

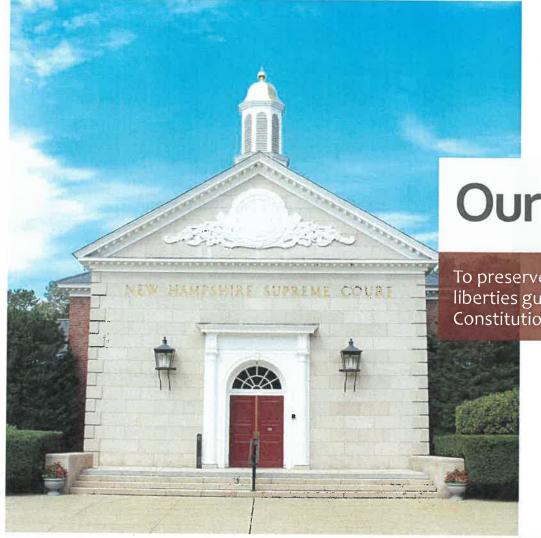




Today's Presentation

- Overview of New Hampshire's Judicial Branch
- Assessing the Court System's Needs:
 - 2022 Weighted Caseload Study
- Innovations to Improve Service to Our State
- Expanding Access to Justice
- Reaching Out to the Community





Our Mission:

To 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



Superior Court



Circuit Court



Administrative Office of the Courts

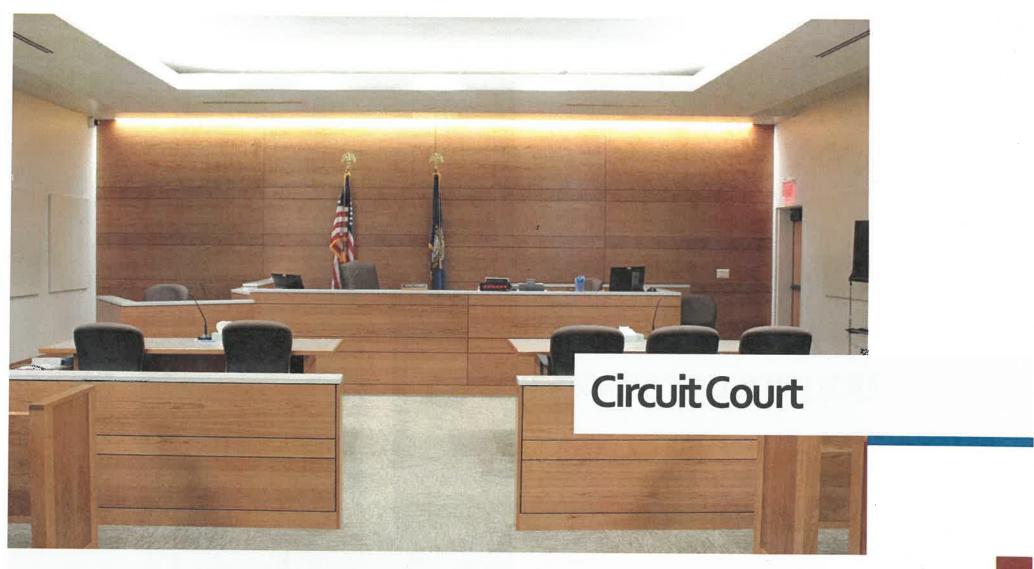




About the Judicial Branch

The Judicial Branch has two trial courts, one appellate court and an administrative office to support the courts.

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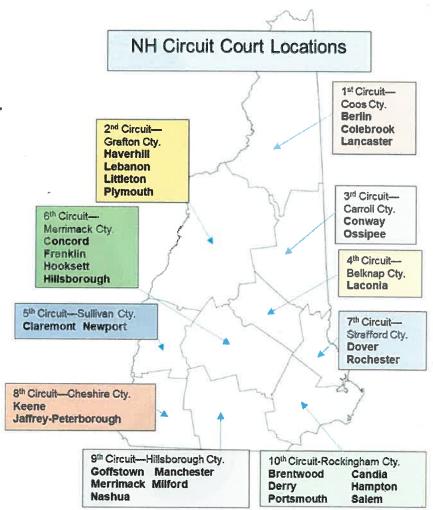


Circuit Court Locations

The state is divided into 10 Circuits, one for each county. Within those circuits are 34 courts serving local communities.

34 Circuit Court Locations

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



Average Annual Circuit Court Cases Filed*



^{*}The average of FY17, FY18, and FY19 was used as most representative and unaffected by the COVID-19 pandemic. This average does not include reopened cases.

Circuit Court Judges

At present, there are 41 full-time judges on the bench. Current funding is authorized for 42 full-time judges.

45 full-time judges and masters authorized in 2011*

Circuit Court Judges

- 41 Full-Time Judges
- 1 Nomination pending for a FT judge
- 6 Part-Time Judges



*RSA 490-F:7, "The number of judges and masters in the circuit court shall be not less than the number of authorized judicial and master positions in the former district court, probate court, and judicial branch family division ... on the effective date of this chapter."





Superior Court Jurisdiction

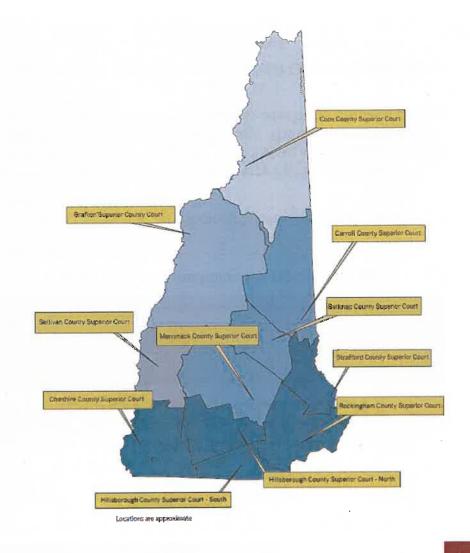
The Superior Court handles all civil and criminal trials except those exclusively subject to the jurisdiction of the Circuit Court.

