

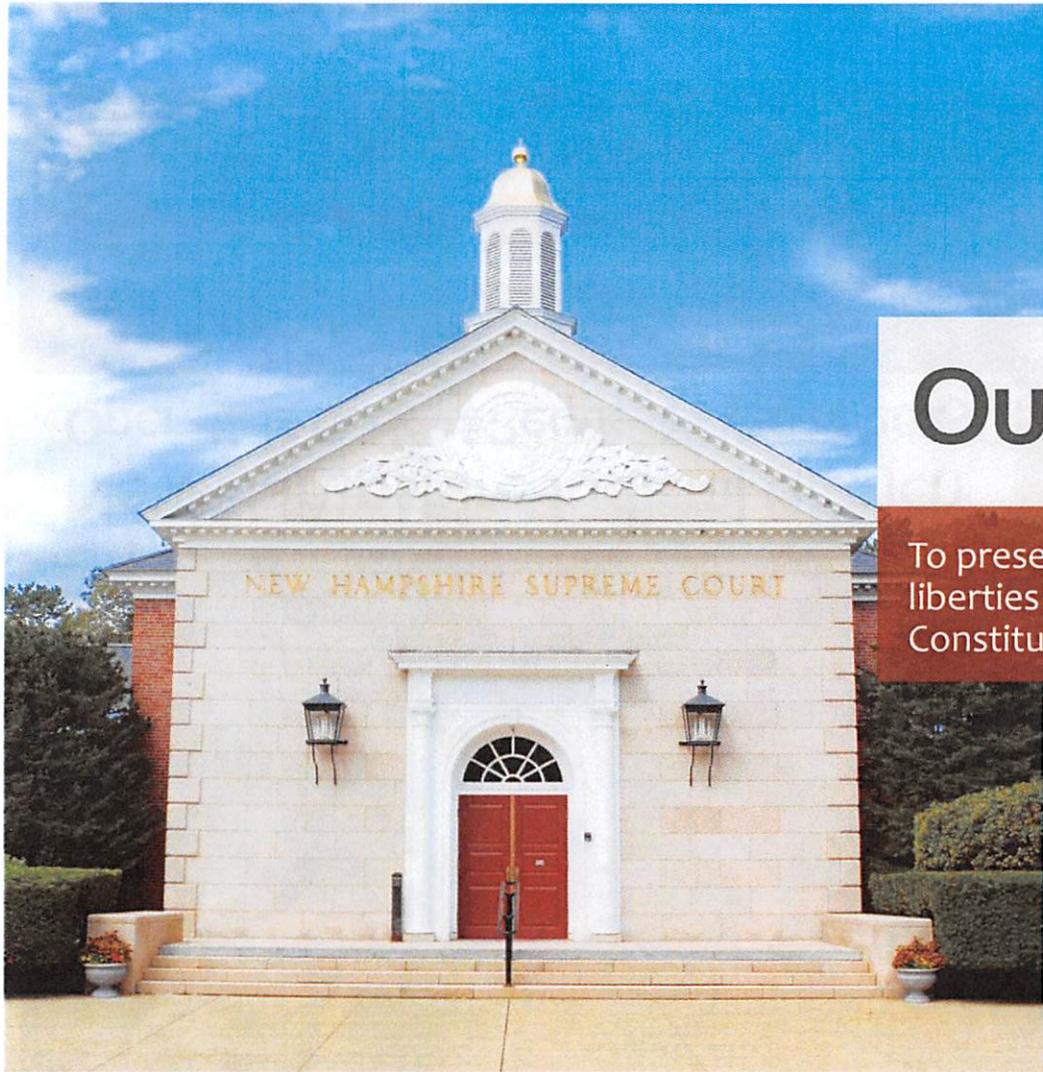


New Hampshire Judicial Branch Operating Budget Request FY2024/2025

Senate Finance Committee

April 17, 2023





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.

Overall Budget Objectives

- **Begin to Address Needs Identified in Weighted Caseload Study**
- **Enhance Court Security**
- **Respond to Inflationary Pressures Affecting Employee Retention and IT**
- **Additional Funding for Drug Courts**



