition, this Report shows estimated costs to be incurred in Quarter Two for claims processing. The Administrator and the AG Designee are working to develop more extensive reporting for information about costs to be presented in a future report.

A. Paid Costs from the Fund for Claim Processing by Claims Administrator for Quarter One

The paid costs for expenses of claims processing by the claims administrator constitutes amounts invoiced to the Attorney General's Office and actually paid from the Fund. As of the date of this Report, no invoiced Quarter One costs have been paid from the Fund (**\$0.00**). Invoiced costs that are pending payment approval are identified in estimated projections under II.B, below. Actual payments from the Fund subsequent to this Report will be accounted for in the 2023 Quarter Two Report.

B. Actual Costs of the Claims Administrator to be paid from the Fund in Quarter Two

Estimated future costs of the Administrator to be paid from the Fund include costs actually incurred in Quarter One and likely to be paid in Quarter Two. This consist of the following: (i) those costs incurred and invoiced to the Attorney General's Office for payment from the Fund, with payment approval pending, and (ii) those costs incurred, with invoicing process pending with the New Hampshire Judicial Branch.

The total estimated future costs to be paid from the Fund that have been incurred through Quarter One is approximately **\$151,088.55**. This includes the following:

- Costs incurred in 2022 (October to December) and invoiced to the Attorney General's Office for payment: \$38,435.60
- Costs incurred during Quarter One and invoiced to the Attorney General's Office for payment: \$98,952.95
- Costs incurred during Quarter One and invoiced to the New Hampshire Judicial Branch, with invoicing process pending: \$13,700.00 (est.)

Costs of the claims administrator necessary for claims processing generally include: staff, office space and associated support needs, information technology and equipment, and consultants to assist in creating a trauma-informed, victim-centered, efficient resolution process. Some administrative costs are known and predictable, while others are fluctuating, difficult to project, or unexpected.

C. Estimated Future Costs of the Claims Administrator to be paid from the Fund in Quarter Three:

Estimated future costs of the claims administrator to be paid from the Fund in Quarter Three represent the Administrator's best estimate of costs to be incurred in Quarter Two and then invoiced for payment from the Fund in Quarter Three. The Administrator is in the preliminary stages of developing an extended budget for costs throughout the claims process.

Estimated future costs of the Administrator to be incurred in Quarter Two for claims processing and to be paid from the Fund are **\$281,915.99**.

An additional expense starting in Quarter Two is relocating the office space and systems for the Administrator and his staff scheduled for April 2023. Some expenses for this relocation will be a one-time fixed cost (such as furniture), while other associated expenses will be on-going (such as rent and utilities). Other additional expenses starting later in Quarter Two include additional paralegals and assistance from consultants.

Additionally, some costs are estimated for potentially investigating claims for further information gathering, as anticipated under the YDC Claims Administration and Settlement Fund statute, NH RSA 21-M:11-a, VIII(d). These costs are difficult to estimate at this early stage. The volume and scope of investigations may greatly impact the estimated administrative costs. The claims administrator continues to explore appropriate estimates, and more clarity will develop as the claims process continues to develop.

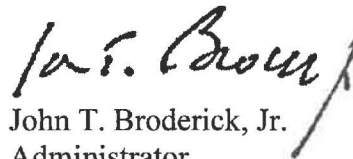
D. Paid Costs from the Fund for the Attorney General's Office for Quarter One

The Attorney General's Office has begun utilizing outside counsel to assist in the processing of claims, but has not yet paid any amounts (**\$0.00**) from the Fund related to that expense.

E. Estimated Costs of the Attorney General's Office for Quarter Two and Subsequent Quarters

The Attorney General's Office estimates a future expense of approximately \$50,000.00 for Quarter Two and following quarters. This amount is a very rough approximation of what will be paid for outside counsel expenses per quarter. Given the early stage of the administrative process, this number may vary significantly based upon the volume of the claims received and the willingness of claimants' counsel to provide additional support for claims when requested.

Respectfully submitted,



John T. Broderick, Jr.
Administrator

New Hampshire Youth Development Center
Claims Administration and Settlement Fund

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New Hampshire Fish and Game Department

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April 17, 2023

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to the provisions of RSA 206: 33-b, authorize the transfer of \$115,000 from the New Hampshire Fish and Game Fund Reserve to the Fish and Game FY 2023 Operating Budget effective upon Fiscal Committee and Governor and Council approval through June 30, 2023. 100% Fish and Game Funds.