The Superior Court hears the following types of cases:

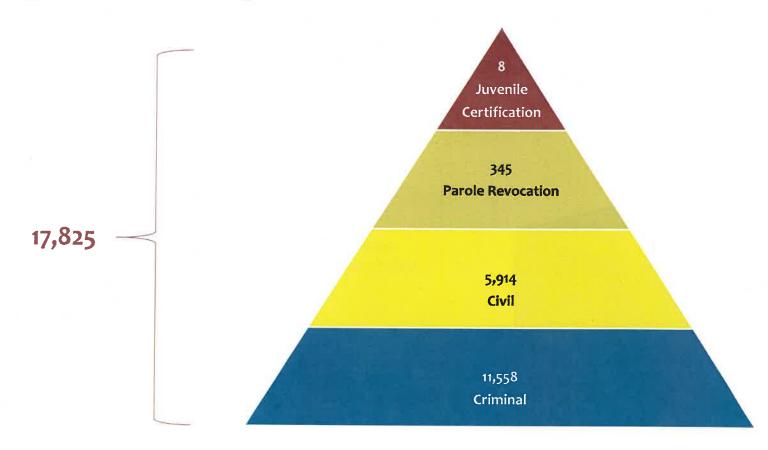
- Jury trials
- Felonies (homicide, aggravated felonious sexual assault, burglary, theft, drugs)
- Negligence, contracts, real property rights, and other civil matters with a minimum claim of \$1,500 in damages in which either party requests a trial by jury. The Superior Court has exclusive jurisdiction over cases in which the damage claims exceed \$25,000
- Misdemeanor appeals from the Circuit Court District Division

Superior Court Locations

There are eleven Superior Court locations throughout the State, one in each county except Hillsborough, which has two locations (Manchester and Nashua).



Average Annual Superior Court Cases Filed*

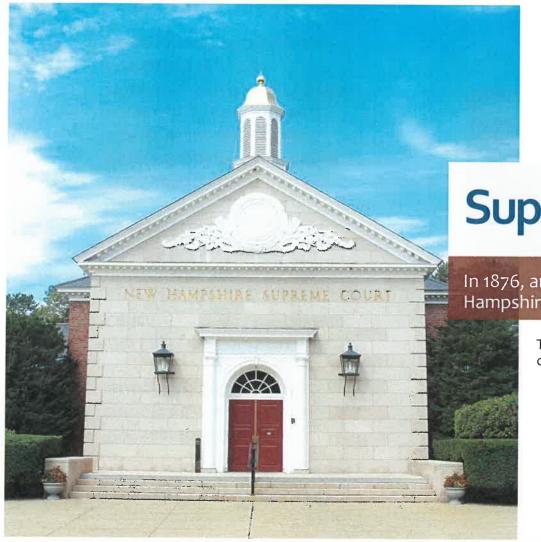


Superior Court Judges

At present, there are 22 full-time judges on the bench. Current funding is authorized for 22 full-time judges.



*RSA 491-1, "The superior court shall consist of a chief justice... and 21 associate justices."



Supreme Court

In 1876, an act was passed creating the Supreme Court as New Hampshire's highest and only appellate court.

The Supreme Court has jurisdiction to review and decide appeals from trial courts and administrative agencies.

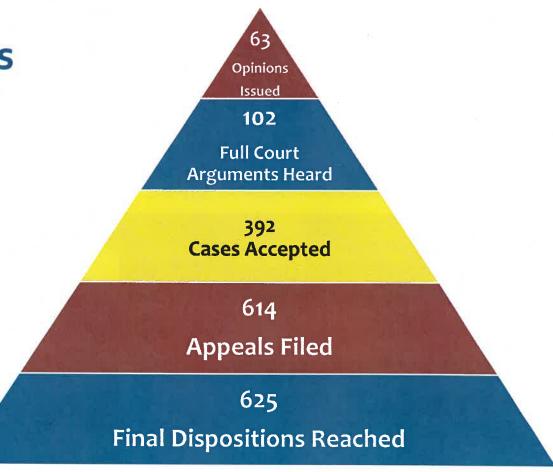
Supreme Court

- The Supreme Court is comprised of 4 Associate Justices and 1 Chief Justice
- The Supreme Court sits in Concord
- Chief Justice serves as the administrative head of the Judicial Branch
- The Supreme Court has significant non-judicial duties including oversight of Bar admissions and attorney discipline, liaison with the New Hampshire Bar, and development of court rules



Supreme Court Filings

- Sits year round
- Oral arguments are streamed live on our website
- Opinions and final orders in cases with or without oral argument are posted on our website





Administrative Office of the Courts

In 1983, the New Hampshire Supreme Court created the Administrative Office of the Courts (AOC).

The AOC provides operational support to New Hampshire's unified court system in its constitutional responsibility to provide for the administration of justice.

Providing Administrative Support for N.H. Courts

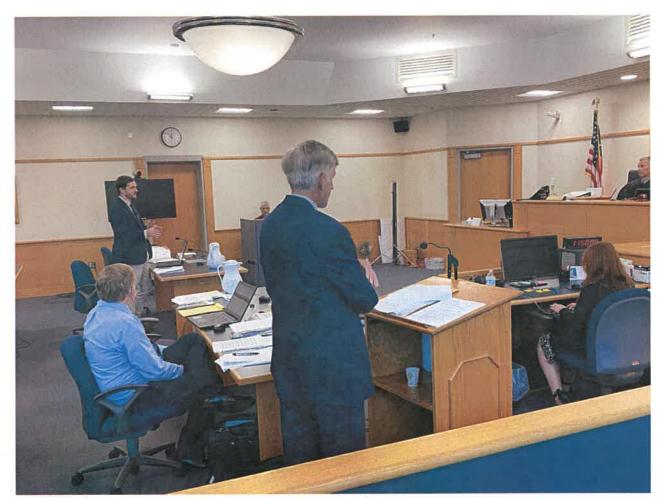
The AOC is responsible for the Judicial Branch's statewide functions of:

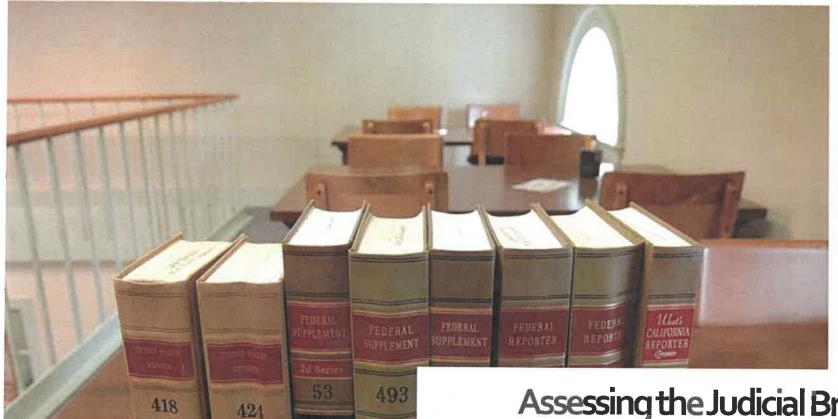
- Operations and Audit
- Fiscal, Accounting, and Accounting Support
- General Counsel and Government Relations
- Human Resources
- Communications
- Court Security
- Information Technology



Facts Governing the Judicial Branch Budget

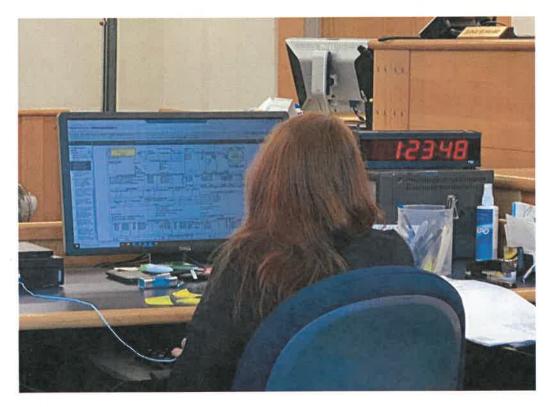
- Personnel is 74% of the budget
 - Costs are essentially fixed
- Many cost centers are beyond our control
 - Health insurance, including retirees
 - Workers Compensation
 - Judicial retirement plan contributions
 - Transfer to Sheriffs
 - Transfer to Department of Administrative Services / Bureau of Court Facilities
 - Rent





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Assessing the Judicial Branch Needs: 2022 Weighted Caseload Study



Calculating How Many Judges and Court Staff are Needed

Options for determining staffing models include:

- 1. Population-based formulas
- 2. Formulas based on the number of cases filed

Neither option is completely accurate.

Some cases are more complicated and resource-intensive than others.

"Weighted Case Load" methodology is a better option because it is evidence-based. The Legislature has mandated its use (RSA 490-F:11)

The Weighted Caseload Methodology

Determines variations in case complexity based on the amount of judicial and staff time required to handle a case in a timely manner.

In every workload study, three factors contribute to the calculation of resource needs:

- 1. Cases Filed
- 2. Case Weights
- 3. Annual Availability for Casework

The relationship between these elements is:

- Case Workload = Cases Filed x Case Weights
- Number of FTEs Needed = Case Workload ÷ Annual Availability for Casework

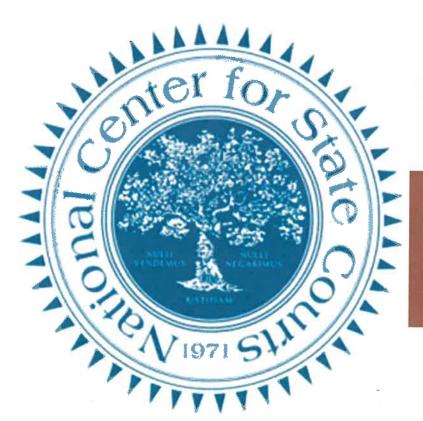


History of Weighted Caseload Studies in New Hampshire



In 2005, the National Center for State Courts conducted the New Hampshire Judicial Needs Assessment and the New Hampshire Court Staff Needs Assessment. The NCSC developed a model based on a time study.

- In 2005 assessments, the trial courts had 482 positions
- Currently, the trial courts have 514 positions



The National Center for State Courts

In 2019, the New Hampshire Judicial Branch contracted with the National Center of State Courts (NCSC) to conduct a New Hampshire Judicial Branch judge and staff workload study for the trial courts. At the time the NH study was conducted, the NCSC had completed workload studies for judges in 35 states and for staff in 24 states.

Calculating Case Weights

Weighted caseload studies measure work that can be broken into measurable components, such as those necessary for processing cases.

- For example, this figure shows how small claims case weights in Circuit Court were calculated. Note: case weights are the amount of time in minutes
- Pre-pandemic case filing data from FY17 through FY19 were used to create a 3-year average
- Because the time estimates are based on observations from thousands of individual case events for each case type, the methodology is highly reliable

Example—Calculating Annualized Minutes and Preliminary Case Weight for Circuit Court Judicial Small Claims Cases

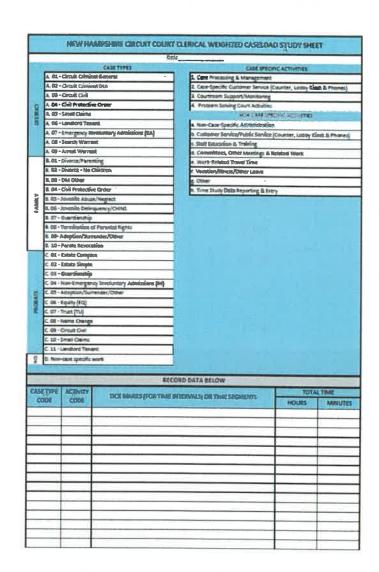
Small Claims - Total Minutes Recorded During Data	22,324
Collection Period	
Divide by	+
Days of Data Collection Period	29
Average State-wide Minutes per Day Working on Small Claims Cases	769.79
Multiply by	Х
Total Judicial Working Days per Year	217
Equals	=
State-wide Annualized Minutes for	167,045
Small Claims Cases	
Developing Initial Case Weight	
State-wide Annualized Minutes for	167,045
Small Claims Cases	· ·
Divide by	#
Average FY 2017-2019 Filings	13,493
Equals	=:
Initial Case Weight (minutes)	12.38

2022 Workload Study Design

The NCSC designed the workload study to measure the total amount of judicial and staff time needed for case processing for each type of case for which case weights are being developed.