Supreme Court



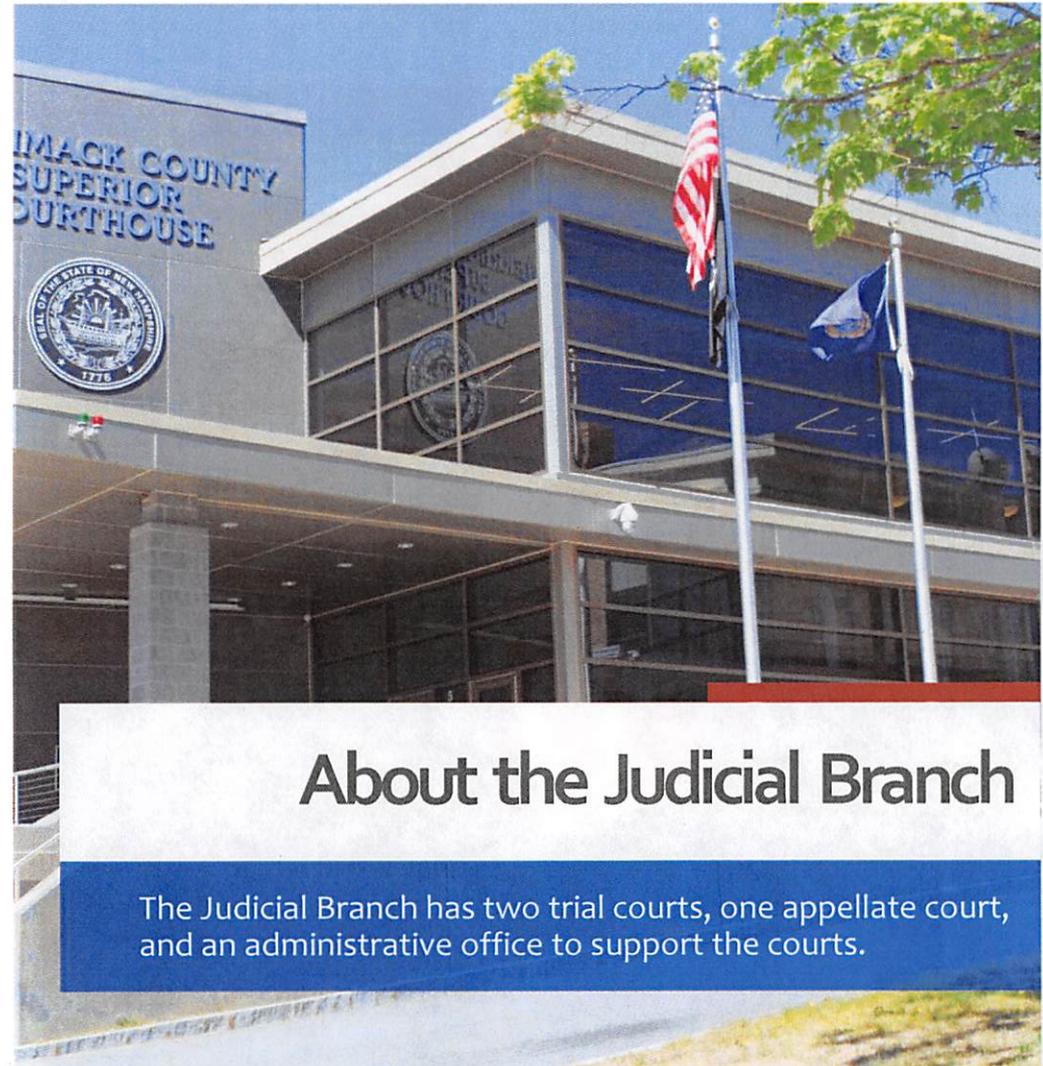
Superior Court



Circuit Court

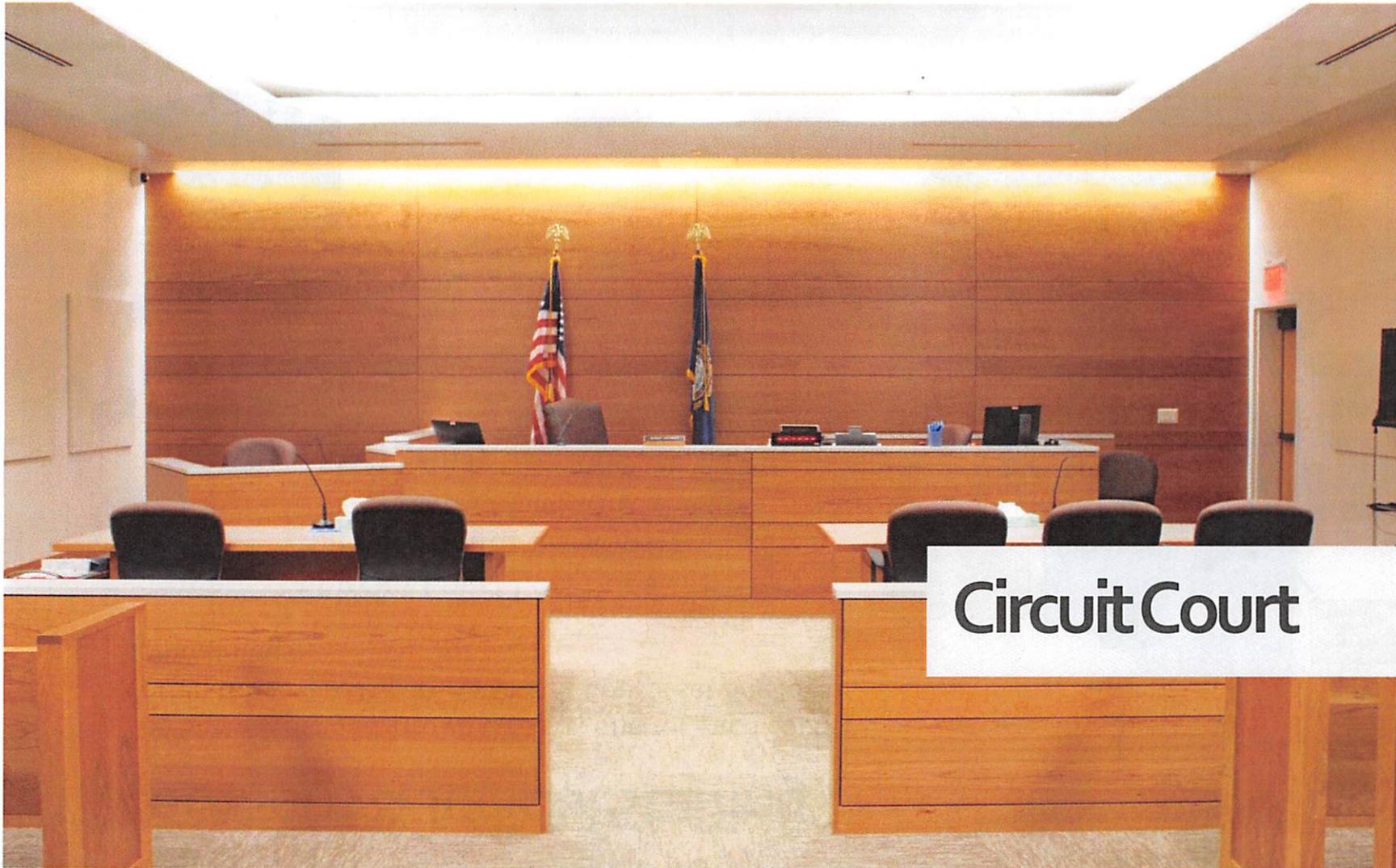


Administrative Office of the Courts



About the Judicial Branch

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



Circuit Court

Locations & Judicial Staffing

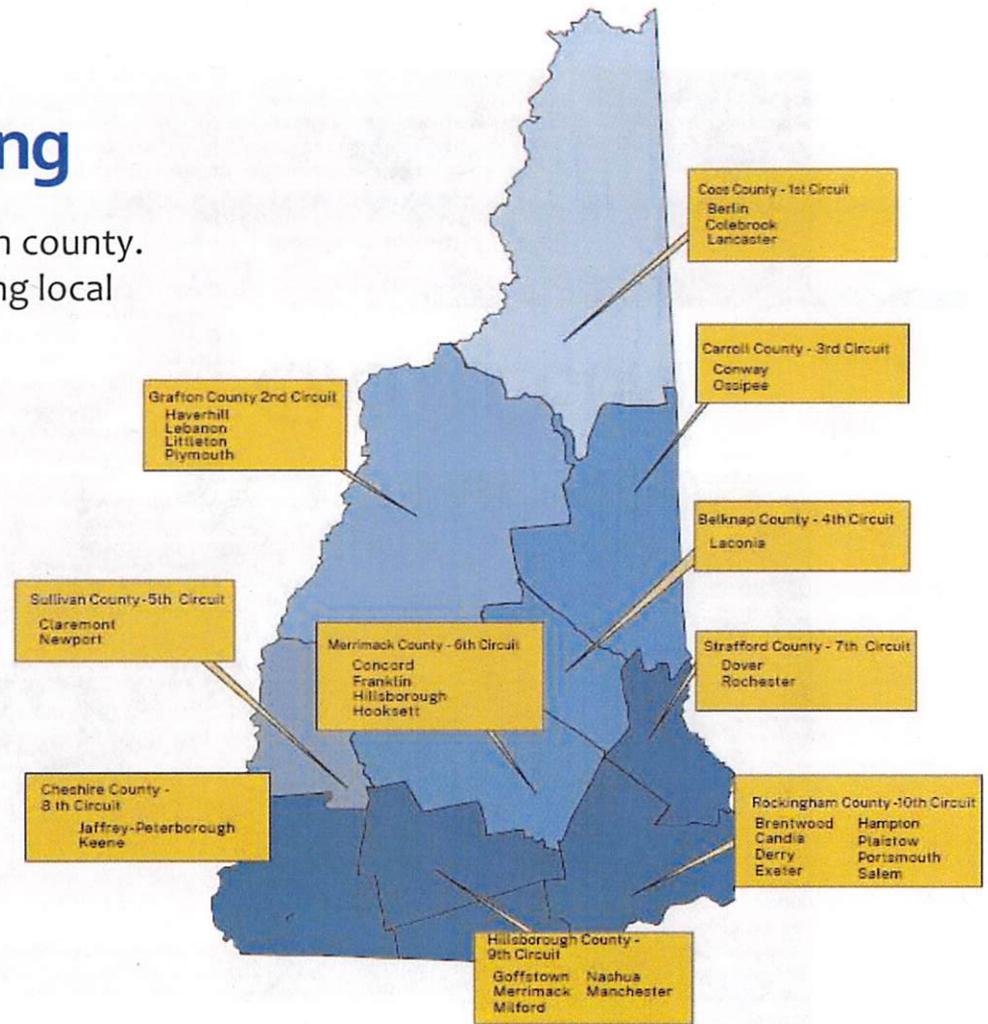
The State is divided into 10 Circuits, one for each county. Within those Circuits are 34 Circuit Courts serving local communities.

34 Circuit Court Locations

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



42 full-time judges currently on the Circuit Court bench



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.



