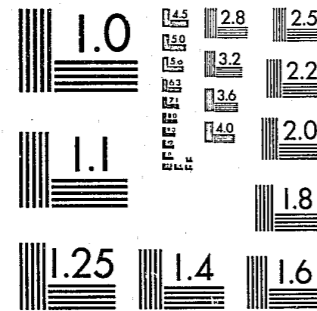


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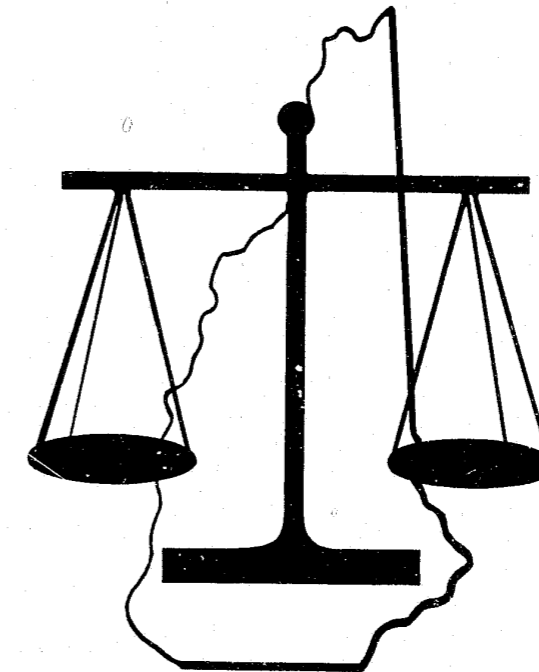
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1980 NEW HAMPSHIRE COURT SYSTEM



COMPREHENSIVE PLAN

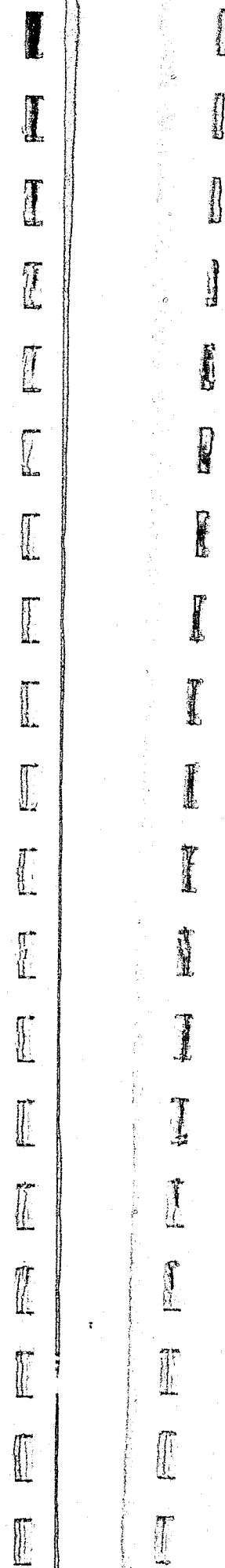
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HON. WILLIAM A. GRIMES
CHIEF JUSTICE, SUPREME COURT

HON. CHARLES G. DOUGLAS, III
CHAIRMAN, JUDICIAL PLANNING COMMITTEE

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1980 NEW HAMPSHIRE COURT SYSTEM COMPREHENSIVE PLAN

DEDICATED TO:



EDWARD J. LAMP RON

CHIEF JUSTICE, SUPREME COURT
ASSOCIATE JUSTICE, SUPREME COURT
ASSOCIATE JUSTICE, SUPERIOR COURT

1978-1979
1949-1978
1947-1949

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THE STATE OF NEW HAMPSHIRE
SUPREME COURT

SUPREME COURT BUILDING
CONCORD, NH 03301
(603) 271-2521

JUDICIAL PLANNING COMMITTEE
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JEFFREY W. LEIDINGER
DIRECTOR

Chief Justice Edward J. Lampron retired August 21, 1979, after thirty years as a member of the New Hampshire Supreme Court.

Edward J. Lampron was born in Nashua, New Hampshire, on August 23, 1909, the son of John P. and Helene Deschenes Lampron. He received his B.A. from Assumption College in 1931 and his law degree from Harvard University in 1934. After being admitted to the New Hampshire Bar in 1935, he practiced law in Nashua until 1947. He served as solicitor for the City of Nashua from 1936 to 1946. He was appointed to the New Hampshire Superior Court in 1947 and to the New Hampshire Supreme Court in 1949. On June 9, 1978, Justice Lampron was sworn in as Chief Justice of the New Hampshire Supreme Court. Although now retired, Justice Lampron continues to preside over prehearing evaluation conferences scheduled by the supreme court in an effort to expedite case processing.

Justice Lampron is a member of the American and Nashua (past President) Bar Associations, the Advisory Board of St. Joseph's Hospital in Nashua, and a trustee of the Nashua Public Library. He is also a member of the Association Canado-Americaine (Vice-President, Director). He was awarded honorary doctoral degrees by Assumption College in 1954 and Rivier College in 1977.

Justice Lampron and his wife, the former Laurette L. Loisel, have two children, Norman E. and J. Gerard.

The 1980 New Hampshire Comprehensive Plan is dedicated to retired Chief Justice Edward J. Lampron who served on the Supreme Court for 30 years, the last two as Chief Justice. Under Chief Justice Lampron's administration of the court system many new and innovative court projects were initiated, including the Merrimack County Juvenile Advocate program, the mediation project in Concord District Court, and the use of arbitration in two counties. Legislative successes include the enactment of a new independent court budgeting act that provides for a more appropriate separation of powers between our three branches of government and an addition to the Supreme Court building. The first comprehensive rules revision for the Supreme Court since 1901 has resulted in a new method by which appeals are handled in our state's highest court. Continued comprehensive educational programs for judicial and non-judicial personnel have improved the quality and uniformity in the administration of justice in our state. The support and commitment of Chief Justice Lampron to improving the administration of justice fully warrants this Committee in dedicating the 1980 New Hampshire Comprehensive Plan to him.

This Plan addresses all courts as well as the various components within each level. The Committee encourages all justice system participants, members of the General Court, and other interested persons to continue to make recommendations and suggestions as we move into the 1980's and seek to bring to our system the most current management methods and technology available in the private sector.

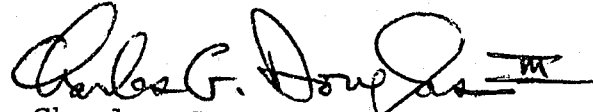

Charles G. Douglas, III
Chairman
Judicial Planning Committee

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Introduction

Under the provisions of the Crime Control Act of 1976 (P.L. 94-503), each state is authorized funding for the establishment of a Judicial Planning Committee. The purpose of such planning committees is to prepare, develop, and revise an annual state judicial plan and assist the courts in the implementation of the plan. On November 24, 1976, New Hampshire established the Judicial Planning Committee by Supreme Court order. Consistent with the Act and the needs of the New Hampshire court system, the court defined the following specific objectives for the Committee:

- (1) Develop an annual state judicial plan for the court system;
- (2) Define, develop, and coordinate plans and projects for court improvement;
- (3) Establish priorities for the development and implementation of court programs.

On May 31, 1979, after two years of operation, the court expanded the role of the Judicial Planning Committee with the following order:

The New Hampshire Supreme Court, pursuant to the provisions of part II, article 73-A, of the New Hampshire Constitution, hereby authorizes the judicial planning committee of the supreme court, consistent with the provisions of the Crime Control Act of 1976 (PL 94-503), and any subsequent amendments thereto, to establish priorities and annual plans for the improvement of the courts; define, develop and coordinate programs and projects for court improvement; develop plans for the allocation and expenditure of private and federal monies available for the courts; carry out a program of systematic implementation of standards and goals for the improved administration of the court system; evaluate grant requests deemed in the interest of the judicial branch of government; collect and report statistics and data on the court

system; and study the judicial impact of legislation affecting the court system. The committee may, subject to the approval of the court, employ a director and such staff and consultants as it may determine based upon the availability of funds; and shall establish such subcommittees as deemed advisable.

Section 703(c) of the Act requires that the membership of the Judicial Planning Committee be reasonably representative of the various local and state courts and include a majority of court officials. Inclusion of representatives from prosecution and defense services is suggested under the Act but not required. The members of the Committee are:

Associate Justice Charles G. Douglas, III, Supreme Court, Chairman
Chief Justice William A. Grimes, Supreme Court, Vice-Chairman
Chief Justice Richard P. Dunfey, Superior Court
Justice Aaron A. Harkaway, District Court
Justice Edward J. McDermott, District Court
James A. Duggan, Associate Professor of Law
Thomas D. Rath, Attorney General
Carroll F. Jones, Attorney
Robert P. Tilton, Clerk of Superior Court

Each of the members was selected based upon their knowledge of the justice system, willingness to address difficult problems, and their demonstrated commitment to improving the court system. The diverse membership of the group insures a complete review of all issues presented and results in solutions which are viewed from a court system perspective rather than an individual point of view. In addition to their membership on the Committee, the

majority of members serve as principals in other justice system related organizations, such as the Administrative Committee of District and Municipal Courts; the New Hampshire Crime Commission; the Superior Court Clerks' Association; and the District and Municipal Court Judges' Association. This cross-membership promotes greater communication throughout the justice system, which negates the traditional criticism of courts being an insular institution. It also stimulates greater cooperation reducing the tendency toward myopic or duplicative programs.

Consistent with the Committee's expanded charter, a wide variety of programmatic initiatives have been undertaken including: the development of alternative methods of dispute resolution; establishment of full-time juvenile defense services; coordination of a recodification of the state's juvenile code; development of new docketing and accounting systems; introduction of word processing equipment for case management, and improved filing and records management, including centralized purchasing of forms.

The 1980 New Hampshire Court System Comprehensive Plan continues program initiatives from previous years and establishes several new project goals. The majority of programs included in the Plan address issues which will not require continued funding. Many of these pilot programs are borrowed from private industry or other public institutions and modified to test these approaches in a court environment.

The Plan is divided into three major sections. The first

section, "The Analysis of Problems and Development of Problem Statements" has three elements: (1) "resources", which describes the components of New Hampshire's court system; (2) "coordination, cooperation and combination of efforts", which discusses the joint projects being initiated; and (3) "problem analysis", which identifies specific problems within the court system that require some remedial action.

The second section of the Plan describes the goals and priorities of the court system and, consequently, the Plan. The system goals are very broad and describe the inclusive purposes of the court system. Following the statement of goals is a list of over 100 standards which were developed by the supreme court in 1977, with the assistance of the National Center for State Courts and justice participants from throughout New Hampshire, as "benchmarks" with which the courts could assess the system's performance in relation to its goals. Seven of the standards have been identified as priority concerns for the coming year and are set forth in the section entitled priorities.

The third section contains two elements: first, the "multi-year plan", which sets forth the Committee's five year strategy for program development and implementation; and second, the "annual action plan", which describes the specific programs which are anticipated for implementation during the current year.

The final element of the Plan is an abbreviated review of project accomplishments to date. This appended section describes which of the standards included under Section II have been

addressed and what progress, if any, has been made in their achievement.

Although the Plan is submitted in its entirety to the New Hampshire Crime Commission for inclusion in the state comprehensive plan, the Plan looks beyond funds from the Law Enforcement Assistance Administration, LEAA, to support the program initiatives set forth in the "annual action" component. Clearly, the major portion of the funds for these efforts comes from LEAA "block grant" monies. However, other public and private funds will be solicited to advance the programs included in the Plan. As previously stated, these funds will be used to support pilot or demonstration efforts. In the event that projects prove beneficial, more stable funding for project continuation will be sought.

I. ANALYSIS OF PROBLEMS AND DEVELOPMENT OF PROBLEM STATEMENTS

I. Analysis of Problems and Development of Problem Statements

A. RESOURCES

Creation of the Courts

The New Hampshire Constitution states that the "judicial power of the State shall be vested in the supreme court, a trial court of general jurisdiction known as the superior court, and such lower courts as the legislature may establish under Article 4th of Part 2." Under Article 72-a of Part 2, the supreme and superior courts are "constitutional" courts, which may only be changed by amendment to the Constitution. The district and municipal courts are legislatively created and may be changed or abolished by the legislature. The probate court is also a constitutional court under Article 80 of Part 2 of the Constitution.