Case-specific and non-case-specific activities were defined by workload advisory committees, and the study measured both of those categories of work.

- The data collection period was the six weeks from January 11, 2022 to March 31, 2022
- Separate data collection instruments were used for 14 activities
- Once the data was collected, the time study data was combined with a three-year average of case filing numbers



Staffing During Weighted Caseload Study: 513.98 FTEs

Circuit Court

Position Title	Authorized Judicial Officers and Staff
Judicial Officers	44.32*
Staff Attorneys	3
Clerical	246.97
Central Processing Staff	5.54
E-Filing Center	26.68
Dictation Center	4.54
Protective Order Registry	4-54
Information Center	30.69
TOTAL	366.28

Superior Court

Position Title	Authorized Judicial Officers and Staff
Judicial Officers	22.00*
Law Clerks	15.00
Clerical	99.70
E-Filing Center	6.00
Jury Management Center	3.00
Warrant Clerks	2.00
TOTAL	147.70

^{*}In Circuit Court, this figure includes 40 FT judges, 1 marital master, 1.55 FTE PT judges, and 1.77 child support FTE hearing officers. Since the Study, the number of FT judges in Circuit Court has increased to 42 and the marital master has retired. In Superior Court, this figure includes 22 FT Judges. These figures do not include per diem and senior judges.

Participation in the Study

Participants were assigned to focus groups.

- 100% of expected court employee participants entered data across all focus groups for the six-week time study
- Participants recorded their time and entered this information into a webbased data entry program

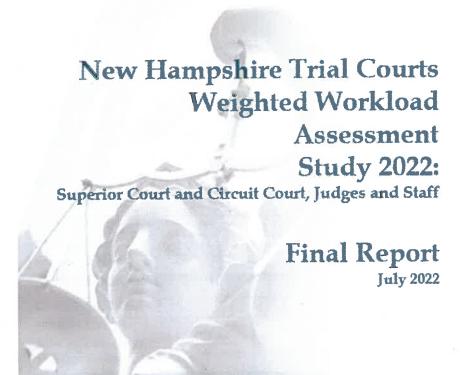
New Hampshire Trial Courts Participation Rate

Focus Group	Participation Rate
Superior Judges	100%
Superior Law Clerks	100%
Superior Clerical	100%
Circuit Judicial Officers	100%
Circuit Staff Attorneys	100%
Referees/Clerks	100%
Circuit Clerical	100%
Information Center	100%
Central Processing	100%
Dictation Center	100%
Circuit E-Filing	100%
Superior E-Filing	100%
Protective Order Registry	100%
Warrant Clerks	100%
Statewide Total	100%

Summary of Results

The NCSC found that a total of 563.77 judicial officers and staff are necessary to support NH Judicial Branch caseload levels.

- This represents approximately 50 more positions than are in our current budget. This includes judges and case processing staff
- The NCSC estimated that Circuit Court needs an additional 37.09 positions, and Superior Court needs an additional 12.7 positions



Summary of NH Judicial Branch Need for Judges and Case Processing Staff*

Positions	Current Allocation of Judges and Case Processing Staff	Total Number of Judges and Case Processing Staff Needed	Difference
CIRCUIT COURT			
Judicial Officers	44.32	65.67	21.35
Staff Attorneys	3.00	4.02	1.02
Circuit Clerical	246.97	255.51	8.54
Central Processing Staff	5-54	5.90	0.36
Circuit E-filing	26.68	26.96	0.28
Dictation Center	4.54	4.23	-0.31
Protective Order Registry	4-54	3.91	-0.63
nformation Center	30.69	37.17	6.48
Circuit Court Total	366.28	403.37	37.09
SUPERIOR COURT			
Judicial Officers	22.00	25.50	3.50
_aw Clerks	15.00	13.10	-1.90
Superior Clerical	99.70	111.82	12.12
Superior E-filing	6.00	6.32	0.32
Jury Management Center	3.00	1.65	-1.35
Warrant Clerks	2.00	2.01	0.01
Superior Court Total	147.70	160.40	12.70
STATEWIDE NEED	513.98	563.77	49-79

^{*}The needs models treat all staff, including Clerks and Managers, as a full FTE case processor.

Clerks and Deputy Clerks Processing Cases

In addition, the NCSC found that Clerks and other managers are contributing the equivalent of 57.3 positions to case processing duties and responsibilities.

- The case processing work conducted by these management positions accounts for 13% of the Circuit Court's case processing and 16% of the Superior Court's case processing
- NCSC strongly recommends providing sufficient case processing staff to permit Clerks of Court and managers to perform their oversight and management duties

Management Contribution to Case Processing Work

		Management FTE Contribution to Case Processing
	CIRCUIT COURT	
Circuit Clerical	Includes Clerks of Court and Deputy Clerks	36.2
Central Processing	Sign of a state of the control of th	0.1
E-filing		2.0
Protective Order Registry		1
Information Center		0.5
Circiuit Court Total		39.8
	SUPERIOR COURT	
	Includes Clerks, Deputy Clerks/Court	
Superior Clerical	Assistant VIIs	17.5
Superior Court Total		17.5
State Total Manager FTE		57.3

Update on Circuit Court Judicial Officers

Active Circuit Court Judicial Officers Working Per the NCSC WCL Final Report (Figure ES-1)	Positions
Full-Time Judges	40
Marital Master	11_
Child Support Referee (FT)	1
Child Support Referee (PT)	0.77
Salaried Judge (PT) *	0.75
Salaried Judge (PT) **	0.77
TOTAL AVAILABLE PER NCSC	44.32
Adjustments as of 07/29/2022	
Additional Authorized Full-time Judges	2
Marital Master Retirement	-1
Salaried Judge Retirement (PT) **	-0.77
Probate Referee †	1
NCSC ADJUSTED TOTAL	45.55
Per Diem Judge Days in 2023	
Gleason	150
Maloney	50
Stephen	140
Lown	138
Murray	150
Total Per Diem Days	628
TOTAL PER DIEM JUDGES (@224 days = 1 judge)	2.8
TOTAL ESTIMATED CIRCUIT COURT JUDICIAL OFFICERS FOR 2023	48.35
NCSC Estimated Need	65.67
Current Judicial Officers	48.35
TOTAL SHORTFALL	17.32

^{*}Gardner, **LeFrancois, †Ricardo

Impact of Delayed Cases on the Public

Statutorily- and constitutionally-required timelines exist in most cases:

- Abuse/neglect
- Juvenile
- Landlord/tenant
- Criminal
- Domestic violence
- Civil Protective Orders

- Search Warrant
- Juvenile Abuse/Neglect
- Juvenile Delinquency/CHINS
- Guardianship
- · Termination of Parental Rights
- Adoption/Surrender
- Emergency and Non-Emergency involuntary Admissions

When the courts do not have enough resources, we prioritize these cases and hearings above all else. Non-mandatory tasks are de-prioritized.