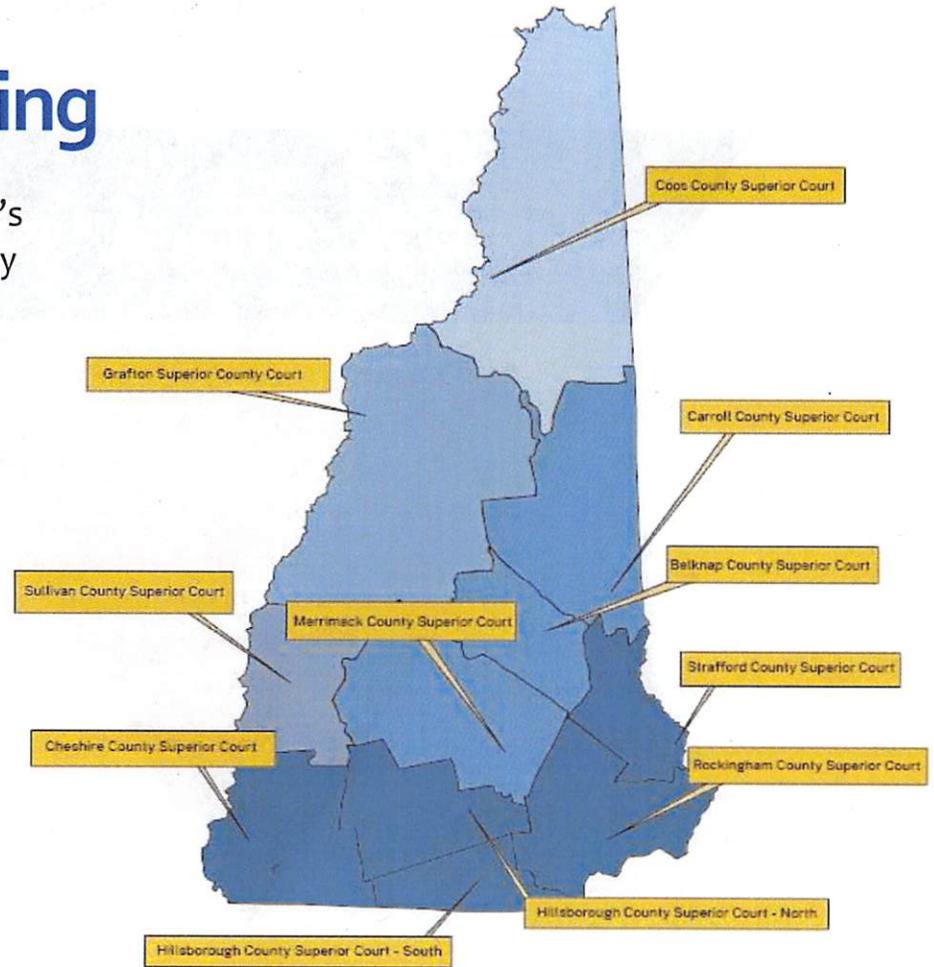
Superior Court

Locations & Judicial Staffing

There is a Superior Court in each of New Hampshire's ten counties. Hillsborough County is the only county with two Superior Courts.