Supreme Court

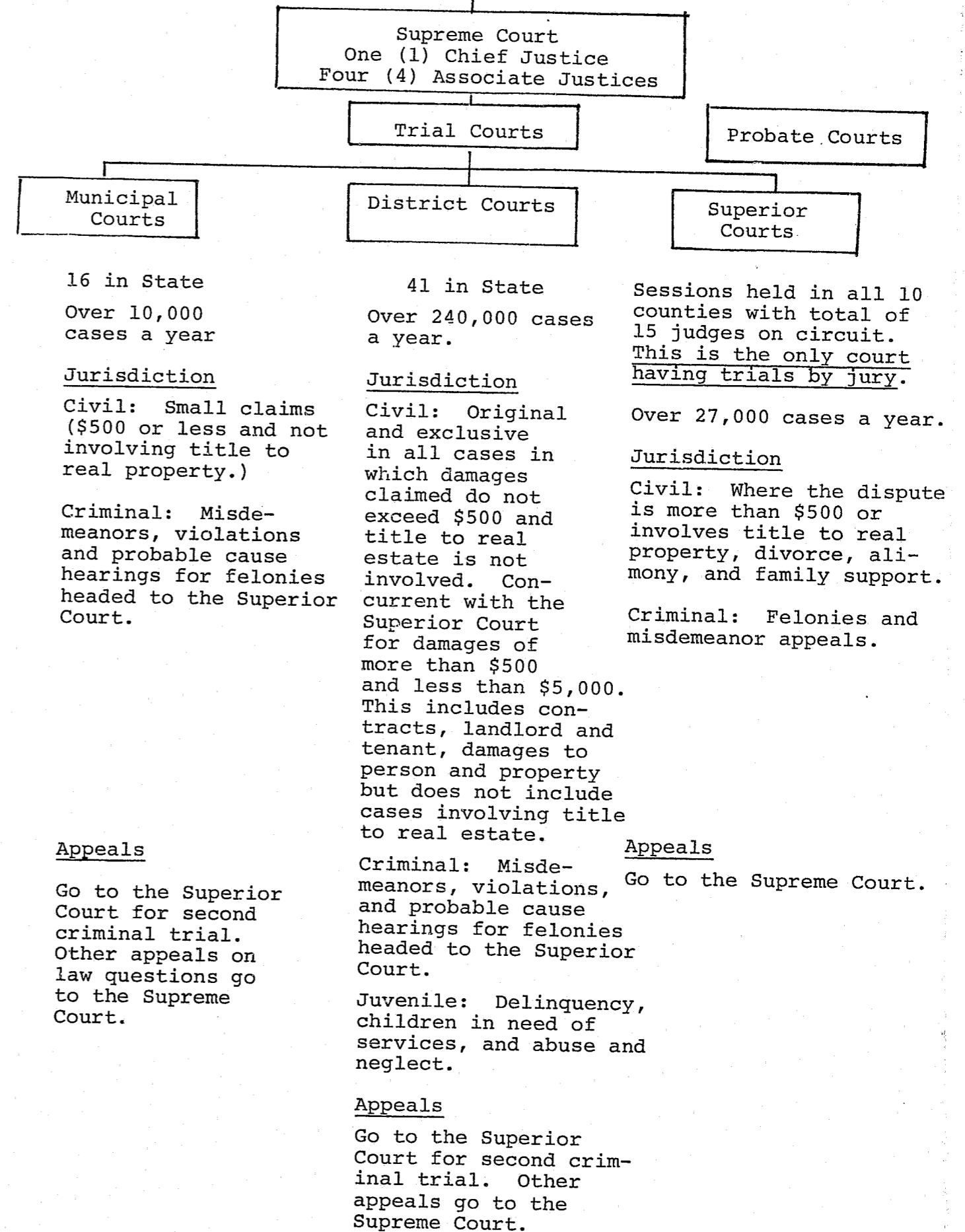
The court's original jurisdiction includes both the authority to issue extraordinary writs, such as certiorari, habeas corpus, and prohibition, and the general superintendence authority over all lower courts. Such superintendence may include approving and promulgating rules for the purpose of governing trial proceedings in courts throughout the state, and insuring that all cases in New Hampshire are decided in a fair

and efficient manner without undue delay. The court has final appellate jurisdiction over questions of law from all courts and administrative agencies in the state. The supreme court may, in its discretion, review questions of law through an interlocutory appeal from a lower court ruling, interlocutory transfer without ruling by a lower court or administrative agency, and through an appeal from a final decision on the merits of a lower court or from an order of an administrative agency.

The court is also empowered by the state constitution to issue advisory opinions at the request of either house of the legislature or of Governor and Executive Council. These opinions concern the legality of actions which are being considered, rather than actions which have already taken place, and usually involve important questions of constitutional law.

During the first eleven months of 1979, the supreme court had 414 matters filed. Three hundred and thirty of these were cases appealed or transferred from the superior court, 6 from the probate court, 25 from the district court, and 20 from administrative agencies. Twenty-seven original petitions were filed with the court, 3 requests for advisory opinions, and 3 certified questions of law. One hundred and eighty-seven written opinions will have been issued by the court through November 1979, and approximately 30 cases have been declined for review since July 1979 under the Supreme Court New Rules 7, 8, 9, 10, and 11.

COURT STRUCTURE FOR THE STATE OF NEW HAMPSHIRE



The Supreme Court of New Hampshire consists of a chief justice and four associate justices, each of whom is appointed by the Governor and Executive Council for a term of office which continues during good behavior and until age seventy. The court holds monthly sessions, except during August, generally beginning on the first Tuesday of each month.

In order to aid the court in its appellate work, the court has a staff of five law clerks, and a Clerk of Court/ Reporter of Decisions who is supported by a trained clerical staff. The clerk is responsible for preserving all court files and papers, for keeping a docket record of all matters before the court, and of all petitions, appeals, or other processes presented to the court. He issues such records or other processes as the court may order and accounts for and pays to the state all fees received on behalf of the supreme court. In his capacity as Reporter of Decisions, the clerk publishes the opinions rendered by the supreme court. These case reports are published and distributed as the New Hampshire Reports.

The five law clerks assist the justices in researching law applicable to the cases before the court. Each law clerk is a law school graduate and is responsible for checking the accuracy of material submitted by brief, researching relevant law, and assisting in the drafting of opinions.

The court also is assisted in its superintendence role by several committees including the Committee on Professional Conduct, the Judicial Conduct Committee, the Administrative Committee of District and Municipal Courts, and the Judicial Planning Committee. The Committee on Professional Conduct screens complaints filed against attorneys, investigates the allegations in the complaints, and either dismisses the complaints or privately reprimands the attorneys, or files formal disciplinary proceedings in the supreme court. The Judicial Conduct Committee serves a purpose similar to the Professional Conduct Committee; however, this group reviews complaints against referees, masters, and judges. The Administrative Committee of District and Municipal Courts has a full-time staff of two persons and assists those courts in developing administrative procedures for the 41 district courts and the 16 municipal courts throughout the state. The Judicial Planning Committee is charged with the responsibility for (1) screening applications for federal funds; and (2) implementing selected projects aimed at improving the efficiency of the court system. The Judicial Planning Committee has a full-time staff of three persons.

The court also has jurisdiction over the admission of attorneys to the New Hampshire Bar, which procedure is governed by rule of court. The Board of Bar Examiners, appointed by the court, conducts the examination of candidates for admission to practice in New Hampshire.

The supreme court receives its operating funds from the State of New Hampshire. In fiscal year 1980 the legislature

appropriated \$1,224,631 for the operation of the court of which \$476,750 is for capital improvement to the existing court facility. The capital improvement anticipated under this appropriation is an addition to the southern wing of the court structure.

Several private and public grants are received by the court each year. The primary source of these funds is the New Hampshire Crime Commission, the state planning agency for Law Enforcement Assistance Administration (LEAA) funds. In fiscal year 1979 LEAA grants to the court totaled \$252,186. Many of the court's administrative services were initially financed with federal monies. The full-time directors of the Administrative Committee and the Professional Conduct Committee, and the law clerks were all initially funded with Crime Commission funds. Absorption of these positions into the state budget has allowed the court to apply the federal monies available to continuing education programs and the development of office equipment and procedures, including the introduction of word processing equipment to the court.

The court's major revenue source is the sale of court opinions. Slip opinions and New Hampshire Reports prior to Volume 117 are sold to attorneys or law firms throughout the state, realizing an annual revenue of \$33,738 in fiscal year 1979. Other sources of income include fees collected from applicants for the Bar examination and fees collected for the filing of appeals, totaling \$26,215 in fiscal year 1979.

Superior Court

New Hampshire's trial court of general jurisdiction is the superior court. It sits in ten locations throughout the state. The superior court sits at both law and equity and has original jurisdiction in all felony cases and in civil cases where the amount in controversy is in excess of \$5,000. Additionally, divorces and issues involving title to real estate are heard in the superior court.

Criminal matters may be originated in the superior court as a result of a direct indictment on a felony or on the filing of an information. The court also has appellate jurisdiction for misdemeanor and violation cases heard in the district and municipal court. Appeals tried for these types of cases are tried de novo with misdemeanor cases requiring a six person jury. It should be noted that the superior court's jurisdiction is concurrent with the district and municipal courts for misdemeanors.

The superior court has concurrent jurisdiction with the district courts in cases at law when the damages claimed are more than \$500 and do not exceed \$5,000. Although the district court has concurrent jurisdiction in matters between \$500 and \$5,000, all requests for jury trials must be heard in the superior court. Where the damages exceed \$5,000 or a title to real estate is involved, the superior court has exclusive jurisdiction.

The superior court has jurisdiction in equity cases. Equity jurisdiction is employed when a plaintiff alleges

that money damages are inadequate at law. A bill or petition in equity would be properly brought where the plaintiff is seeking specific performance, injunctive relief or quiet title to real property.

Divorces and reciprocal support cases are also heard by the superior court. While these types of cases represent an ever increasing work load in the superior court, the issuance of a final decree does not end the court's contact with the parties. The majority of marital cases require modification of the original decree on numerous occasions. Marital cases are frequently heard by marital masters rather than a justice of the superior court. There are at present seven marital masters who sit regularly throughout the state. Upon granting either a temporary order or a final decree, the court must approve the master's report.

The court has recently initiated a new arbitration procedure to facilitate the expeditious processing of civil and equitable matters. Although the program has been utilized in only two of the state's ten counties, it has expedited case processing. Arbitration speeds the resolution of legal disputes, reduces delay in decision making, and reduces cost to the litigants. In 1979 the superior court disposed of 7,879 criminal cases and 19,682 civil cases.

The court has a chief justice and 14 associate justices. As with the supreme court, justices are nominated and appointed by the Governor and Executive Council until age seventy or earlier

retirement. The superior court is a "circuit court", requiring the judges to hear cases in all ten counties. The average term of court lasts from three to four months, with all counties having a minimum of two terms per year. Larger counties, such as Rockingham and Hillsborough, operate twelve months per year and have multiple judges sitting continuously.

In addition to their judicial duties, superior court justices are called upon to staff a variety of standing committees. Included in the court's committees are the Sentence Review Division, the Incarceration Facilities Committee, the Marital Masters Committee, the Rules Committee, and the Budget Committee. Beyond participation on these standing court committees, justices of the superior court serve on various other boards and commissions.

The chief justice is assisted by an administrative assistant whose office is located in Laconia. The administrative assistant has a small staff and is responsible for preparing the court's budget, scheduling the circuit riding of judges and stenographers, as well as coordinating all executive branch submissions as designated by the chief justice.

The Sentence Review Division has a full-time clerical assistant who serves the three judges in their role of hearing appeals regarding criminal sentences. Additionally, the division employs two clerical assistants to complete work for the justices and court's law clerks.

Six law clerks, similar in function and responsibility

to the supreme court law clerks, are employed by the court. In contrast to the supreme court law clerks, the superior court clerks are required to travel throughout the state assisting the justices in researching legal issues as they arise during the course of trial. Clerks are employed for a period of one year and are supervised by a senior law clerk who is responsible for reviewing the quality of work products, scheduling clerk assignments, and recruiting clerks for the following year.

Each superior court location maintains a clerk and general office staff. Approximately 130 persons work throughout the state at the different superior court locations. The clerks, all members of the New Hampshire Bar Association, are required to maintain all court records as well as insure the efficient processing of all cases pending in that jurisdiction. Clerks are assisted by deputies and clerical support staff. The average size of a superior court office is seven; the largest employing some twenty-one clerical assistants; the smallest having but one clerk and one clerical assistant.

The court also employs seventeen court stenographers who are responsible for maintaining a record of all trial proceedings. Although most of the courts currently have voice recording equipment available, stenographers are used in the majority of trials.

The superior court is financed by a combination of state and county funds. Additionally, federal support has been solicited and utilized, in the past, to underwrite the cost of selected operating expenses. State funds in the amount of \$949,249 for fiscal year 1980 were appropriated by the legislature to pay for judicial salaries, retirement costs, the administrative assistant to the chief justice, current expenses, equipment, and travel. County funds are utilized to finance local operating and capital costs of each county location. These costs include the salary of the clerk and clerical support, salaries for court stenographers and all other operating and capital costs associated with the local operation of the court.

Federal funds have been utilized in the past to purchase equipment such as sound recording devices and microfilm equipment. Additionally, these funds have been used to finance law clerks and secretarial support staff. Although the percentage of LEAA money to the total superior court budget is low, the impact of these funds has been substantial. Court receipts are limited to filing fees and nominal fines in criminal cases. All such revenue is returned to the county in which the funds are received. As such, the funds are used to offset or defray some of the counties' operating costs. The average annual revenue from the ten superior court locations is approximately \$250,000 per year.

District and Municipal Courts

District and municipal courts are established by the legislature and their jurisdiction is also prescribed by the legislature. The district courts have exclusive original jurisdiction for all juvenile matters involving delinquency, CHINS, and abuse and neglect, and civil issues, not including title to real estate, under \$500. These courts have original and concurrent jurisdiction with the superior court for violations and misdemeanors and for civil cases in which the amount in controversy is between \$500 and \$5,000. The district court also has probable cause jurisdiction for all felony matters. Although superior courts have jurisdiction over misdemeanors, in practice, cases for which the penalty would be incarceration for not more than one year or a fine of \$1,000, or both are tried in district courts before a judge with a right of de novo appeal to the superior court for a jury trial. The district court also hears cases involving landlord and tenant actions.