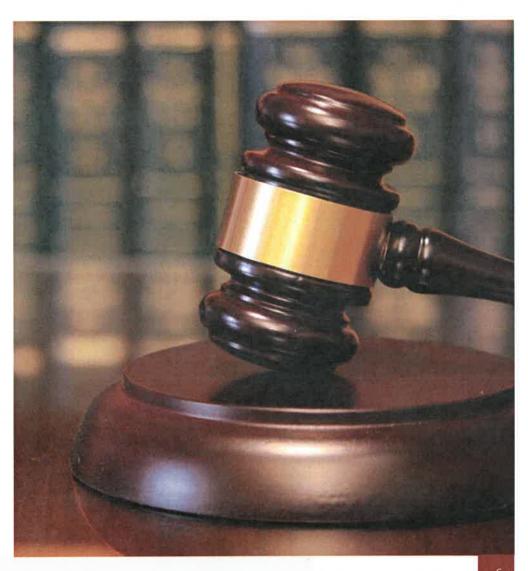
- Divorce
- Parenting
- Small Claims

- Civil and Equity Cases
- Name Change
- Trust and Estates



Principal Objectives

- Begin to Address Needs Identified in Weighted Caseload Study
- Enhance Court Security
- Respond to Inflationary Pressures Affecting Employee Retention and IT



Budget Requests Based on the Weighted Caseload Study

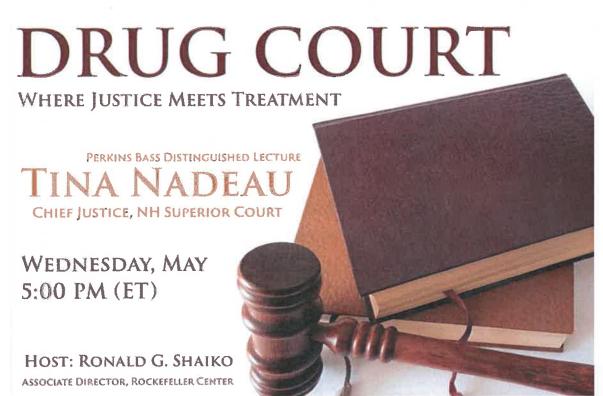
Judges

- Request for 7 of the 17 needed in the Circuit Court
- Request for 1 out of 3.5 needed in the Superior Court

Court Staff

- Request for 31 new clerical staff in the Circuit Court and 1 new clerk in the Circuit Court
- Request for 4 new clerical staff in the Superior Court and 1 new law clerk



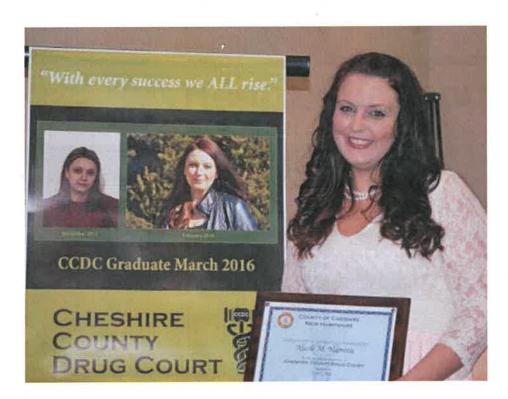


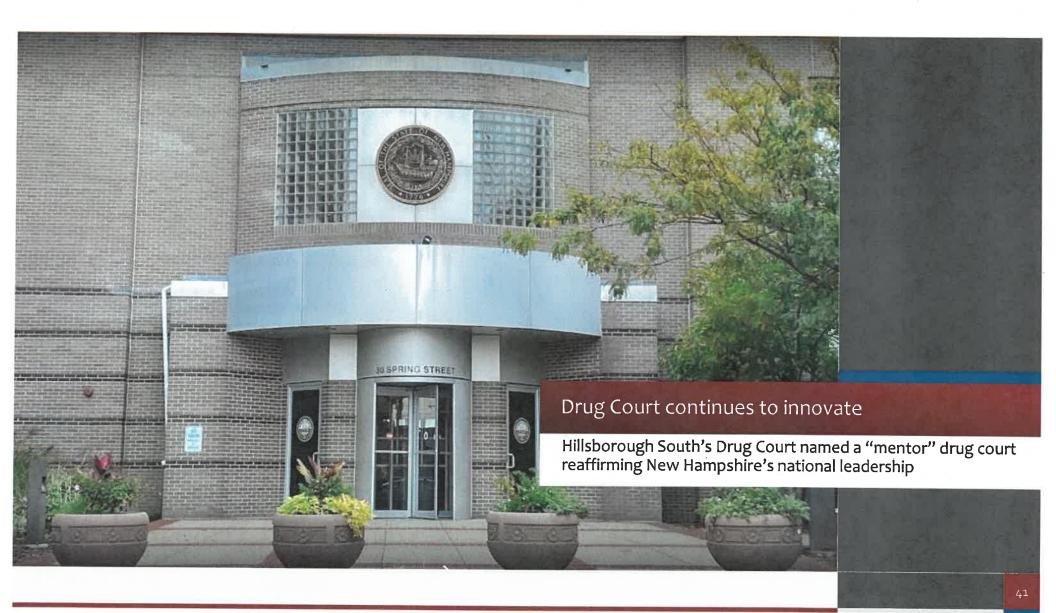
Innovations to Improve Service to Our State