HATCHERIES						
03-75-75-752020-21320000						
Fiscal Year 2023						
	Expense	Class Description	Revenue	Current		Adjusted
000		FEDERAL FUNDS	404650-16	\$1,244,485	\$0	\$1,244,485
00S		FISH and GAME FUNDS	000020	2,941,241	75,000	3,016,241
Total				\$4,185,726	\$75,000	\$4,260,726
Expense						
010	500100	PERSONAL SERVICES -		\$1,394,087	\$0	\$1,394,087
018	500106	OVERTIME		185,000	0	185,000
019	500105	HOLIDAY PAY		12,001	0	12,001
020	500200	CURRENT EXPENSES		757,286	0	757,286
023	500291	HEAT,ELECTRICITY, WATER	000020	354,133	75,000	429,133
030	500311	EQUIPMENT		32,150	0	32,150
041	500801	AUDIT FUND SET ASIDE		1,164	0	1,164
047	500240	OWN FORCES MAINTENANCE		10,000	0	10,000
048	500226	CONTRACTUAL MAINTENANCE		361,783	0	361,783
050	500109	PERSONAL SERVICES -		47,500	0	47,500
060	500602	BENEFITS		965,888	0	965,888
070	500704	IN STATE TRAVEL		50	0	50
080	500710	OUT OF STATE TRAVEL		1,200	0	1,200
103	502664	CONTRACTS FOR OPERATIONAL		63,484	0	63,484
Total				\$4,185,726	\$75,000	\$4,260,726

The Honorable Ken Weyler, Chairman
 Fiscal Committee of the General Court
 His Excellency, Governor Christopher T. Sununu
 and the Honorable Council

FLEET MANAGEMENT						
03-75-75-750520-21190000						
Fiscal Year 2023						
	Expense	Class Description	Revenue	Current		Adjusted
000		FEDERAL FUNDS	404384-16	\$34,963	\$0	\$34,963
006		AGENCY INCOME	406459-44	19,957	0	19,957
00S		FISH and GAME FUNDS	000020	823,651	40,000	863,651
Total				\$878,571	\$40,000	\$918,571
Expense						
010	500100	PERSONAL SERVICES -		\$101,676	\$0	\$101,676
020	500200	CURRENT EXPENSES	000020	185,762	25,000	210,762
030	500311	EQUIPMENT		151,343	0	151,343
039	500191	TELECOMMUNICATIONS		300	0	300
041	500801	AUDIT FUND SET ASIDE		35	0	35
060	500602	BENEFITS		66,375	0	66,375
070	500704	IN STATE TRAVEL	000020	300,000	15,000	315,000
211	501530	CATASTROPHIC CASUALTY INS		73,080	0	73,080
Total				\$878,571	\$40,000	\$918,571

EXPLANATION

Accounting Unit 21320000, Hatcheries, Class 023, Heat, Electricity & Water, is being increased by \$75,000 to cover the cost of the significant increase in utility costs at all of our six hatchery facilities. The current budgeted amount of \$354,133 is insufficient to pay for the costs of utilities through the remainder of the fiscal year.

Accounting Unit 21190000, Fleet Management, class 020, Current Expenses, is being increased by \$25,000 to cover the cost of the deficit in the cost of outsourcing vehicle repairs and service as well as the increase in the cost of materials and supplies to service and maintain our fleet in our Concord HQ service facility. Class 070, In-State Travel, is being increased by \$15,000 to cover the anticipated deficit in the cost of fuel supplied at the Department of Transportation fuel pumps we use to fuel our fleet of vehicles.

These expenses were not included in the budget as they were unanticipated.

The following information is provided in accordance with the budget Officer's instructional memorandum dated April 17, 1985 to support the before written requested actions.

1. Does this transfer involve continuing programs or one-time projects? **Continuing programs.**
2. Is this transfer required to maintain existing program levels or will it increase the program level? **Maintain existing program levels.**
3. Cite any requirements that make this program necessary. **No Requirements.**
4. Identify the source of the funds on all accounts listed on this transfer. **Unrestricted Fish and Game Funds.**
5. Will there be any effect on revenue if this transfer is not approved or disapproved? **Unknown**
6. Are funds expected to lapse if this transfer is not approved? **Yes.**
7. Are personnel services involved? **No.**

Respectfully submitted,


 Scott R. Mason
 Executive Director


 Kathy Ann LaBonte, Chief
 Business Division

**Fiscal Situation
Fish and Game Fund 2023**

Beginning Balance 07/01/2022	11,569,436	
Total Additions (Revenue Estimate)	13,334,500	
Less Operating Budget Appropriations	(16,446,672)	
Total	8,457,264	
Lapses	493,400	* Estimated at 3%
Ending Balance	8,950,664	
Less This Request	(115,000)	
Ending Balance June 30, 2023 (Budgetary)	<u>8,835,664</u>	