

LBA Performance Audit Report Summary:

Judicial Branch Administration Audit Report – November 2003

This performance audit of Judicial Branch (Branch) Administration was conducted to determine if current Administrative Office of the Courts (AOC) and court procedures promote efficient and effective management of Judicial Branch resources. For our evaluation we examined the following five issue areas: 1) the Branch's information technology planning, 2) administrative functions of the AOC and trial court administrative centers, 3) adequacy of the weighted caseload systems, 4) case processing practices, and 5) the availability of court reporting at all court levels. The audit period encompassed the six years from State Fiscal Years (SFY) 1997 through 2002.

New Hampshire's Judicial Branch consists of the Supreme, Superior, District, and Probate Courts and the Family Division Pilot Project, which account for a total of 66 court locations around the State. The Chief Justice of the Supreme Court is the administrative head of the Judicial Branch and is responsible for supervising the operations of the court system. The AOC is the administrative arm of the Supreme Court and provides general support services to all levels of court. The Chief Justice of the Superior Court supervises and administers the eleven Superior Court locations with the help of six support staff located at the Superior Court Center in Concord. The District Court Administrative Judge, with the help of three regional administrators and nine support staff located at the Office of the Administrative Judge in Concord, supervises and administers the 36 District Courts in the State. The Administrative Judge of the Probate Court supervises and administers the ten Probate Courts with the help of four support staff at the Office of the Administrative Judge located in Brentwood. Two supervisory judges and the Family Division administrator supervise and administer the eight Family Division locations in Grafton and Rockingham County.

During the audit period, 1.3 million cases were filed in the court system. The Branch expended approximately \$305 million on operations from SFY 1997 through 2002, with personnel accounting for approximately three-quarters of expenditures. As of March 2003, the Judicial Branch had 620.2 authorized full-time equivalent (FTE) non-judicial positions. Of these, eight percent, or 46.3 FTE positions, were vacant. The Branch also had 70 full-time and 66 part-time judicial positions.

Observations

This report contains 48 observations with recommendations. Ten observations address information technology issues, eight observations address administrative issues related to the AOC and the trial court administrative centers, eight observations address weighted caseload systems, 14 observations address case processing issues, and eight observations address court reporting issues.

Improve Information Technology Planning

We found the Judicial Branch does not have a strategic plan, an up-to-date and comprehensive information technology (IT) plan, an information technology disaster recovery plan, or a continuity and contingency plan. Additionally, the Branch has not established a systems development methodology to guide IT projects.

Develop And Review Policies And Procedures

We found the Judicial Branch does not have policies and procedures governing use, access, and security of its computer systems, nor does it have policies and procedures governing access to and proper uses of the Internet. Additionally, we found deficiencies in the Branch's management of its network design and operation.

We also found the Judicial Branch does not have adequate policies regarding use of its revolving and operating accounts, and Judicial Branch expenditures do not receive independent review. Additionally, we question the continued appropriateness of statutes allowing Supreme and Superior Court justices, and court reporters to receive payments for commuting between home and work. We also question the policy allowing marital masters to receive such payments.

Ensure The New Case Management System Includes All Necessary Functions

We found SUSTAIN, the Judicial Branch's trial court case management system, does not capture some information necessary for monitoring caseloads. Our file review revealed some filing and disposition dates in SUSTAIN were either incorrect or could not be verified. Additionally, the Supreme Court did not have a completed case management system during the audit period.

Clearly Define Roles Of The AOC

We found the AOC's administrative authority and responsibilities have not been formally established, while each trial court administrative office has broad and clearly defined administrative authority.

Revise Weighted Caseload Systems

We found the Judicial Branch does not have policies and procedures for using, developing, or updating its weighted caseload systems. As a result, the weighted caseload systems are outdated and updates to the clerical weighted caseload systems were not conducted using best practices.

Establish Definitions For Data Elements

We found definitions of data elements used in the trial courts are not consistent and sometimes not uniformly reported. Additionally, the Judicial Branch's method of counting criminal cases differs from the method used in the majority of states. We also found the Judicial Branch lacks statistical support staff to ensure docketing information is accurate; to produce management reports for trial court judges and staff; and to develop, revise, and monitor the weighted caseload systems.

Ensure Case Processing Guidelines Are Consistent With National Standards

We found some steps in the Probate Court's guardianship caseflow management guideline do not meet statutory requirements and the Supreme, Superior, and District Courts and the Family Division Pilot Project use less rigorous case processing time guidelines than national standards. Additionally, the District and Probate Courts have not established case processing standards for certain cases in their jurisdictions. Finally, we found the case processing guidelines used in the trial courts are not monitored for compliance.

Employ Delay Reduction And Prevention Programs

We found the Supreme, Superior, and District Courts and the Family Division Pilot Project do not meet American Bar Association case processing time guidelines for some cases, and the Probate Courts do not have the ability to measure compliance with caseflow management guidelines.

Reduce The Number Of Court Reporter And Transcriptionist Positions

We found the Judicial Branch should reduce the number of court reporters it employs and hire additional court monitors to increase its record-taking capabilities in the trial courts. We also found the Superior Court Transcript Center is operating at a loss and should be closed. Additionally, we found the Branch should improve its management of record-taking personnel and transcription services.

Improve Oversight Of The Record-Taking Function

We found the Judicial Branch should improve its policies, procedures, and rules concerning court reporters, court monitors, and private sector transcriptionists.