Superior Court Drug Court Program

- Drug Courts combine community based intensive treatment and court supervision with incentives and sanctions to reduce recidivism of offenders with felony records and severe substance use disorder
- Drug courts operate In ten of the eleven Superior Courts
- In the 18 years since the first New Hampshire Drug Court opened, more than 1,600 people have participated in its programs
- Recidivism rates for participants are significantly reduced compared with other offenders
- Treatment is also substantially less expensive than incarceration
- Graduates often become peer mentors for other participants and return to their communities as contributing members





Superior Court's Drug Court receives a \$1.6 million grant to combat the substance use disorder crisis

- Expand the drug court database to use "alerts" to help track recidivism and improve utilization
- Address barriers to access treatment, including by providing transportation services in rural communities
- Expand evidence-based practices training
- Examine recidivism rates of drug court participants and validate the statewide risk assessment tool

Drug Court Changes Lives

 Graduates of Cheshire Drug Court re-offended 22 percent less often than similar "high risk" offenders in an Ohio study.



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

Matteo Bracco

The Community Housing Program launches, providing a critical link in services to Drug Court participants

- Variety of housing options are available: sober houses, group homes, and individual apartments
- 602 participants served
- 433 housed

"The funding has given me an opportunity to take the time needed to work on recovering from addiction, as well as working on details of my life that were necessary in order to achieve stabilization."

- Cheshire County DC

"Because of the CHP, I was able to focus on finding a job and go back to school. My son now has a place to visit me, too."

- DOC, Manchester

"I have been fortunate enough to experience a stress free and for the most part, smooth re-entry into the community from incarceration. I would like to give credit mostly to the CHP funding I have received."

— Cheshire County DC

Mental Health Treatment Courts

- Mental health treatment courts combine community-based treatment programs and court supervision with progressive incentives and sanctions
- By connecting offenders to treatment services, a mental health court aims to treat an offender's mental health diagnoses while protecting public safety
- To reduce the likelihood a participant will reoffend, an offender's compliance with mental health services is used as an alternative to the traditional criminal justice response

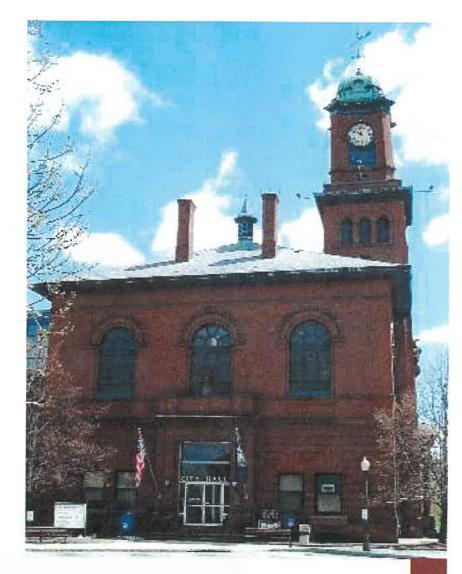


Pilot Family Treatment Court in Claremont and Newport Circuit Courts

Through a three-year grant from the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, the Family Treatment Court (FTC) leverages multidisciplinary expertise to support families through abuse/neglect cases.

In the past year, the FTC has improved some statewide practices and increased collaboration among agency partners in Sullivan County and statewide.

 As of October 2022, FTC is serving seven parents and ten children





National Judicial Task Force Examines State Courts' Response to Mental Illness

Every day around the country, our judicial systems handle too many cases involving individuals who likely would not be court-involved were it not for untreated or undertreated mental illness.

In July 2022, a national task force of state court leaders called on state judiciaries to convene local leaders in an effort to identify opportunities for change.

NATIONAL JUDICIAL TASK FORCE TO EXAMINE STATE COURTS' RESPONSE TO MENTAL ILLNESS

On March 10, 2020, the Conference of Chief Justices and Conference of State Court Administrators established the National Judicial Task Force to Ecosmiss State Courts' Response to Mental Illians with a charge to "axist state courts' in their efforts to more affectively respond to the needs of court-involved individuals with serious mental Utriess." With the fuancial support of the State Justice Institute, work is underway to develop and publish book, resource, best penetices and policy resonweadstrons for courts, engage in research, provide training and advantion, and debroor technical assistance to states and local communities.

Primary Issues and Focus of the Task Force

effectively to the needs

of court-involved individuals

remains a grave national issue and

with serious mental illness

pressing concern.... It is the role

of the Conference of Chief Justices

and Conference of State Court

Administrators to lead the state

court community in prompting

changes to state court policies and

practices that will lead to fairer.

timelier justice for [those] with

serious mental illness...."

The prevelence of mental filness is greatly impacting the U.S., our states, and our communities and has a disproportionate effect on our courts and justice system. State courts are ten often the primary boind of intersection between the community and those with behavioral health issues. Local jails and detention repliers are the largest providers of wental health services—for both adults and childrin —in the country. The Tash Force will provide leadership for the state courts by thoroughly examining the mental health crisis and developing the policies, pressures; tools, and other practices needed to create a more effective; fair, and timely judicial response.

The state laws and procedures involving competency to stand trial require attention. Tens of thousands of defendants changed with nisdemensors or non-violent felonius are languisting just while awaiting a state hospital bed or community restoration. often waiting longer than if sentenced for the original crime. Similarly, revision of state legal standards and processes for civil commitment and expanded uses of Assisted Outpatient Treatment are needed.

The level and quality of behavioral health treatment available to state cours is lacking in many communities, as well as opportunities to flower cases involving inferiodusly with serious mental illness. The expansion and strengthening of court-based programs, such as weekal health and other problem-solving courts, is also an important priority.

More timely and efficient caseflow management for the cases involving parties with behavioral health needs and the use of technology to increase speed and expand access are of critical importance.

Promoting education to equip state court judges and professionals with the knowledge, data, and resources they need to improve the courts' responses and the development of a national education and training curriculum to support that effort are required.