Municipal courts have original criminal jurisdiction for offenses which occur within the legal boundaries of the municipality and for which the sanction does not exceed one year of incarceration or a fine of \$1,000, or both. The civil jurisdiction of the municipal court is limited to issues under \$500 and does not include any matters involving title to real property.

During the period October 1, 1978, to September 30, 1979, the district and municipal courts handled approximately 250,000 cases. Of these, the district court handled approximately 240,000 and the municipal court, 10,000. The district court caseload is distributed between civil, criminal, and juvenile matters. Of the approximately 200,000 criminal matters heard in district court, 65% were motor vehicle related, 16% were other violations, 16.5% were misdemeanors, and 2.5% were felony matters. Slightly under 7,000 juvenile cases were heard in the district court during this period with 85% of these cases being delinquency matters. Of the approximately 33,000 civil cases, slightly over 75% of these cases were small claims actions.

The municipal court caseload is approximately 10,000 with 88% of these being criminal matters, 2% being juvenile, and 10% being civil. The juvenile figure would normally be higher; however, on August 22, 1979, the new juvenile code eliminated juvenile jurisdiction from the municipal courts.

There are 41 district and 16 municipal courts located throughout the state. Of the district courts, six are full time, the balance convene once or twice per week. The municipal courts are part-time courts and are currently being phased out of existence pursuant to RSA 502:4 and RSA 502-A:35.

There are 101 district and municipal court judges of which 57 are judges and 44 are special justices. The judge may employ a clerk and such staff as is required under RSA 502:10 and RSA 502-A:7.

for the efficient operation of the court. The majority of the 57 clerks work full time. This is especially true as the courts' jurisdiction has expanded and the clerical requirements greatly increased. Clerical support is determined by each local justice, and stenographic services are not regularly provided in any district or municipal court.

The district and municipal courts are financed by the individual municipalities or towns in which they sit. All costs associated with the operation of the court, including the salaries of the justice, clerk, and support personnel, as well as the operating costs and capital costs are borne by the town. Similarly, all receipts or revenues, save the percentum of motor vehicle fines which are returned to the state, are retained by the town. These revenues are used to defray the cost of court operation. In many instances, in those jurisdictions in which the court is a part-time entity, the revenues of the court often exceed the expenses.

Probate Court

The New Hampshire Constitution, Part 2, Article 80, grants the probate court authority in all matters relating to the probate of wills and granting of letters of administration. The legislature has extended these powers to include conservatorships, guardianships, commitment of the mentally ill, adoptions, change of name, partition of real estate, custodianship of the property of minors, apportionment of federal estate taxes, license to sell real estate when a married couple is separated and there are

justifiable grounds for divorce, waiver of certian marriage requirements, and general equity jurisdiction over an accouting.

Probate petitions may be considered either at a general or special term of court. General terms are regularly scheduled according to statute whereas special sessions are held upon the request of the petitioner and with the consent of the court. If the request is granted, the petitioner must pay a special session fee to the judge.

There are no jury trials held in the probate court. Any person who will be directly affected by a ruling may petition the probate court no later than five days prior to the hearing for the determination of any disputed material facts by jury trial in the superior court of the appropriate county. The findings of the jury are advisory; that is, they may be set aside or modified by the superior court. Questions of law may be transfered by the superior court or probate court directly to the supreme court. Similarly, any person aggrieved by the judge's final action may appeal as of right to the supreme court on questions of law within thirty days of the final action.

The probate court, like the superior court, sits in each of the ten counties of New Hampshire. Each location of the court has one judge, nominated and appointed by the Governor and Council, a register elected for a two year term and deputy registers and support personnel as authorized by statute and appointed by the register.

Upon appointment a judge may serve until age seventy when retirement is constitutionally required.

Judges of probate may maintain a private law practice, unlike justices of the supreme, superior, or full-time district courts. Possible conflicts of interest are precluded by Article 81, Part 2 of the New Hampshire Constitution which prohibits any probate judge or register from acting as counsel or receiving fees as counsel in any probate business which is pending or may be brought into any court of probate in which he is judge or register.

All court actions and case documents are filed with the register of probate. The register of probate places the action on the court docket, gives notice to the proper parties regarding the time and date of hearing, if required, and insures that all necessary documents regarding the action have been filed.

The ten probate courts opened approximately 9,300 new files in 1979.

The General Court appropriated a total of \$362,000 for fiscal year 1980 in salaries for the judges, registers, and deputy registers of probate. All operating and capital expenditures associated with the operation of each court are borne by the county in which the court is located.

B. COORDINATION, COOPERATION, AND COMBINATION OF EFFORTS

Programs that encourage coordination, cooperation or a combination of efforts from many elements of the criminal justice system may best be exemplified by the New Hampshire Court Systems Survey.¹

This comprehensive study of the New Hampshire court system was designed to encourage direct participation by a wide range of justice system participants and members of the general public. The study reflects the perspectives of corrections officials, the law enforcement community, the state legislature, juvenile justice system participants, prosecutors, public defenders, members of the bar, private citizens and personnel from all levels of the court system. Meetings were held throughout the state to elicit ideas and develop a consensus as to the results expected from the court system. Having identified the goals of the New Hampshire court system, the survey participants suggested alternative approaches for improving the system. This cooperative and participatory approach to planning continues to serve as the basis for court programming today.

The New Hampshire courts frequently call upon the resources of the National Center for State Courts, the National Judicial College, the Institute for Court Management, the Appellate Judges' Conference, the New Hampshire Bar Association, the New England Municipal Center, and various public and private organizations throughout the state to assist in implementing the annual comprehensive plan and insuring programmatic quality.

¹ National Center for State Courts, New Hampshire Court System Survey: Development of Standards and Goals, (1977) [hereinafter cited as NCSC]

C. PROBLEM ANALYSIS

Reduction of Case Delay

The New Hampshire Constitution under Part 1 Article 14 of the Bill of Rights states:

"Every subject of this state is entitled to a certain remedy . . . to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial, conformably to the laws."²

In State v. Blake, 113 N.H. 115 (1973), the New Hampshire Supreme Court held that, "the accused is entitled to be free from arbitrary vexatious or oppressive delays." While sufficient constitutional and caselaw authority for eliminating delay exists, the time required to complete many criminal and most civil cases can hardly be termed expeditious or free from delay.

The goals regarding delay include:

- . prevent deprivation of rights, attachment of property and separation of families;
- . minimize anxiety associated with potential liability and public accusation;
- . insure that witnesses are competent and available; and
- . satisfy the interest of both plaintiffs and defendants for expeditious resolution of conflicts.³

² N.H. CONST. pt. 1, art. 14.

³ NCSC, supra note 1, §11.0 at 308.

The issues associated with delay affect all types of cases; civil, juvenile, and criminal; however, the greatest public concern is aimed at delay of criminal cases. Swift prosecution is often viewed as the primary deterrent to future crimes. Expeditious processing of cases reduces the likelihood of diminished availability and quality of evidence and witnesses.

To enhance the courts' ability to accurately evaluate the extent of delay occurring in the processing of criminal cases, four standards were developed. These standards represent the performance levels residents of the state felt should be attained. Actual statistics varied from the goal:

Average Time from Complaint or Indictment to Disposition

(Calendar Year 1975)

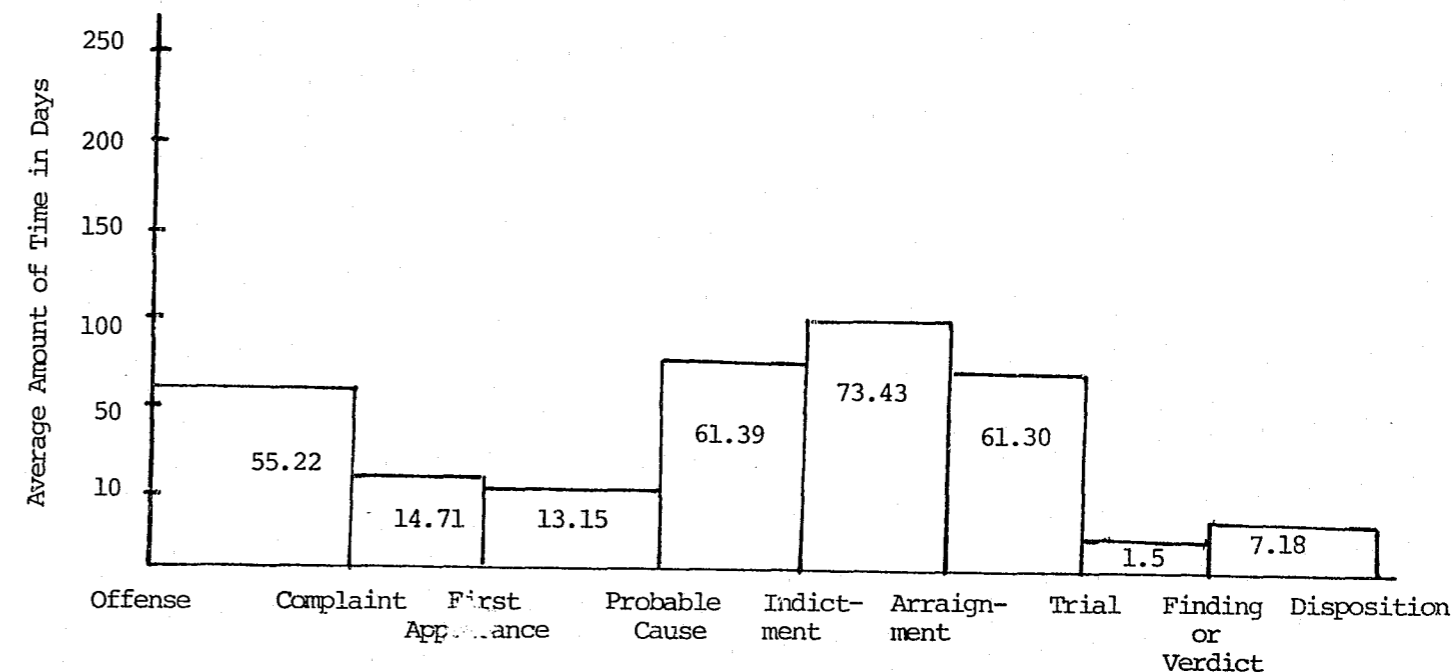
Table 1 (A)

<u>Court</u>	<u>Type of Case</u>	<u>Avg. Time in Days</u>
District	Misdemeanors	28.06
	Violations	18.96
	Combined Misdemeanors and Violations	20.42
Superior	Felonies	167.18
	Appeals	197.25
	Combined Felonies and Appeals	187.21

The results of the district court survey indicated that both misdemeanor and violation cases are being completed within the time limits specified by the standards. Although the figures in Table 1 (A) include both released and incarcerated defendants, the combined average elapsed time from

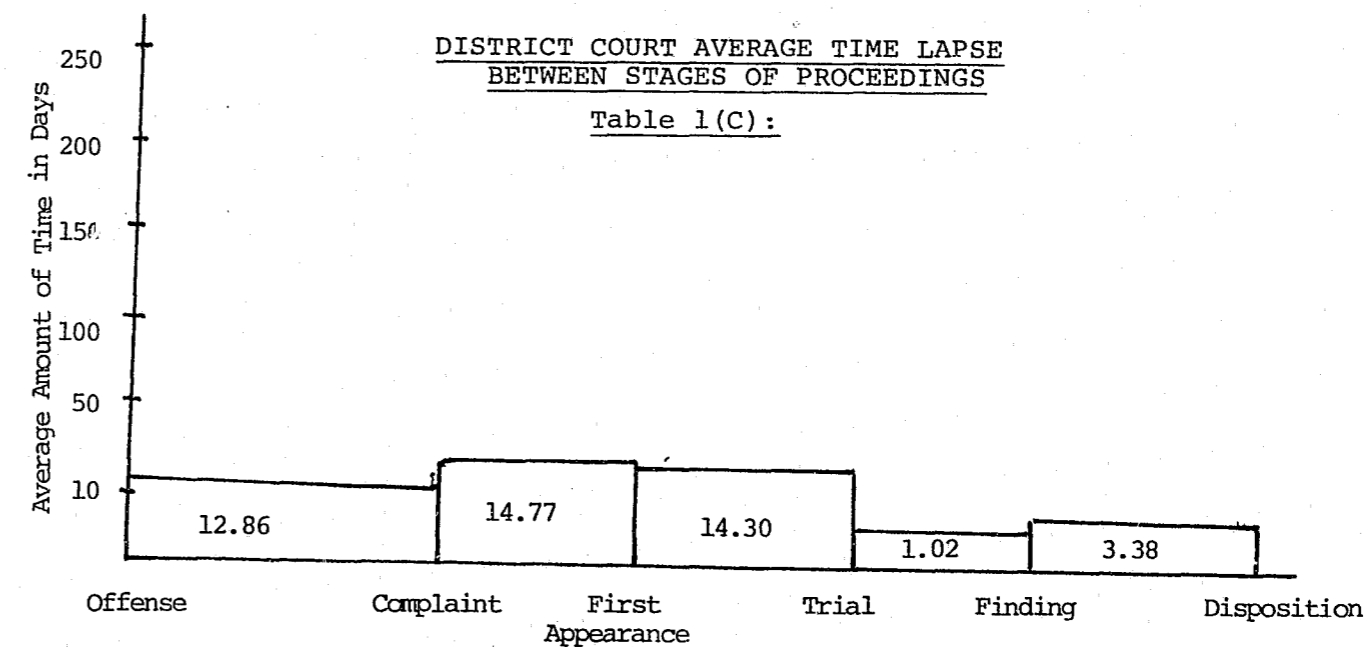
SUPERIOR COURT AVERAGE TIME LAPSE BETWEEN STAGES OF THE PROCEEDINGS

Table 1 (B):