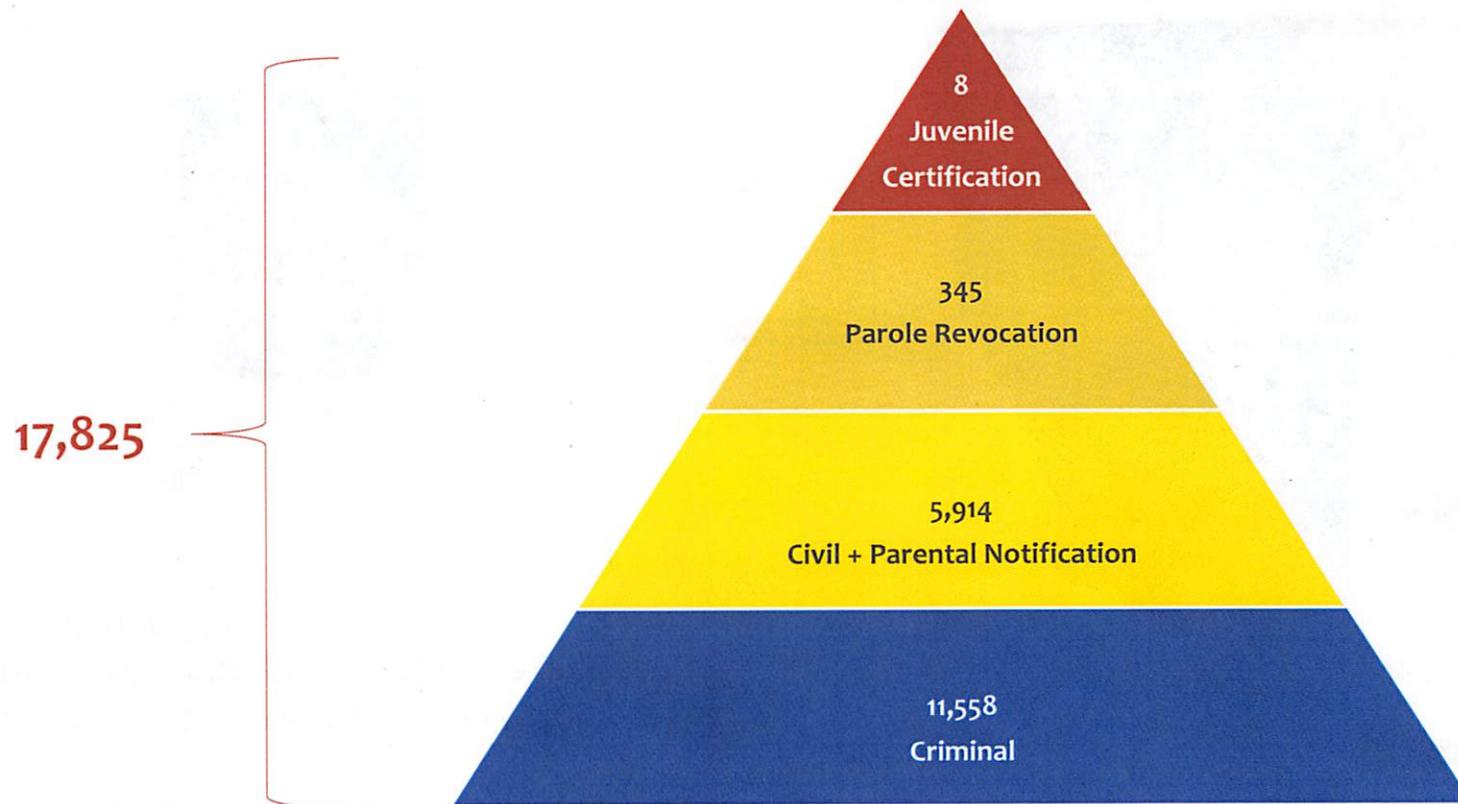


21 full-time judges currently on the Superior Court bench



Locations are approximate

Average Annual Superior Court Cases Filed*

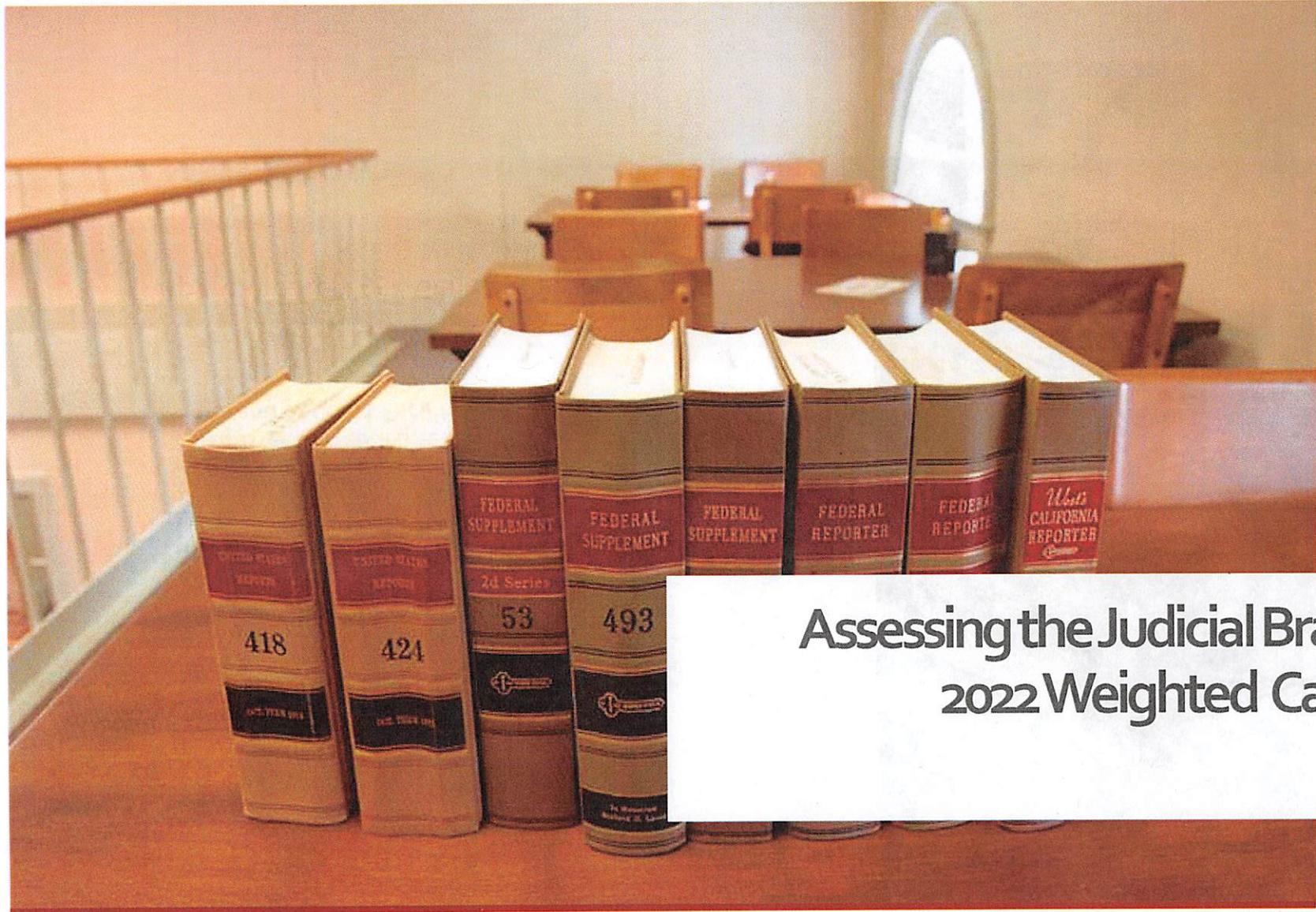


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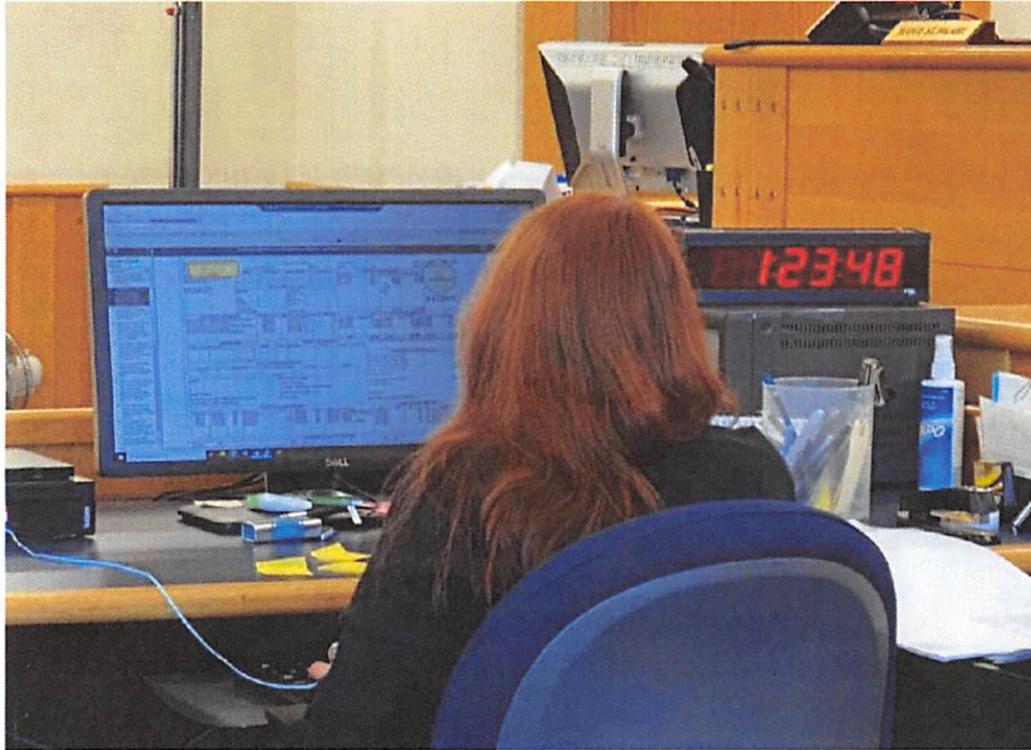
Facts Governing the Judicial Branch Budget

- Personnel is 73% of the budget
 - *Costs are essentially fixed*
- Limited control over major non-personnel cost centers
 - *Transfer to Sheriffs*
 - *Transfer to Department of Administrative Services / Bureau of Court Facilities*