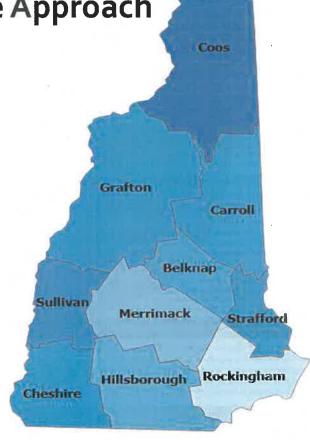
There is need for a thorough review of all state court, interactions with individuals who have serious mental althess and of all future work and activities of the Task Force through the lens of and concern for racial justice. The Task Force Work Plan mith a detailed list of proposed tasks and goals is available at www.nesc.com/hebatrin.org/h

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New Hampshire Takes a Collaborative Approach

In New Hampshire, we seek to collaborate with community and justice system stakeholders to improve our collective response to those with mental health needs and create action plans for change.

A first step is to engage in Sequential Intercept Model mapping in all of our counties.

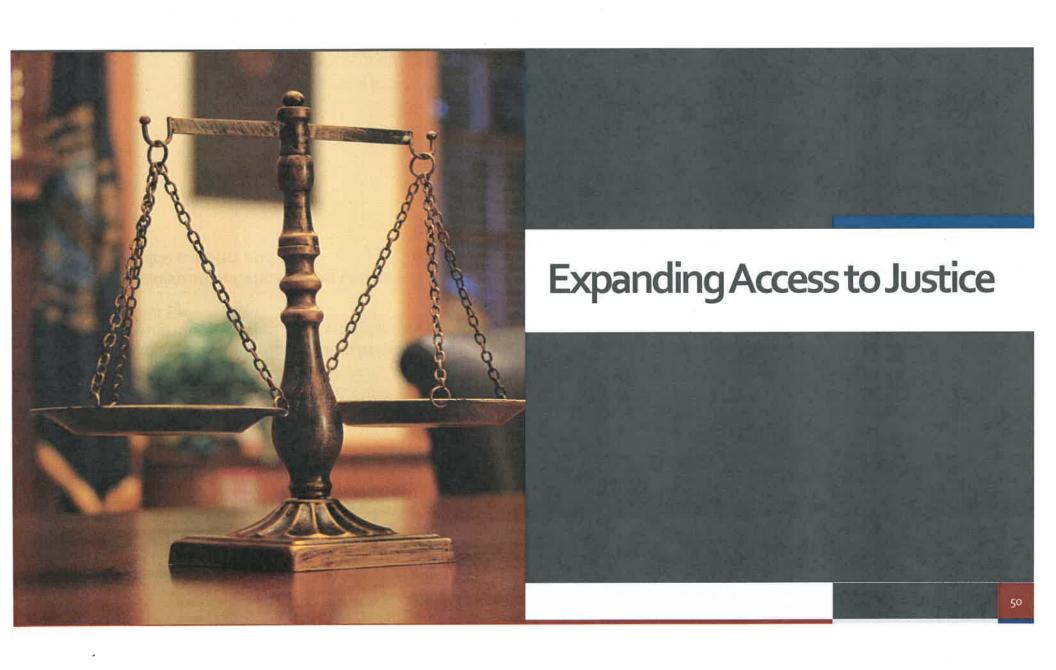


New Hampshire Mapping Project

Sequential Intercept Model Mapping

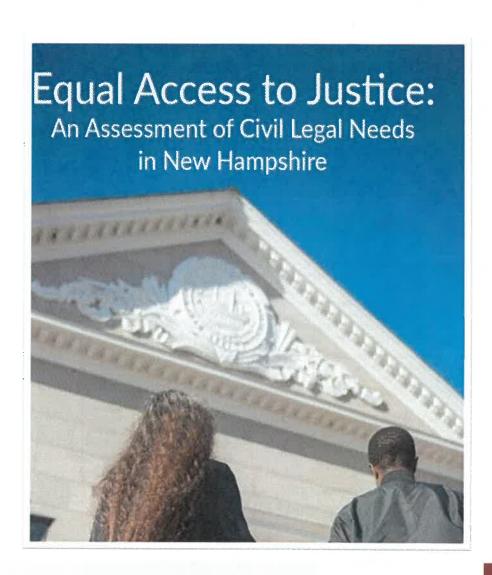
- Two-day Mapping Workshops organized by county
 - Day 1: Mapping and Priority Setting
 - Day 2: Action Planning
- Judicial and county leadership involvement throughout planning, implementation, and follow-up
- Administrative Office of the Courts will provide support and staff





Equal Access to Justice

- The Constitution requires that the State provide a lawyer for those accused of crimes
- There is no similar requirement for the vast majority of non-criminal matters
- As a result, 90 percent or more of civil litigants in our Circuit Courts are selfrepresented, including in matters involving
 - Domestic Violence
 - Landlord-Tenant
 - Family and Parenting
 - Small Claims
- A 2021 study documented this so-called "Access to Justice" gap



Paraprofessional Pilot Program

Last year, HB1343 was enacted.

- This bill establishes a pilot program to enable paraprofessionals supervised by attorneys to represent clients in certain classes of cases in 3 Circuit Courts
- The Supreme Court will report to the Legislature on it effectiveness

New Hampshire Legal Assistance

Helping to balance the scales of justice for everyone, once 1971.

NHLA Executive Director Sarah Mattson Dustin and NH Chief Justice Gordon MacDonald testify in favor of HB 1343

Posted Apr 18, 2022

Sarah Mattson Dustin, Executive Director of New Hampshire Legal Assistance, joined the New Hampshire Senate Judiciary Committee hearing on April 14 to testify in Favor of HB 1343. Accompanying her to voice support for the bill was NH Supreme Court Chief Justice Gordon MacDonald. At the end of the hearing, the committee recommended 4-1 that the bill ought to pass the full Senate.

"Every day in our courts scores of our fellow citizens appear without the benefit of representation, and they're in court invariably because they're experienced some life aftering event," said Chief Justice MacDonald during his testimony. "Potentially at issue are their rights, their basic human needs, their safety and security, and yet they're standing there alone in a foreign and unfamiliar territory without the benefit of representation."

HB 1343, introduced by Rep. Ned Gordon of Bristot, a former judge himself, would create a pilot program allowing paraprofessionals employed and supervised by attorneys to represent clients in court in cases regarding divorce, parenting rights and responsibilities, child support, and landlord-tenant law including eviction. An amendment added cases regarding domestic violence and stalking protective orders, it was passed by the House as amended on March 10.