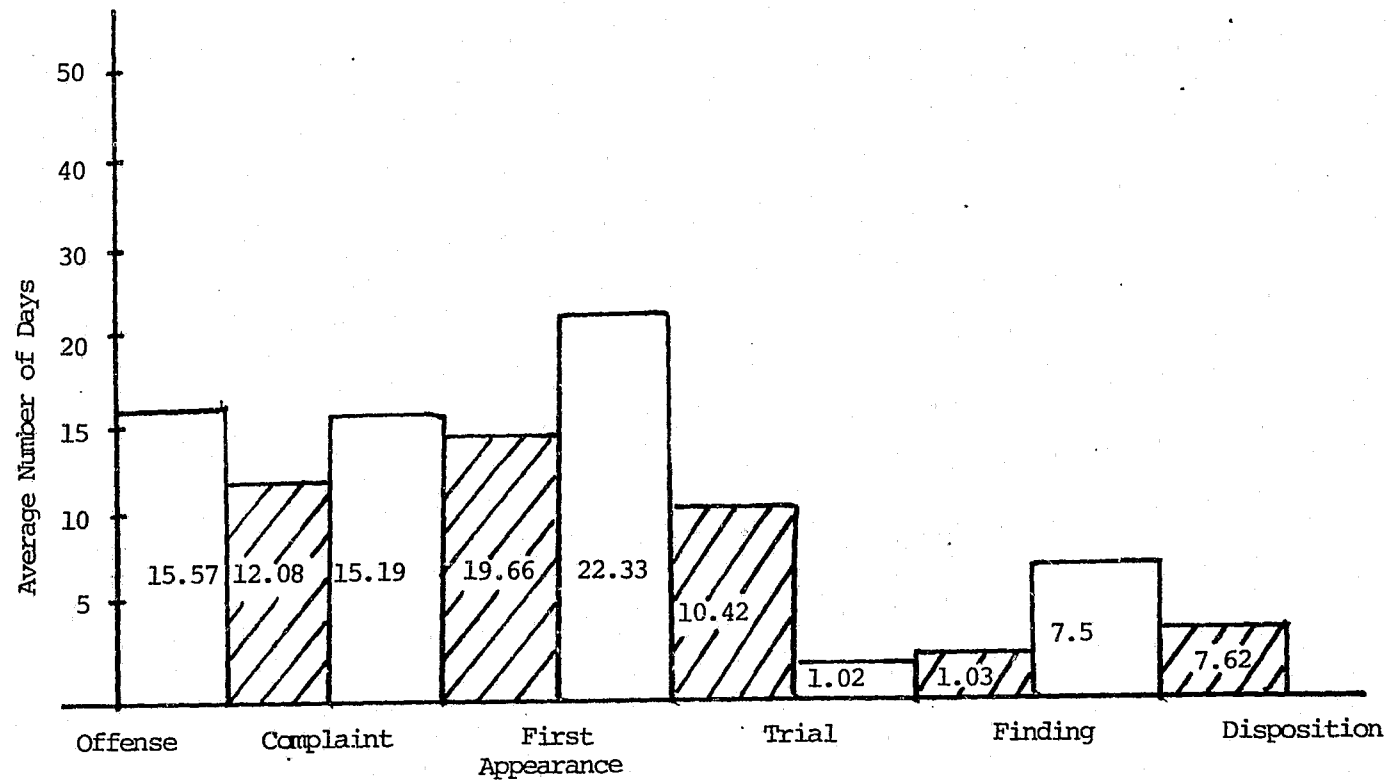
DISTRICT COURT AVERAGE TIME LAPSE BETWEEN STAGES OF PROCEEDINGS

Table 1 (C):



COMPARISON OF MISDEMEANOR AND VIOLATION PROCEEDING
AVERAGE ELAPSED TIME BETWEEN STAGES

Table 1 (D): 4



KEY: Misdemeanors [Solid Box]
Violations [Hatched Box]

⁴ NCSC, Supra note 1; §11.1 at 316-319.

filing of the complaint to final disposition is below the time limit goal established for incarcerated defendants.

Statistical survey and interview results indicate that downward revision of the time period for the standard which sets 60 days as the maximum time for processing of misdemeanor and violation cases, may be desirable. While selected cases do require more time, the vast majority are currently being completed in less than thirty days. If the standard is to serve as a benchmark to monitor the progress of the court, a thirty-day time limit for both released and incarcerated defendants appears logical.

In contrast to the results of the district court elapsed time, the time for completion of superior court criminal cases-- 197.25 days for appeals de novo and 167.18 days for felonies-- substantially exceeds the standards.

The mean time to complete superior court criminal cases (whether the defendant is released or incarcerated) exceeds the time limit specified in the standards of 120 days, and 60 days respectively. Tables 1 (B) and 1 (C) display the average amount of time required to complete each phase of the superior and district court case process. The greatest delay in the superior court occurs between indictment and arraignment (73.43 days). The next longest time period occurs between the probable cause hearing at the district court and indictment (61.39 days). The causes for delay thus rest more with the prosecutor and grand jury than with the court's ability to move the case forward.

An indication of increases in the amount of delay experienced in processing superior court criminal cases-- both district court appeals and felonies--is disclosed in comparing the results of the sample conducted by the Governor's Commission on Court System Improvement in 1974⁵ with the survey results.

The Commission report projected a mean elapsed time of 89.7 days from filing to disposition in 1973⁶ compared to 187.21 days in 1975, Table 1 (A). (Given the lack of available data concerning how the 89.7 day figure was developed, these figures may not be directly comparable; however, the discrepancy suggests that the problem of delay is increasing rather than remaining static.)

In reviewing alternative approaches for reducing the amount of time required to process felony cases, three different time periods need to be addressed: (1) probable cause to indictment; (2) indictment to arraignment; and (3) arraignment to trial. Each of these steps in the judicial process is affected by numerous variables. When these have been identified, alternative approaches for implementing the standards can be clearly defined and assessed.

As noted above, the average amount of time between the return of an indictment to arraignment is approximately 73.4 days. Some of the factors contributing to this situation

⁵Report of the Governor's Commission on Court System Improvement, 16 N.H.B.J. 1 (1974).

⁶Id. at 12.

are: high prosecutor caseloads, irregular court sessions, and the time taken to arrest or serve process. The court has little control over the length of time it takes to arrest or serve a defendant. The resolution of this issue is contingent upon greater availability of personnel to serve process and better control or supervision of defendants released after bindover from a probable cause hearing. Similarly, the size of prosecutorial caseloads cannot be controlled by the court. It is not, however, the greatest contributor to delay at this stage.⁷

One of the greatest problems associated with delay between indictment and arraignment is the frequency with which the court sits in a given area. In the southern, more populated areas of the state, the superior court meets almost continuously; however, in the northern part of the state, the court convenes less frequently due to a lack of judges. For example, in Coos County, the court holds two terms annually for a total of 12 weeks. Anyone indicted at the beginning of a term who is not arrested or served may wait six months before being arraigned. This problem is somewhat reduced with the present system of appointing a presiding judge for the term of court, thus assigning administrative responsibility beyond the time the judge is physically presiding in the county. While the court can reconvene for special issues, this practice occurs infrequently.

⁷NCSC, supra note 1, §11.1 at 312-320.

The time period between probable cause hearing and indictment is the second largest time span encountered in processing a felony case. The most frequently cited causes for delay at this stage were the infrequency of grand jury sessions and availability of the court. As a rule, grand juries sit at the beginning of each term of court. As previously noted in Coos County, the grand jury only sits twice a year. Consequently, aside from waiving indictment or requesting a change of venue, in several counties a defendant who has been bound over may wait more than three months before grand jury review is even possible. Additionally, if the grand jury were recalled, given the infrequency of court sessions, no judge would be available to hear new indictments.

Delays between the time of arraignment and trial cannot be attributed to a single source. The elements most frequently cited as contributing to delay at this stage of a criminal proceeding were: (1) lack of full-time prosecution; (2) court backlog; (3) repeated defense requests for continuances and (4) de novo appeals to superior court. Reduction in the extent of delay, then, is contingent upon resolution of issues associated with each of these factors.

The solutions or partial solutions to delay, in both criminal and civil matters, go beyond merely adding personnel and expanding facilities. Delays in case processing are a visible by-product of one or more aspects of the justice system breaking down. For example, delay in criminal cases may be attributable to problems at (1) the lower court;

(2) grand jury; (3) prosecutor's office; (4) clerk's office; (5) the trial court; or (6) the defense attorney or defendant. With all these potential bottlenecks effective resolution of delay becomes complex. Each stage of the justice process must be evaluated to assess the degree to which it contributes to delay and to determine what is the best resolution of the problem concerning delay.

Initial attempts at reducing delay in criminal case processing should include increased availability of court personnel and grand juries, and increased judicial access to support personnel, such as law clerks and stenographers.

Improved Administrative Procedure

Personnel System

The introduction and adoption of recommendations for judicial administration by the ABA in 1938 and in subsequent publications on standards of judicial administration have resulted in greater awareness of the importance of court management. As interest in court administration has increased, several specific areas including personnel management have been recognized as essential for the effective operation of the court. Both the ABA and National Advisory Commission have recognized the importance of personnel management as an activity for inclusion under court administration.

Court personnel can be divided into two major categories: judicial personnel (including judges of all levels of courts, special justices, referees, masters and auditors) and non-judicial personnel (including clerks, registers, stenographers, administrators, clerical personnel, and bailiffs). Discussion here will be limited to the latter category of court personnel.

Authorities in the field of court administration, such as Friesen, Gallas & Gallas, Managing the Courts (1971), include recruitment, screening, selection, promotion, classification systems, grievance procedures, termination, and job descriptions as the essential elements of a personnel system. The ABA Standards Relating to Court Organization expands on these elements slightly with the inclusion of personnel evaluation systems, uniform compensation, and inter-departmental transfers.⁸

⁸ See ABA, Standards Relating to Court Organization (1974) §§ 1.40, 1.41 at 86-87; National Advisory Commission on Criminal Justice Standards and Goals, Courts (1973) at 175.

While the interviews and questionnaires used in the New Hampshire Court Systems Survey to poll New Hampshire residents and court system participants and practitioners did not reveal concern in all areas of personnel administration, the results did indicate (1) an interest in ensuring the court exercised control over its personnel procedures; (2) the desire to establish well-defined personnel procedures for all courts; and (3) that whatever system existed should be designed to be compatible with existing state and, to the extent possible, county and local systems. The cornerstone for the accomplishment of these results is the precise delegation or delineation of operational responsibility for personnel administration within the court system, and the promulgation of well-defined personnel procedures and policies which will be used throughout the system. Regardless of the administrative structure of the court system, the assignment of direct responsibility and issuance of procedural guidelines is imperative for the development of an effective personnel system for the courts.

New Hampshire's Constitution, statutory law and caselaw define the general superintendence authority of the supreme court.⁹ The supreme court is responsible for supervising the efficient operation of all courts in New Hampshire. The courts' present personnel practices appear to have evolved over time rather than representing a series of specific personnel management objectives. The result of this condition is a series of poorly defined relationships and inconsistent practices which accord varying degrees of administrative control among the courts.

⁹ N.H. Const. pt. 2, art 73-a; RSA 490:4; State ex rel Brown v. Knowlton, 102 N.H. 221, 152 A.2d 624 (1959).

Rates of compensation and the procedures for administering them vary between levels of court. The salaries for supreme court clerical personnel are set by the State Department of Personnel. Although the positions are included under the executive branch personnel system, a special court job classification, court assistant, was established for two of the five clerical positions. Standard state personnel practices apply to these employees.

Although the amount of compensation and method of promotion or demotion of clerical personnel in the superior court is to a large extent locally regulated, the superior court approves all salaries and requests for incremental raises for court employees. The intent of such an approval procedure is to insure greater consistency among the ten superior court locations.

Analysis of personnel practices between individual courts and among the levels of court is all but impossible. The organizational and operational structures of the various clerks' offices are sufficiently dissimilar to preclude an accurate comparison. Only the supreme court which is the only totally state financed court has uniform personnel practices. The district, municipal, probate, and superior courts are, to a greater or lesser extent, subject to the personnel practices of local units of government.

The district and municipal courts have the greatest variation in clerical salaries as they are established by the municipality in which the court is located. The minimum clerk's salary is

established by statute;¹⁰ however, no such salary guidelines exist for support staff. The absence of job descriptions in all but the larger district courts and disparate salary schedules for support personnel impairs inter-court personnel transfers and reduces the court's control over its personnel practices. While the Administrative Committee of District and Municipal Courts is charged with overall administrative responsibility for the district courts, it has no direct authority to regulate personnel practices.

The lack of uniform personnel practices, specifically in establishing (1) job classifications and wage scales, (2) job descriptions, (3) promotion procedures, and (4) grievance procedures restricts the ability of the court and court employees to transfer within the system. Intra- and inter-court personnel transfers are all but non-existent in New Hampshire.