 - *Rent*
 - *Technology*
- Approximately 95% General Funds





Assessing the Judicial Branch's 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

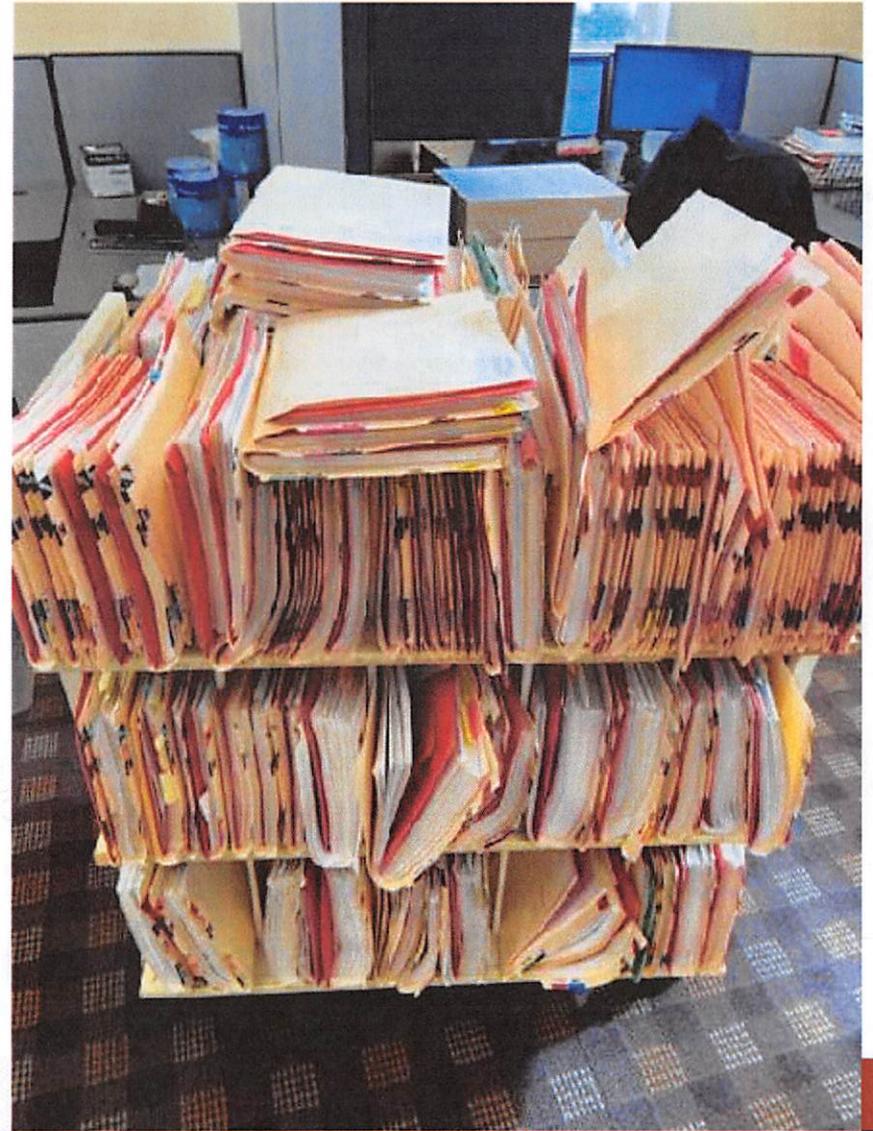
Determines variations in case complexity based on the amount of judicial and staff time required to handle a case in a timely manner.

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





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 of the NH Study, the NCSC had completed workload studies for judges in 35 states and for staff in 24 states.