"The New Hampshire Judicial Branch has made great strides toward building a court system that is friendlier to self-represented fitigants," Mattson Dustin said, "Nevertheless, there is a massive 'Justice gap' between the legal help that Granite Staters need and the legal help that is available at no cost."

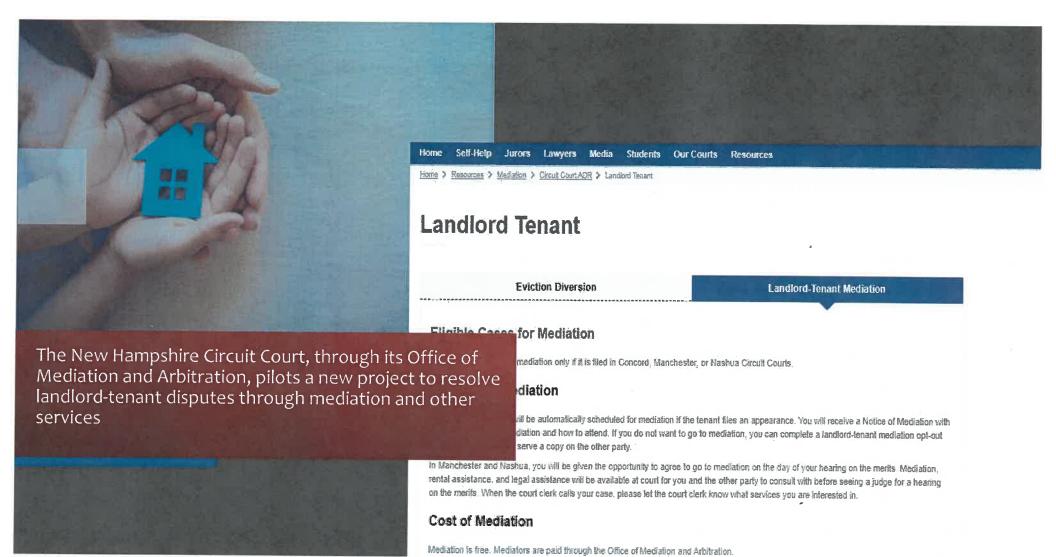
At NHLA, paralegal advocates represent clients in administrative agency proceedings at the state level and at the federal level. These are often highly technical proceedings, requiring both substantive legal knowledge and an ability to navigate complex procedural rules.

"Paraprofessionals already contribute significantly to the delivery of for-profit and nonprofit legal services," Maitson Dustin said. "HB 1343 is a modest, tightly-regulated pilot that NHLA believes will demonstrate that paraprofessionals will perform just as well in the courtroom as they do in many other law practice settings."

Currently, there is no right to an attorney in most civil legal cases. While some litigants can understand the law and advocate effectively for themselves, many others struggle to protect their own interests.

"This pilot, this experiment, if approved, will be one of the most meaningful steps that our state will have taken to address the access to justice issue," said MacDonald. "Fewer of our fellow citizens will be there standing alone on a very important day in their life."

Please tell your state Senator to support HB 1343 when it comes up for a full Senate vote.



Shaping the Future: Eviction diversion mediation program is now offered for free statewide.



After the positive response to the eviction mediation pilot, the Circuit Court successfully petitions to expand the Landlord-Tenant Mediation program to offer a pre-filing mediation option across the state.

 The statewide program could potentially resolve 1,100 disputes a year outside the courtroom.

Law Library Partners with Public Libraries for Access to Justice

- Derry, Portsmouth, and Littleton Public Libraries now offer Westlaw Public Access, a comprehensive legal research database designed especially for use in government, law, and public libraries
- Free remote access to Westlaw is now available through the New Hampshire Law Library, enhancing access to justice throughout the State.
- Westlaw access is provided through a partnership with the New Hampshire Law Library, the state's only public law library
- Free Westlaw access means that anyone who comes to the Derry, Portsmouth or Littleton libraries will have the same online sources used by attorneys



TECHNOLOGY

Free access to law material

NH Law Library participating in pilot project for those who want to represent themselves

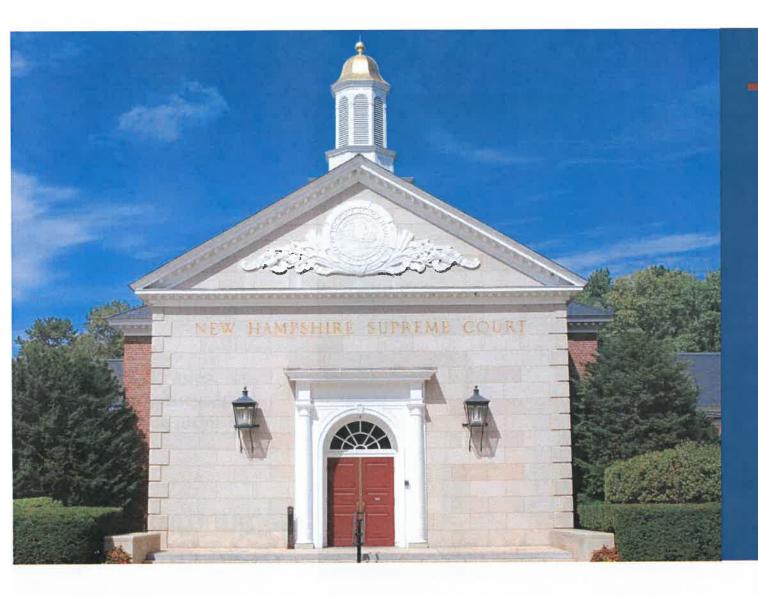
By DAVID BROOKS



The Courts Go To Our Communities

- Diversity and Inclusion Launch at Manchester Community Center
- National Judicial Outreach
 Week
- Supreme Court on the Road





Questions?

Chief Justice Gordon J. MacDonald New Hampshire Supreme Court

Chief Justice Tina L. Nadeau New Hampshire Superior Court

Administrative Judge David D. King New Hampshire Circuit Court

Dianne Martin, Director, Administrative Office of the Courts