Given the wide variation in court personnel practices throughout the state and the general lack of control exercised by any of the courts over this situation, the need for an intensive review of personnel practices and creation of a comprehensive strategy for the development of system-wide guidelines is imperative.

Information Systems and Records Management

Although most courts have internal systems directed to filing, recording, retrieving, maintaining, and indexing information concerning case

¹⁰ N.H. Laws 1979, Ch. 299

The minimum salary for part-time district and municipal court clerks is 40% of the justices' salary. The salary is set by the justice at or above 40%, there being no upper limitation. The minimum clerks' salary in full-time courts is 49% of the justices' salary.

records, the methods employed are often not consonant with current information or record system management needs. Built over the years in reaction to changing needs and priorities, without periodic review or update, the systems in the courts have gradually become unresponsive.

Problems with information and records systems are often not apparent, rather, they are reflected in an inability to monitor case progress or status, inefficiency in completing forms, delays in responding to case inquiries, and increased space and personnel requirements to meet present workload demands. Only when these problems reach crisis proportions do the outmoded information and records systems receive any attention.

Case monitoring techniques vary from court to court. While consistency of such techniques is not the issue, the lack of similarity or uniformity is indicative of the evolution of the monitoring systems in use today. Also indicative of these systems is their propensity for error. The systems have grown to respond to individual needs, resulting in the general inability of courts to share or compare case data. With the rapid growth of case filings and the increasing demands for case control, due in part to rules for accelerated case processing and the stricter adherence to deadlines, the need for accurate case monitoring is critical. Automated and manual systems for such monitoring have been utilized effectively by both public and private institutions for years. Adaptation of such systems for court use is crucial if the courts are to

manage their cases efficiently.

Filing and Records Management must also be examined in light of current techniques and strategies. The present methods of "document" or "shuck" filing; commingling of active and inactive files; use of legal-size paper, 8 1/2"x14"; duplicate recording data; the lack of a regular review and update procedure for forms; the lack of centralized forms purchasing and inventorying combine to hamper the efficient management of case records. Cost for individual forms reach as high as 25 cents due to the limited quantity purchased by individual courts. This figure could be substantially reduced with centralized purchasing of forms. In one instance, the Administrative Committee of District and Municipal Courts save approximately \$30,000 on a single form by centrally purchasing it for all district and municipal courts. File costs and space costs continue to grow. The conversion of files in one court from four drawer files to open shelving resulted in savings of 40-50% in capital costs and a 50% reduction in space utilization. The technology to establish efficient and effective records systems for all courts is currently available; however, a rational strategy for converting existing file systems must be developed and employed if the problem is to be resolved.

Archive procedures for inactive records are all but non-existent. Although the statutes provide some guidance for the length of time records must be retained, the rapid growth in the number of filings has created a critical demand for space. Maintenance of inactive records in a "source" document format is

not only costly but it also severely limits access. One court in the state has inactive records dating from the late 1700's. The floor space required to maintain these records is in excess of 4000 square feet. At an annual cost of \$19 per square foot, the maintenance of these inactive records costs in excess of \$75,000 per year. As caseloads continue to increase, competition for space grows. In these times of financial strain, courts cannot expect to receive appropriations for major capital expenditures. Rather, better utilization of existing space is mandated. The development of a rational and efficient court archives program is essential for the effective utilization of space and personnel.

Court Financing

The financing structure of the New Hampshire court system is best characterized as a hybrid system. It is neither financed purely from state, county, nor local funds. It is rather funded by a combination of all these sources.

In February 1977, the National Center for State Courts completed the Court System Survey for the supreme court. In that report the Center commented on a wide variety of court related topics. One of the issues discussed was court financing.

Standard 16.2 states:

Develop a system of court financing which provides greater uniformity and consistency of funding through a clearly defined budget process which involves all levels of court. Exercise greater court control over financial management, most notably the processing of expenditures and revenues. Authorize line-item transfers by the court, not subject to executive branch approval. Vest general financial management control in the supreme court to

foster consistent comprehensive allocation of judicial resources and financial planning.¹¹

Some progress toward this objective has been achieved. In the most recent session of the General Court, the legislature passed House Bill 388, "relative to the judicial budget procedure." This bill, Chapter 403 of the Laws of 1979, granted the supreme court authority to submit the court's budget directly to the legislature, bypassing traditional executive branch review. Clearly, the enactment of this law by the legislature helped reestablish the third branch of government as a separate coequal branch. Chapter 403 also provides authority for line item transfer by the court.¹²

While such legislation is a positive step toward Standard 16.2, complete realization of that standard is difficult given the proposition of "uniform and consistent court financing" for all levels of court. There are numerous consequences of the present method of court financing. The following excerpts from the Court System Survey state some of them.

As a public institution, court requests should be evaluated with those of other public agencies, although, as a fundamental branch of government, court funding decisions should be concerned with sufficiency, rather than with the advisability of funding. While competition for funding provides an opportunity for establishing state or community priorities, it seriously impairs the courts' ability to manage. Provision of funds from more than one source compounds the problems of effective financial management.¹³

¹¹ NCSC, Supra note 1, at 426.

¹² N.H. Laws 1979, Ch. 403.

¹³ NCSC, Supra note 1, at 426.

If the court is to operate effectively and efficiently for the purpose of providing justice, then a more stable and rational system of financing must be developed. Included in the restructuring of that system should be the inclusion of:

- . a statewide system of budget preparation and review;
- . a clearly defined system of court-operated financial control which includes a standardized court accounting and/or reporting system for all courts.
- . specified procedures for the processing of all revenues.¹⁴

Courts have traditionally been funded by local governments⁹ which have relied heavily on property taxes¹⁰ for their revenue base. While this method of funding has been sufficient in smaller jurisdictions, the usual consequence, as experienced in the field of education, has been disparate support based on community wealth. As greater emphasis and burden is placed on local governments to increase public services, funds available for courts dwindle. For most of their history the commonlaw courts of the English-speaking world were self-supporting, financing their operations from fees and fines. In fact the earliest circuit court judges of medieval England served as royal tax collectors.¹¹ The balance has turned, however, and at present courts usually are not and should not be considered money-making or financially self-sufficient. Most court systems increasingly rely on units of local and state government for appropriation.¹⁵

The desired result as noted by the Center from any method of court financing is:

to develop a system which affords the court sufficient resources to meet its assigned responsibilities. Two main points should be considered in developing a financial structure: (1) is the structure designed to provide sufficient funding to meet the needs of the entire system? (2) is the system stable, eliminating dependence on federal or temporary funding sources regardless of competitive pressures from other branches of government?¹⁶

¹⁴ Id. at 426-427.

¹⁵ Id. at 427.

¹⁶ Id. at 428.

Another by-product of the present method of court financing is the questionable practice of basing the judicial and clerical salaries of the district and municipal courts on caseload. Given present methods of statistical collection, substantial variations in compensation exist from court to court. The Center noted, "basing salaries on case volume is similarly subject to question, owing to an atmosphere of injustice created, even if there is no present constitutional or statutory prohibition."¹⁷

Accounting practices throughout the state are being systematically improved through the introduction of a standardized accounting system. However, the need for a careful and thorough review of the present financing structure and the introduction of legislation to standardize court budget and finance procedures is required if the conditions set forth above are to be remedied.

¹⁷ Id. at 430.

LAW CLERKS AND SUPPORT STAFF

Delay in the courts is unqualifiably bad. It is bad because it deprives citizens of a basic public service . . . it is bad because delay may cause severe hardship to some parties . . . and it is bad because it brings to the entire court system a loss of public confidence, respect and pride.¹⁸

Speedy trial in both criminal and civil proceedings is necessary to protect the rights of all parties and to maintain public confidence in the judicial process. The right to a speedy trial is guaranteed to all citizens under the Sixth Amendment of the United States Constitution and under Article 14th Part 1 of the New Hampshire Constitution. Standards establishing clear and definitive time limits for all stages of case processing are being considered for adoption by the courts in New Hampshire.

The Courts System Survey, completed in 1977, clearly documented that case processing delays are not attributable to a single cause, rather, delay is the result of a myriad of problems which cause the system to break down.

One problem contributing to delay during and following trial is the judicial time required to make rulings and findings on complex legal issues. Such rulings and findings require considerable legal research. In the face of rapidly rising caseloads it is unrealistic to expect judges to complete this work on a timely basis without the assistance of law clerks and other support staff. The increased availability of law clerks at this stage of the trial proceedings can help to ensure not only a speedy trial but a speedy decision.

¹⁸ H. Zeizel, H. Kalven & B. Buchholz, Delay in the Court (1959) at xxii.

Improvement of Court Facilities and Security

"While justice is not guaranteed by adequate facilities, a neglected and inadequate courthouse debases the entire court system."

--Report of the New Hampshire Court Accreditation Commission on the Accreditation of Court Facilities, p.1.

The quality of justice cannot be assured by the design and maintenance of court facilities. However, physical and operational environments significantly affect the public's perception of justice and the efficiency of court operation. Public perception that justice is rendered in space which is attractive and efficient demonstrates that the courts are regarded as important in society. Further, the taxpayer should expect a court to be a place in which to take civic pride.

If the public is to maintain confidence in the justice system and the courts are to provide efficient and effective service, the facilities which house the court must be well designed and maintained.

"The physical organization of the modern courthouse has become completely transformed by the enlarged scale of the court's operations and concomitant growth of their administrative staffs. The problem is not simply one of providing the necessary additional space. . . most older courthouses cannot support the court as it now functions and become a positive hindrance to efficient operations, security, and public safety."¹⁹

Consideration must be given to the following issues when addressing the special needs of a court facility:

- . proximity to detention facilities;

¹⁹ A. Greenberg, Courthouse Design: A Handbook for Judges and Court Administrators (1976) at 31.

- . organization of court support services, such as, clerks bailiffs, stenographers, probation;
- . security of the facility;
- . availability of specialized court resources, judicial chambers, attorney conference rooms, law library, jury room, holding facilities, and waiting rooms;
- . suitable courtroom facilities' evidence storage space, recording equipment, evidence presentation equipment (audio visual aids); and
- . access to information systems and records systems.

Poorly designed court facilities do not incorporate the desired features previously mentioned and often demean the appearance of justice. Locating police stations, political headquarters, prosecutors, county welfare or other agencies, banks, private attorneys, registers of deeds, or recruiting stations in the courthouse compromises the court's ability to administer justice fairly and efficiently.

Aside from poor design, the second major problem in providing adequate court facilities is the inability or unwillingness of many localities to allocate sufficient financial resources either to build or maintain courthouses which will accommodate the level of judicial business of the locality. In New Hampshire, except for the supreme court which is totally state supported and was appropriated over \$400,000 for capital improvements by the General Court in 1979, all courts occupy structures built and maintained by counties or localities.

Many court facilities in New Hampshire are adequate to meet the needs of the courts.²⁰ While New Hampshire has

²⁰ Report of the New Hampshire Court Accreditation Commission on the Accreditation of Court Facilities (1973)

a Court Accreditation Commission which has studied court facilities statewide and which has made recommendations for improving existing structures, the Commission cannot impose sanctions. Therefore, in many communities little has been done to improve existing facilities.

In addition to the need to renovate and perhaps construct new court facilities in some localities, several courts throughout the state lack sufficient office space and equipment to operate efficiently.

The results of a study conducted in New Hampshire by the National Clearinghouse for Criminal Justice Planning and Architecture²¹ showed that judges and law enforcement officials see a need for a maximum security courtroom in the state. There is no such facility in the state at this time.

Improvements in existing facilities, construction of a maximum security courtroom, and provision of necessary equipment to selected courts will help to improve the administration of justice in New Hampshire.

²¹ New Hampshire Courthouse Security (1977) at 145.

Continuing Judicial and Non-Judicial Education

"The best organization of the courts will be ineffective if the judges who man it are lacking in necessary qualifications."²² When these words were written in 1956, continuing education of judges had just begun with the first appellate judges seminar held at New York University Law School. The seminar objectives, as stated by Judge Frederick G. Henley, then Chief Justice of the State of Washington and an early leader of the Appellate Judges Seminars, were to provide appellate court judges with refresher courses in the law, with particular emphasis on recent and current trends, procedures and thinking.

Following the appellate judges seminars, which have continued to be held annually, many judicial education seminars followed, sponsored by The Appellate Judges Conference, the National College of the State Judiciary, the National Council of Juvenile Court Judges, and the National Conference of State Trial Judges, and others. In addition to the national organizations sponsoring judicial education seminars for judges, state and regionally sponsored sessions are conducted.

Continuing education opportunities expose judges, masters, attorneys, and non-judicial court personnel to legal thought and management techniques helpful to improving the administration of justice. Continuing education programs must be offered to cover the full range of judicial and non-judicial topics for which court personnel are responsible. Legal training serves as but one element of a complete program of continuing education.

²² A. Vanderbilt, Judges and Jurors: Their Functions, Qualifications and Selection (1956).

As with judicial personnel, non-judicial staff must also have opportunities for training. The changing court environment requires that all employees maintain and improve their skills. Formal training programs offer the opportunity to communicate changes in court rules and procedures, case processing techniques, office procedures and administrative policies. In addition, non-judicial employees can be instructed in new techniques that relate to their particular area of responsibility. Such training insures greater uniformity of procedure and stimulates employee job satisfaction.