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 web-based data entry program

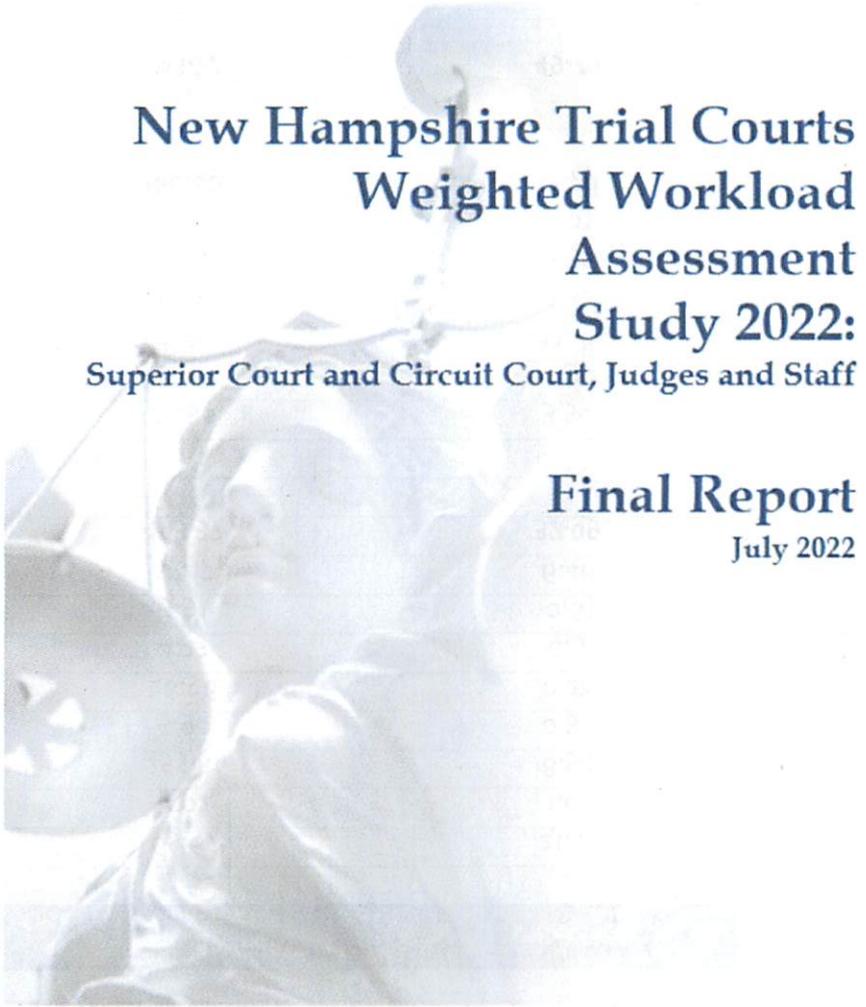
New Hampshire Trial Courts Participation Rate

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



New Hampshire Trial Courts Weighted Workload Assessment Study 2022: Superior Court and Circuit Court, Judges and Staff Final Report July 2022

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

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
Information 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
Law 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		0.1
E-filing		2.0
Protective Order Registry		1
Information Center		0.5
Circuit Court Total		39.8
SUPERIOR COURT		
Superior Clerical	Includes Clerks, Deputy Clerks/Court Assistant VIs	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	1
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:

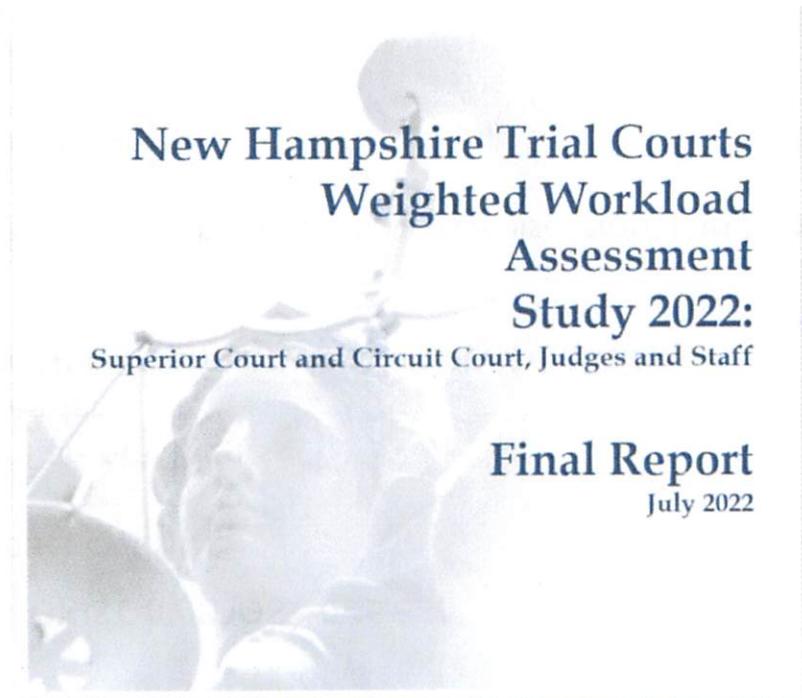
- Landlord/tenant
- Criminal
- Domestic violence
- Civil Protective Orders
- Search Warrant
- Juvenile Abuse/Neglect
- Juvenile Delinquency/CHINS
- Guardianship
- Termination of Parental Rights
- Adoption/Surrender
- Emergency and Non-Emergency Involuntary Admissions