During the past eighteen months training opportunities have been made available to all judicial and non-judicial personnel in New Hampshire. During the court system survey, non-judicial personnel assessed the availability of training in their particular area of responsibility as "fair to poor" and attendance at programs was "poor". Since November of 1978 the frequency and quality of continuing education efforts has been greatly improved. Special seminars for clerks, bailiffs, judges, probation officers and other court personnel have been conducted on a regular basis. Six hundred and fifty-five person days of training have been offered in the past eighteen month period. The attendance at these seminars has been outstanding, and recent survey results show that court personnel now rate in-state continuing educational opportunities as "good to excellent". More importantly, the results of these continuing education programs can be seen in more efficient operations throughout the state.

It should be the responsibility of the supreme court in its supervisory capacity to see that all personnel practicing and working in the state courts are aware of changes in law, court rules and administrative policies. While much has been done in this regard, the supreme court should also establish minimum continuing legal education requirements for all judicial and non-judicial court personnel. The establishment of minimum continuing education requirements would help to ensure that all court personnel perform their respective duties efficiently. For the supreme court, however, to establish minimum continuing education requirements, educational program opportunities must be made available on a local, regional, state, and national basis.

JUDICIAL CONDUCT COMMITTEE

Even with the best judicial selection systems, there will be unpredictable circumstances necessitating discipline or even removal of sitting judges. Impeachment by the legislature is available as a device for removal of judges in many states, including New Hampshire. However, the impeachment process is cumbersome and expensive. Often it results in unnecessary stigmatization and compromises the independence of the judiciary. Judicial conduct committees have been found to provide a very workable procedure for handling complaints against members of the judiciary and have demonstrated that they can represent the public interest without unduly compromising the independence of the judicial branch.²³

Forty-nine states now have committees on judicial conduct. These committees are staffed to investigate and act upon citizen complaints against members of the judiciary. On July 20, 1977, by virtue of Supreme Court Rule 39, the Supreme Court of New Hampshire established a Committee on Judicial Conduct. This seven-member Committee appointed by the supreme court is comprised of three members of the judiciary, two members of the New Hampshire Bar, and two members of the general public. The Committee investigates allegations of misconduct on the part of judges, masters, or referees. If investigation shows that

²³Courts, *supra* note 8, at 153-155.

judicial misconduct occurred, the supreme court, upon recommendation of the Committee, can initiate suspension proceedings. In less serious instances of judicial misconduct, the Committee is empowered to impose limited sanctions.

During the period July 30, 1977, through December 31, 1978, the Committee received thirty-five written complaints. While the majority of these complaints were dismissed as being without merit, several complaints were investigated, and in one instance resulted in disciplinary action against a judge.²⁴

The New Hampshire Supreme Court's Committee on Judicial Conduct provides a necessary forum where citizens of the state can bring formal complaints against members of the judiciary whom they believe to be guilty of misconduct. Efforts have been made to make the general public aware of this Committee's functions, and citizens now expect, and have the right to expect, that the Committee will continue to serve this important function. If the citizens of New Hampshire are to continue to have faith in the judicial process in New Hampshire, this Committee must continue to provide an effective forum for airing citizens' complaints, and, when appropriate, taking action with regard to these complaints.

²⁴ Annual Report of Supreme Court of New Hampshire, Committee on Judicial Conduct, ACCOUNTABILITY 1978 (1978)

II. STATEMENT OF PURPOSES AND PRIORITIES

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Goals

The goal or major purpose of this court system is the prompt, fair resolution of disputes. The provision of equal access, adequate representation, and effective and efficient proceedings and procedures are critical to the accomplishment of this goal. A series of standards, benchmarks, or measures were developed in 1977 to aid the justice system in evaluating its performance against the system's ultimate goal. These standards continue to serve as intermediate goals designed to guide the courts' activities.

Standards and Priorities

The following section is divided into two parts. First, a complete list of the more than 100 standards developed for the justice system are presented. The second part includes a listing of eight standards which have been selected by justice system personnel and the Judicial Planning Committee as priority concerns for the courts. Priorities are reviewed and updated annually to respond to changes in the availability of resources, public concern, and changes in the law. Given the dynamic nature of the process for establishing priorities, modifications or alterations to these priorities may be anticipated as conditions change.

As noted above, the standards represent intermediate goals for the achievement of the courts' major purpose. The program descriptions included in Section IV, The Annual Action Plan,

represent methods or strategies for the accomplishment of a given priority. Each program description includes a statement of "objectives" which are quantitative projections of the extent to which the strategy will realize goal attainment.

The importance of viewing the programs as strategies or methods and not goals unto themselves cannot be overstated. A common tendency is to allow the method to become the goal. As such, the original goal is forsaken and all attention is drawn to the method. Clearly, this is not a situation that is desirable, and the plan is aimed at insuring that efforts are directed toward the original goal.

LIST OF STANDARDS

1.0 PRE-TRIAL RELEASE

- 1.1 AS LONG AS PROFESSIONAL SURETIES ARE INCLUDED IN NEW HAMPSHIRE'S SYSTEM OF PRE-TRIAL RELEASE, REGULATORY AUTHORITY OVER THEM SHOULD BE EXERCISED BY THE STATE INSURANCE COMMISSION.
- 1.2 ESTABLISH PROCEDURE TO GATHER AND VERIFY INFORMATION PERTINENT TO RELEASE DECISIONS AND IDENTIFY CRITERIA GOVERNING ELIGIBILITY FOR PERSONAL RECOGNIZANCE, BAIL, AND BAIL RE-CONSIDERATION.
- 1.3 INTRODUCE PROCESS OF WEEKLY REVIEW AND BAIL RECONSIDERATION BY THE COURT FOR INCARCERATED DEFENDANTS.
- 1.4 MAINTAIN EMPHASIS ON USE OF PERSONAL RECOGNIZANCE UNLESS CLEAR BASIS FOR BOND IS SHOWN.
- 1.5 INCREASE USE OF SUMMONS IN LIEU OF ARREST BY IDENTIFYING SPECIFIC OFFENSES FOR WHICH USE OF SUMMONS IS PREFERABLE (AND ELIMINATE ARRESTS) IN VIOLATION CASES.
- 1.6 MAINTAIN IMMEDIATE BAIL DECISION BY EMPOWERING SUFFICIENT IMPARTIAL JUDICIAL OFFICERS TO SET BAIL.
- 1.7 REQUIRE A COURT ORDER TO DETAIN A JUVENILE FOR MORE THAN FOUR HOURS AND INSURE THAT A COURT HEARING OCCURS WITHIN 24 HOURS OF ARREST.
- 1.8 PROVIDE SUITABLE AND SEPARATE FACILITIES FOR JUVENILES AND ADULT FEMALE DEFENDANTS FOR EACH REGION, COUNTY, OR MUNICIPALITY.
- 1.9 MAINTAIN SUPPORT FOR THE COURTS' USE OF CONDITIONS ON RECOGNIZANCE TO EMPHASIZE THE USE OF NON-MONETARY FORMS OF RELEASE.
- 1.10 INFORM DEFENDANT OF SANCTIONS WHICH MAY BE IMPOSED IF DEFENDANT FAILS TO APPEAR.
- 1.11 PROVIDE PROCEDURES TO PERMIT RELEASE OF DEFENDANTS ON BOND SUBSEQUENT TO DETERMINATION OF GUILT BUT PRIOR TO SENTENCING.

2.0 SCREENING AND DIVERSION

- 2.1 COURT-DIRECTED SCREENING CAPABILITIES, WITH SANCTIONED GUIDELINES, SHOULD BE ESTABLISHED IN EACH COUNTY AND MUNICIPALITY IN THE STATE.
- 2.2 A MAXIMUM EFFORT SHOULD BE MADE BY THE COURTS, THE COMMUNITY AND LAW ENFORCEMENT OFFICIAL TO DIVERT, WHEN APPROPRIATE, OFFENDERS FROM THE FORMAL CRIMINAL JUSTICE SYSTEM.

2.3 THE NUMBER AND TYPES OF DIVERSION PROGRAM ALTERNATIVES SHOULD BE EXPANDED IN EACH COUNTY.

- a. Juveniles (status offenders, delinquents)
- b. Adults and specifically youthful offenders
- c. Mental retardation, child abuse or neglect

3.0 PROSECUTION

3.1 INCREASE PROVISION OF PROFESSIONAL PROSECUTION IN EACH COUNTY:

- a. EXTEND TERM OF OFFICE TO A MINIMUM OF FOUR YEARS TO INCREASE CONTINUITY
- b. MAKE PROSECUTORIAL POSTS FULL-TIME POSITIONS
- c. ORGANIZE PROSECUTORIAL OFFICES TO INCREASE AVAILABILITY OR ASSISTANCE OF LEGALLY TRAINED PROSECUTORS IN ALL TRIAL COURTS SO THAT LAY PROSECUTION MAY BE ELIMINATED AND POLICE PROSECUTION MINIMIZED
- d. COMPENSATE PROSECUTORIAL STAFF SO AS TO ESTABLISH AN EXPERIENCED OFFICE

3.2 CASELOAD STATISTICS SHOULD BE UTILIZED TO DETERMINE PROSECUTORIAL STAFF SIZE.

3.3 PROSECUTORS SHOULD BE PROVIDED AN INVESTIGATIVE CAPABILITY FOR SCREENING ALL CASES FOR ACCURACY OF CHARGE AND PARTICULARLY IN JUVENILE MATTERS, APPROPRIATENESS OF COURT REFERRAL.

4.0 DEFENSE

4.1 DETERMINE AND APPLY CLEAR STANDARDS OF ELIGIBILITY TO CONTROL PROVISION OF COUNSEL BY THE COURT, INCLUDING RULES GOVERNING PARTIAL ELIGIBILITY.

4.2 MAINTAIN ACCESS TO COUNSEL IN ALL INDIGENT DEFENDANT CASES WHERE THE CRIME OR OFFENSE CHARGED IS PUNISHABLE BY IMPRISONMENT.

4.3 INSURE AVAILABILITY OF COUNSEL AT EARLIEST STAGE OF CRIMINAL PROCESS (TIME OF ARREST) THROUGH POST-CONVICTION REVIEW.

4.4 REQUIRE MOTIONS FOR WITHDRAWAL IN WRITING.

4.5 PROVIDE DEFENSE SERVICES TO INDIGENTS THROUGH PUBLIC DEFENDER OR ROTATING ASSIGNED COUNSEL SYSTEMS AS DETERMINED APPROPRIATE BY EACH LOCALITY.

4.6 INCREASE SUPERVISION OF INDIGENT DEFENDANTS DETERMINED TO BE CAPABLE OF REPAYING THE COSTS OF THEIR DEFENSE.

4.7 ESTABLISH SYSTEM FOR APPOINTING COUNSEL TO INSURE ADEQUATE EXPERIENCE IN AREA OF ASSIGNMENT AND PARTICIPATION IN ROTATING ASSIGNED COUNSEL SYSTEM BY ALL QUALIFIED ATTORNEYS.

4.8 SET MAXIMUM CASELOAD LEVEL FOR INDIVIDUAL PUBLIC DEFENDERS AND ASSIGNED COUNSEL.

4.9 REQUIRE A WRITTEN WAIVER OF COUNSEL IN ALL COURTS.

4.10 INSULATE PUBLIC DEFENDER SYSTEM FROM POLITICAL CONTROL.

4.11 RECOGNIZE EXPANDED ROLE OF COUNSEL IN JUVENILE PROCEEDINGS AND ASSURE ASSISTANCE OF COUNSEL FAMILIAR WITH JUVENILE PROCESS.

4.12 MAINTAIN PROVISION OF COUNSEL TO INDIGENTS IN INVOLUNTARY COMMITMENT AND SEXUAL PSYCHOPATH HEARINGS.

4.13 PROVIDE DEFENSE SERVICES FOR INDIGENTS IN CIVIL CASES.

4.14 ESTABLISH ADEQUATE COMPENSATION FOR ASSIGNED COUNSEL IN INDIGENT CASES, INCLUDING SPECIFIED RATES, DETERMINED BY THE DIFFICULTY OF THE CASE, AND A FINANCING SYSTEM.

5.0 GRAND JURY

5.1 PERSONS SELECTED FOR GRAND JURY DUTY WILL RECEIVE THOROUGH ORIENTATION BY THE COURT. JURORS WILL BE INFORMED OF THEIR DUTIES AND RESPONSIBILITIES, COURT PROCEDURES AND LEGAL TERMINOLOGY.

5.2 GRAND JURIES SHOULD, AT THE DISCRETION OF THE COURT, BE SUBJECT TO RECALL UNTIL SUCH TIME AS A NEW GRAND JURY IS IMPANELED AT THE NEXT TERM OF COURT, OR IN THE ALTERNATIVE, VENUE SHOULD BE SHIFTED TO AN ADJACENT COUNTY WHERE A GRAND JURY IS AVAILABLE WHEN SPEEDY TRIAL IS DEMANDED.

5.3 GRAND JURY SERVICE SHOULD BE LIMITED TO THE TERM OF COURT FOR WHICH THAT GRAND JURY HAS BEEN IMPANELED.

6.0 PLEA BARGAINING

6.1 INFORM DEFENDANT PRIOR TO THE ACCEPTANCE OF PLEA THAT IF PROSECUTION SENTENCE RECOMMENDATIONS ARE NOT FOLLOWED THE PLEA MAY BE WITHDRAWN.

6.2 EXCLUDE TRIAL JUDGE FROM PLEA NEGOTIATION PROCESS, BUT INFORM THE JUDGE OF THE REASONS FOR A REQUESTED DISPOSITION.

6.3 REVIEW OF SENTENCES BY SENTENCE REVIEW DIVISION SHOULD BE DIRECTED TOWARD REDUCING DRASTIC ABUSES CAUSED BY PLEA BARGAINING.

6.4 INSTITUTE CHANGES IN PROCESSING OF CASES AIMED AT REDUCING NEED FOR PLEA BARGAINING.

7.0 TRIAL PROCEDURES

- 7.1 REQUIRE PROBABLE-CAUSE HEARINGS IN ALL FELONY CASES AS AN EARLY SCREENING STAGE.
- 7.2 USE OF COURT-ORDERED, IMMEDIATE, VIDEOTAPE DEPOSITIONS TO MAINTAIN COOPERATION AND PROTECTION OF WITNESSES AND EXPAND CAPABILITY OF COURTS TO VIDEOTAPE TRIAL SEGMENTS AND DEPOSITIONS AT INITIATION OF COUNSEL.
- 7.3 EMPHASIZE AND INCREASE AVAILABILITY OF ARBITRATORS AND MEDIATORS TO RESOLVE DISPUTES WHERE PARTIES AGREE.
- 7.4 USE OMNIBUS HEARINGS TO EXPEDITE CRIMINAL PRE-TRIAL PROCESS.
- 7.5 EMPLOY PRE-TRIAL PROCEDURES AND CONFERENCES AS NEEDED TO:
a. MONITOR AND EXPEDITE DISCOVERY PROCESS;
b. OUTLINE MATTERS TO BE TRIED: AND
c. STIMULATE SETTLEMENT WHERE POSSIBLE THROUGH SCHEDULING OF CONFERENCE SHORTLY BEFORE TRIAL.
- 7.6 ASSIGN APPROPRIATE COMPLEX CASES AND FAMILY-RELATED MATTERS TO MEDIATORS OR MASTERS IN THE FIRST INSTANCE. IN SOME CASES, A SINGLE JUDGE SHOULD MONITOR A COMPLEX PROCEEDING.
- 7.7 CONDUCT ALL TRIALS IN THE STATE IN ADHERENCE TO UNIFORM RULES AND PROCEDURES APPLICABLE IN ALL TRIAL COURTS.
- 7.8 ADOPT RULES FOR EFFECTIVE PROCESSING OF CASES. THESE SHOULD BE DRAFTED IN THE FIRST INSTANCE BY COMMITTEES COMPRISED OF JUDGES AND ATTORNEYS. DRAFTS SHOULD BE WIDELY DISTRIBUTED, WITH SUFFICIENT TIME PERMITTED FOR COMMENT PRIOR TO ADOPTION AND THOROUGH DISSEMINATION UPON EXAMINATION.
- 7.9 MINIMIZE CONFLICTS IN CASE SCHEDULING BETWEEN DIFFERENT TRIAL COURTS AND SESSIONS IN THE SAME AND ADJACENT COUNTIES.
- 7.10 RESERVE TRIAL BY JURY, IN CIVIL CASES, FOR MATTERS IN WHICH IT IS MOST NEEDED TO RESOLVE ISSUES OF FACT. NO CASE SHOULD BE TRIED BY JURY UNLESS THE AMOUNT IN CONTROVERSY EXCEEDS \$3,000.
- 7.11 SEPARATE ADULT CRIMINAL TRIAL CALENDARS FROM JUVENILE HEARINGS SO THAT, IN CONFORMITY WITH EXISTING LAW, JUVENILES ARE NOT PRESENT IN COURTROOMS WHEN ADULT DEFENDANTS ARE THERE.
- 7.12 PROVIDE FOR FULL AND OPEN DISCOVERY IN ALL CASES, RESTRICTED ONLY BY PRIVILEGES, CONSTITUTIONAL BARS AGAINST SELF-INCRIMINATION, AND SERIOUS DANGER TO WITNESSES.
- 7.13 INSTITUTE USE OF STANDARD FORM OF POLICE REPORT TO EXPEDITE DISCOVERY IN CRIMINAL CASES.

- 7.14 LIMIT CONTINUANCES IN ALL CASES TO EMERGENCY SITUATIONS, ESPECIALLY WHERE A DEFENDANT IS INCARCERATED BEFORE TRIAL. ADVANCE APPLICATION IN WRITING SIGNED BY A PARTY SHOULD BE REQUIRED FOR CONTINUANCES.

- 7.15 SESSIONS FOR MOTION HEARINGS SHOULD BE SCHEDULED REGULARLY, BUT NOT LESS OFTEN THAN MONTHLY.

8.0 SENTENCING

- 8.1 DETERMINATION OF WHERE A SENTENCE IS SERVED SHOULD DEPEND ON WHAT RESULTS THE SENTENCING COURT INTENDS TO PRODUCE, RATHER THAN UPON THE LENGTH OF THE SENTENCE OR THE AGE OF THE DEFENDANT.
- 8.2 OVERALL CONSISTENCY IN SENTENCING SHOULD BE ACHIEVED THROUGH MECHANISMS SUCH AS A SENTENCING REVIEW BOARD.
- 8.3 OFFENDERS SHOULD NOT BE SUBJECT TO HABITUAL OFFENDER IMPRISONMENT AFTER FIVE YEARS HAVE LAPSED FROM THE DATE OF THE EARLIER OFFENSE.
- 8.4 JUVENILE STATUS OFFENDERS SHOULD NOT BE INCARCERATED.
- 8.5 ADULT AND JUVENILE CLASSIFICATION AND DIAGNOSTIC UNITS SHOULD BE ESTABLISHED FOR PRE- AND POST-SENTENCING REVIEW.
- 8.6 JUSTIFICATION SHOULD BE REQUIRED BY THE SENTENCE REVIEW DIVISION IN ALL INSTANCES WHERE CONSECUTIVE SENTENCES ARE IMPOSED.

9.0 PROBATION

- 9.1 INVESTIGATION AND SUPERVISION FUNCTIONS SHOULD BE ORGANIZED TO INSURE CONSISTENT LEVELS OF PERFORMANCE.
- 9.2 SEPARATE REGULAR PROBATION PERSONNEL FROM ALL DOMESTIC RELATIONS COLLECTIONS RESPONSIBILITIES.
- 9.3 ESTABLISH PROBATION SERVICES ADEQUATE TO MEET THE SPECIAL NEEDS OF ALL PROBATIONERS, DEVOTING SPECIFIC ATTENTION TO THE NEEDS OF JUVENILE AND FEMALE PROBATIONERS.
- 9.4 ORGANIZE PROBATION SERVICES UNDER AN ADMINISTRATIVE STRUCTURE WHICH FOSTERS THE MOST EFFECTIVE PROVISION OF SERVICES TO THE COURT AND PROBATIONER.
- 9.5 PRE-SENTENCE INVESTIGATION REPORTS SHOULD BE INITIATED ONLY AFTER A PLEA OR CONVICTION UNLESS (A) AUTHORIZED BY DEFENDANT, OR (B) SPECIFICALLY REQUESTED BY THE COURT.

9.6 INSULATE THE RATIONALE FOR TREATMENT PLAN (BUT NOT FACTUAL MATERIAL OR RECOMMENDATIONS) IN PRE-SENTENCE REPORTS FROM VIEW OF ALL EXCEPT THE TRIAL JUDGE AND THE SENTENCE REVIEW DIVISION.

9.7 INCREASE INVOLVEMENT OF PROBATION PERSONNEL IN PRE-TRIAL SCREENING AND CONDITIONAL RELEASE-SUPERVISION.

10.0 APPELLATE

10.1 RESOLVE ISSUES OF FACT AT A SINGLE TRIAL BEFORE A LEGALLY TRAINED JUDGE, INSTEAD OF CONTINUING TO USE THE REPETITIOUS APPEAL DE NOVO WHICH RESULTS IN EVIDENCE LOSS, WITNESS ABSENCE, AND INEVITABLY UNSPEEDY TRIALS, ALTERNATIVELY, DECRIMINALIZE SELECTED OFFENSES WHICH NOW REQUIRE APPEALS DE NOVO.

10.2 IMPROVE MONITORING OF SUPREME COURT CASES BY REQUIRING ADEQUATE NOTICE TO THE COURT AT THE START OF AN APPEAL, AND INCREASING SUPERVISION OF TRANSCRIPT PREPARATION IN ORDER TO BE ABLE TO ASSESS REGULARLY WHETHER THE IMPACT OF AN INCREASING CASELOAD REQUIRES MECHANISMS SUCH AS SCREENING, CERTIORARI, SUMMARY DISPOSITION, OR AN INTERMEDIATE APPELLATE COURT TO DISPOSE OF APPEALS.

11.0 SPEEDY TRIAL

11.1 CRIMINAL OFFENSES SHOULD BE TRIED WITHIN THE FOLLOWING TIME LIMITS, WITHOUT DEMAND BY THE DEFENDANT:
(A) FELONY CASES IN WHICH THE ACCUSED IS NOT INCARCERATED SHOULD BE TRIED WITHIN 120 DAYS FROM THE DATE OF ARREST OR INDICTMENT;
(B) WHERE THE ACCUSED IS INCARCERATED, A FELONY CASE SHOULD BE TRIED WITHIN 60 DAYS OF ARREST;
(C) MISDEMEANORS AND VIOLATIONS SHOULD BE TRIED WITHIN 60 DAYS OF SUMMONS OR ARREST; WHERE THE ACCUSED IS INCARCERATED, THE PROCESS SHOULD BE COMPLETED IN 30 DAYS; AND
(D) ARRAIGNMENT ON ANY CHARGE SHOULD BE COMPLETED WITHIN 24 HOURS OF THE TIME OF ARREST.

11.2 PETITIONS INVOLVING JUVENILES -- EITHER CHILDREN IN NEED OF SUPERVISION (CHINS) OR DELINQUENTS -- SHOULD BE COMPLETED (A) WITHIN THIRTY (30) DAYS FROM FILING OF PETITION IF THE JUVENILE IS NOT INCARCERATED; (B) IF INCARCERATED, PROCEEDINGS SHOULD BE COMPLETED AS QUICKLY AS POSSIBLE, BUT WITHIN 30 DAYS.

11.3 CIVIL CASES SHOULD GENERALLY BE DISPOSED OF WITHIN NINE MONTHS OF ENTRY OF APPEARANCE (OR THE EXPIRATION OF THE TIME FOR SPECIAL PLEAS) AND A PRE-TRIAL CONFERENCE SHOULD BE REQUIRED WITHIN SIX MONTHS OF THAT DATE.

11.4 SMALL CLAIMS CASES SHOULD BE DISPOSED OF ON THE RETURN DATE, NO LATER THAN 60 DAYS FROM THE INITIATION OF THE CASE.

11.5 UNCONTESTED PROBATE AND UNCONTESTED DOMESTIC RELATIONS CASES SHOULD BE DISPOSED OF WITHIN SIXTY (60) DAYS; IF CONTESTED, THE STANDARD SET FOR CIVIL MATTER (11.3) SHOULD APPLY.

11.6 ADOPT AND ENFORCE REASONABLE TIME PERIODS IN THE TRIAL COURTS FOR COMPLETION OF EACH PHASE OF THE LITIGATION PROCESS.

11.7 DECISIONS IN MATTERS TRIED TO A JUDGE SHOULD BE RENDERED WITHIN THIRTY (30) DAYS FROM SUBMISSION TO THE COURT.

11.8 APPEALS SHOULD BE PROCESSED ACCORDING TO THE FOLLOWING TIME PERIODS:

- 1) transcripts should be provided within 30 days of request;
- 2) appeals should be submitted for decision or argued within 120 days from the taking of the appeal;
- 3) decisions should be completed within 60 days from argument or submission.

12.0 JUDICIAL SELECTION AND CONDUCT

12.1 A MERIT SELECTION PLAN FOR THE SELECTION OF JUDGES SHOULD BE DESIGNED AND ADOPTED IN NEW HAMPSHIRE.

12.2 MASTERS OR ARBITRATORS WHO AID THE COURTS AS FINDERS OF FACT SHOULD BE SELECTED BY THE CHIEF JUSTICE FROM NOMINATIONS PROVIDED BY A COMMISSION.

12.3 ESTABLISH A JUDICIAL CONDUCT COMMITTEE TO REVIEW AND SCREEN COMPLAINTS AGAINST JUDGES WITH POWER TO DISCIPLINE OR REMOVE JUDGES.

13.0 CONTINUING EDUCATION

13.1 THE SUPREME COURT SHOULD ESTABLISH MINIMUM CONTINUING EDUCATION REQUIREMENTS FOR JUDGES, LAWYERS, AND COURT PERSONNEL. THE COURT WITH THE COOPERATION OF THE NEW HAMPSHIRE BAR ASSOCIATION SHOULD CERTIFY AND, IF NECESSARY, ORGANIZE IN-STATE PROGRAMS FOR CONTINUING EDUCATION.

13.2 SPECIALIZED TRAINING SHOULD BE REQUIRED FOR ALL JUDGES, INCLUDING MASTERS, IN ALL COURTS; IF THE TRAINING IS ONLY AVAILABLE OUT OF STATE, THE COURT SYSTEM SHOULD INCUR THE COST OF ATTENDANCE.