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

Meeting Needs Identified in the Weighted Caseload Study

- Weighted caseload (WCL) is an evidence-based assessment of personnel required to serve the public
- The assessment in 2022 was the first WCL study since 2005
- This budget is intended to take significant steps to close the gaps identified by the study, mindful of overall budget constraints



FY24 Budget Requests

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

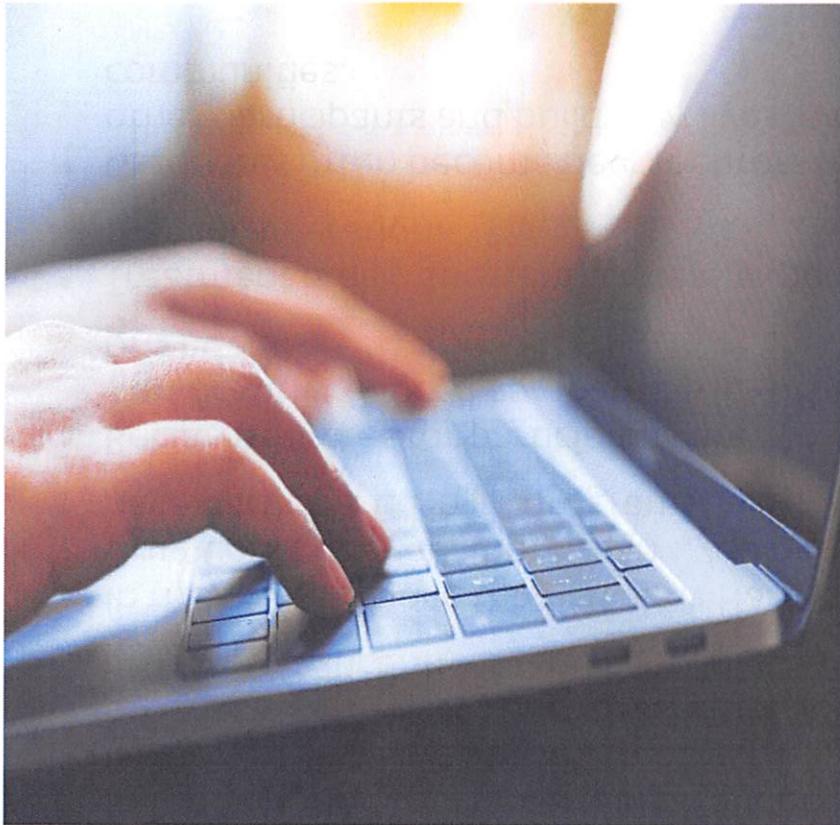
- Request for 31 new clerical staff in the Circuit Court and 1 new clerk in the Circuit Court
- Request for 4 new clerical staff in the Superior Court and 1 new law clerk in the Superior Court





Enhancing Courthouse Security

- Court Security Officers to be equipped with standardized weapons, ammunition, equipment and training



Responding to Inflationary Pressures

- Labor Grade adjustments for court staff in positions with the greatest turnover and vacancy rates, including Information Center Representatives I and II, Court Assistants II and III, and Court Security Officers II
- Increase Court Security Officer and Sheriff per diem rate from \$121.58/day to \$151.40/day
- Increased technology spending to respond to inflation

Additional Funding for the Superior Court Drug Court Program

- In ten Superior Courts, certain offenders are linked to community-based treatment programs with strict court supervision, progressive incentives, and sanctions.
- In the 18 years since the first New Hampshire Drug Court opened, more than 1,700 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 build new lives in their communities.



Judicial Branch Budget Adjustments

- Adjustments to FY24/25 Budget Submission

	FY24	FY25
• <i>Rental Payments</i>	-\$126,000	-\$126,000
• <i>Security CCTV and Alarms</i>	-\$280,000	-\$210,000
• <i>Salaries</i>	-\$82,667	-\$86,154
• <i>Benefits</i>	-\$527,876	-\$559,694

Total Adjustments FY24/25 **-\$1,998,391**



Judicial Branch Budget Overview

	<u>FY2022 Actual</u>	<u>FY2023 Adj Auth</u>	<u>House Passed FY2024 NHJB</u>	<u>Y to Y % Chg</u>	<u>House Passed FY2025 NHJB</u>	<u>Y to Y % Chg</u>
Total*	\$95,668,930	\$110,128,144	\$117,864,456	7.0%	\$121,359,041	3.0%
Budget Adjustments						
ADO/OBA Lease Payments			-126,000		-126,000	
Court Security Equipment			-280,000		-210,000	
Salaries - ERA Staff			-82,667		-86,154	
Benefits - Paid Family						
Medical Leave			70,199		71,622	
Benefits - Health & Dental						
Rate Adjustments			-598,075		-631,316	
Total - Adjusted	\$95,668,930	\$110,128,144	\$116,847,913	6.1%	\$120,377,193	3.0%

*FY2024 NHJB and FY2025 NHJB are budget amounts as submitted by the NH Judicial Branch on September 19, 2022 and adjusted for DAS/BCF and Retiree Health expenses

Overall Budget Impact – FY23 Adjusted Authorized vs FY24 Budget

- Non-Weighted Caseload budget increase: **0.4%**
- All in, including Weighted Caseload impact: **6.1%**



Questions

- Chief Justice Gordon J. MacDonald
- Circuit Court Deputy Administrative Judge Susan Ashley
- Administrative Office of the Courts Director Dianne Martin, Esq.
- Judicial Branch Fiscal Manager Donna Raymond
- Statewide Drug Offender Program Coordinator Alex Casale