13.3 SPECIALIZED TRAINING SHOULD BE PROVIDED FOR NON-JUDICIAL COURT PERSONNEL, INCLUDING COURT OFFICERS, COURT REPORTERS, CLERKS, PROBATION AND POLICY PERSONNEL.

14.0. PUBLIC EDUCATION AND NEWS COVERAGE

- 14.1 INFORM THE PUBLIC OF THE GOALS, METHODS AND PROCEDURES OF THE COURTS AND THE REASONS FOR EACH, IN ORDER TO PREPARE MEMBERS OF THE PUBLIC FOR SERVICE AS JURORS, PRESENCE AS WITNESSES, AND RIGHTS AS PARTIES.
- 14.2 SPECIFY THOSE ASPECTS OF CRIMINAL CASES WHICH ATTORNEYS, JUDGES, LAW ENFORCEMENT OFFICERS, COURT EMPLOYEES, PARTIES AND WITNESSES ARE FORBIDDEN TO DISCLOSE TO THE PRESS OR PUBLIC IN ORDER TO PRESERVE AN ACCUSED'S RIGHT TO A FAIR TRIAL.
- 14.3 INSURE FAIR TRIALS BY PROVIDING TRIAL JUDGES WITH A RANGE OF MEASURES TO USE WHEN PREJUDICIAL PUBLICITY THREATENS AN ACCUSED PERSON'S RIGHTS: CHANGE OF VENUE, CONTINUANCE, SEQUESTRATION OF JURORS AND WITNESSES, EXAMINATION AND SPECIAL CAUTIONING OF JURORS, EXCLUSION OF PUBLIC FROM PRE-TRIAL HEARINGS, AND SETTING ASIDE VERDICTS IN CASES WHERE EARLIER STEPS HAVE PROVEN INSUFFICIENT.
- 14.4 THE CLERK SHOULD PROVIDE THE PUBLIC AND THE PRESS WITH RAPID ACCESS TO ALL ACCURATE INFORMATION ABOUT THE WORK OF THE COURTS WHICH IS PART OF THE PUBLIC RECORD.

15.0 COURT FACILITIES

- 15.1 PROVIDE ADEQUATE AND APPROPRIATE COURTHOUSE FACILITIES TO SUIT NEEDS OF COURTS AND COMMUNITIES THROUGH ENFORCEMENT OF THE ACCREDITATION COMMISSION STANDARDS. PREPARE A STATE-WIDE SCHEDULE OF NEEDS EMPHASIZING MODERNIZATION OF NONACCREDITED FACILITIES.
- 15.2 PROVIDE SUFFICIENT SEPARATION OF COURT FACILITIES FROM LAW ENFORCEMENT OR OTHER GOVERNMENT AGENCIES HOUSED IN THE SAME BUILDING TO MAINTAIN AN ATMOSPHERE CONDUCIVE TO JUSTICE.

16.0 COURT ORGANIZATION AND ADMINISTRATION

- 16.1 REQUIRE ALL JUDGES TO SERVE ON A FULL-TIME BASIS, USE OF A ROTATING CIRCUIT SYSTEM CAN INCREASE ACCESS TO COURTS IN ALL COMMUNITIES IF MAKING ALL JUDGES FULL TIME REDUCES THE TOTAL NUMBER OF JUDGES.
- 16.2 DEVELOP A SYSTEM OF COURT FINANCING WHICH PROVIDES GREATER UNIFORMITY AND CONSISTENCY OF FUNDING THROUGH A CLEARLY DEFINED BUDGET PROCESS WHICH INVOLVES ALL LEVELS OF COURT. EXERCISE GREATER COURT CONTROL OVER FINANCIAL MANAGEMENT, MOST NOTABLY THE PROCESSING OF EXPENDITURES AND REVENUES. AUTHORIZE LINE-ITEM TRANSFERS BY THE COURT NOT SUBJECT TO EXECUTIVE BRANCH APPROVAL. VEST GENERAL FINANCIAL MANAGEMENT CONTROL IN THE SUPREME COURT TO FOSTER CONSISTENT COMPREHENSIVE ALLOCATION OF JUDICIAL RESOURCES AND FINANCIAL PLANNING.

- 16.3 ORGANIZE A PERSONNEL SYSTEM TO INCLUDE ALL COURT EMPLOYEES OF THE STATE.
- 16.4 MAKE THE POSITION OF PROBATE JUDGE A FULL-TIME POST BY EXPANDING THE COURT'S JURISDICTION OR ASSIGNING PROBATE JUDGES TO OTHER COURTS BASED ON AVAILABILITY. COURT SHOULD END USE OF FEE SYSTEM TO FINANCE COURT OPERATIONS.
- 16.5 BASE THE NUMBER OF JUDGES NEEDED ON SIZE AND CHARACTER OF CASELOAD IN ADDITION TO POPULATION.
- 16.6 REDUCE WAITING TIME FOR WITNESSES INCLUDING POLICE OFFICERS, BY INTRODUCING PROCEDURES TO NOTIFY WITNESSES WHEN ACTUALLY NEEDED.
- 16.7 PROVIDE EFFICIENT ADMINSTRATIVE SERVICES AT ALL LEVELS OF COURT AND WHERE FEASIBLE, CENTRALIZE ADMINISTRATIVE FUNCTIONS.

LIST OF PRIORITY STANDARDS

- 11.1 CRIMINAL OFFENSES SHOULD BE TRIED WITHIN THE FOLLOWING TIME LIMITS, WITHOUT DEMAND BY THE DEFENDANT:
- (A) FELONY CASES IN WHICH THE ACCUSED IS NOT INCARCERATED SHOULD BE TRIED WITHIN 120 DAYS FROM THE DATE OF ARREST OR INDICTMENT;
 - (B) WHERE THE ACCUSED IS INCARCERATED, A FELONY CASE SHOULD BE TRIED WITHIN 60 DAYS OF ARREST;
 - (C) MISDEMEANORS AND VIOLATIONS SHOULD BE TRIED WITHIN 60 DAYS OF SUMMONS OR ARREST; WHERE THE ACCUSED IS INCARCERATED, THE PROCESS SHOULD BE COMPLETED IN 30 DAYS; AND
 - (D) ARRAIGNMENT ON ANY CHARGE SHOULD BE COMPLETED WITHIN 24 HOURS OF THE TIME OF ARREST.
- 16.7 PROVIDE EFFICIENT ADMINISTRATIVE SERVICES AT ALL LEVELS OF COURT AND WHERE FEASIBLE, CENTRALIZE ADMINISTRATIVE FUNCTIONS.
- 11.7 DECISIONS IN MATTERS TRIED TO A JUDGE SHOULD BE RENDERED WITHIN THIRTY (30) DAYS FROM SUBMISSION TO THE COURT.
- 15.1 PROVIDE ADEQUATE AND APPROPRIATE COURTHOUSE FACILITIES TO SUIT THE NEEDS OF COURTS AND COMMUNITIES THROUGH ENFORCEMENT OF THE ACCREDITATION COMMISSION STANDARDS. PREPARE A STATE-WIDE SCHEDULE OF NEEDS EMPHASIZING MODERNIZATION OF NONACCREDITED FACILITIES.
- 13.1 THE SUPREME COURT SHOULD ESTABLISH MINIMUM CONTINUING EDUCATION REQUIREMENTS FOR JUDGES, LAWYERS, AND COURT PERSONNEL. THE COURT WITH THE COOPERATION OF THE NEW HAMPSHIRE BAR ASSOCIATION SHOULD CERTIFY AND, IF NECESSARY, ORGANIZE IN-STATE PROGRAMS FOR CONTINUING EDUCATION.
- 13.2 SPECIALIZED TRAINING SHOULD BE REQUIRED FOR ALL JUDGES, INCLUDING MASTERS, IN ALL COURTS; IF THE TRAINING IS ONLY AVAILABLE OUT OF STATE, THE COURT SYSTEM SHOULD INCUR THE COST OF ATTENDANCE.
- 13.3 SPECIALIZED TRAINING SHOULD BE PROVIDED FOR NON-JUDICIAL COURT PERSONNEL, INCLUDING COURT OFFICERS, COURT REPORTERS, CLERKS, PROBATION AND POLICY PERSONNEL.
- 12.3 ESTABLISH A JUDICIAL CONDUCT COMMITTEE TO REVIEW AND SCREEN COMPLAINTS AGAINST JUDGES WITH POWER TO DISCIPLINE OR REMOVE JUDGES.

III. MULTI-YEAR FORECAST OF RESULTS AND ACCOMPLISHMENTS/ BUDGET PLAN

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III. MULTI-YEAR FORECAST OF RESULTS AND ACCOMPLISHMENTS/BUDGET PLAN

	1980	1981	1982	Forecast of Results
Reduction in Case Delay	Projects funded under this program area will address a wide range of issues including - development of case processing standards and monitoring systems.	Continuation of this program and maintained support for projects aimed at reducing case delay is envisioned. Funding of an expanded number of new project areas is anticipated.	Maintain support for efforts in this area.	Within the 3 year period, delay in criminal felony cases will be reduced to 120 days.
Budget	\$20,000	\$30,000	\$30,000	
Court System Improvements	Implement accounting, records management and recording demonstration programs.	Continue programs.		
Budget:	\$20,000	\$30,000		
71 Law Clerks and Support Staff	Continue to provide two law clerks and two stenos for superior court or supreme court.	Continue support.		
Budget:	\$45,000	\$45,000		
Upgrade Court Facilities and Security	Update court accreditation standards, provide technical assistance, meet minimal security standards.	Assistance will be continued to improve court facilities throughout the state.	Support will be maintained for this program area.	Projects in this area should aid in reducing delay, increasing court security and should serve to implement many of the recommendations of the court Accreditation Report.
Budget:	\$15,000	\$15,000	\$15,000	

Page 2 - Multi-Year Forecast

	1980	1981	1982	
Continuing Education	Judicial and non-judicial training will be offered under this program. In-state training for clerks and judges as well as support for out-of-state conferences will be made available.	Continuation of this program with emphasis in establishing educational guidelines for non-judicial personnel.	Continuation of the program and expanding of in-state training capabilities.	All judicial and non-judicial personnel will have the opportunity to participate in continuing education under this program.
Budget:	\$15,000	\$30,000	\$25,000	
Improved Administrative Procedures	Projects envisioned under this program include creation of the archives center staff positions.	Continue positions and expand program.	Continue completion of implementation efforts started during the previous year.	
Budget:	\$30,000	\$50,000	\$80,000	
Judicial Conduct Committee	Maintain funding for Judicial Conduct Committee	Total State Absorption		
Budget:	\$12,600			

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IV. ANNUAL ACTION PLAN

PROGRAM AREA: 80-I-E-1

TITLE: Reduction of Case Delay

RELATIONSHIP TO PROBLEM ANALYSIS TO MULTI-YEAR BUDGET FORECAST:

The requirement for a speedy trial addresses both the right of the criminal defendant and the interests of the public. Although judicial and legislative concern for speedy trial has primarily focused on criminal case processing, the importance of establishing specific time periods for each phase of all types of cases should not be overlooked. The establishment of time limits provides the court with a definite standard against which to monitor court performance. To date, the court has been unable to objectively evaluate its performance in this regard for two reasons: first, the lack of established standards; and second, an inability to efficiently and effectively monitor such standards.

OBJECTIVE:

The purpose of this program area is to facilitate the development of specific case processing guidelines and to assist the courts in the monitoring of such guidelines. Specific guidelines shall be established for all levels of court and for each type of litigation included within the courts jurisdiction. Additionally, techniques, manual and automated, will be developed and implemented to track case progress through the judicial system.

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

This program area is directly related to standards 11.1, 11.2, 11.3, 11.4, 11.5 and 16.7 of the Court System Survey.

IMPLEMENTATION:

It is envisioned that each level of court will establish a committee to review and develop appropriate standards for the

processing of cases in the respective courts. The superior court currently has established such a committee. It is envisioned that the supreme court and district and municipal courts will similarly establish committees. Representatives from each committee will meet to discuss the standards and to insure court system compatibility. While an approach for implementing standards has not been defined at this time, it is conceivable that a single area such as criminal case processing may be selected as a pilot program area.

The second element of this program area is the development of both manual and automated case tracking systems which will allow court personnel to monitor case processing. The creation and implementation of manual "tickler" files is anticipated for those courts with caseloads under 5,000. The introduction of automated monitoring systems possibly incorporating the use of mini-computers is envisioned for those courts with caseloads in excess of 5,000. Given the minimal cost associated with manual systems, three or four courts are anticipated as being included as demonstration sites for this category. One or possibly two courts, one general jurisdiction and one limited jurisdiction, will serve as demonstration sites for the automated system. The automated system will be developed in concert with the technology subcommittee of the Judicial Planning Committee and the staff of the supreme court.

SUBGRANT DATA:

One sub-grant will be awarded to a unit of state government.

<u>FY'80 FUNDS</u>	<u>LEAA</u>	<u>STATE/LOCAL OR OTHER</u>	<u>PERCENTAGE OF STATE/LOCAL MATCH</u>
PT C Block	\$18,000	\$2,000	\$20,000

PROGRAM AREA: 80-I-E-2

TITLE: Court System Improvements

RELATIONSHIP TO PROBLEM ANALYSIS AND TO MULTI-YEAR BUDGET FORECAST:

The absence of a central financing source for the court system results in a series of financial constrictions in the court system. The greatest area of concern is for pilot or experimental programming for which, given the scarcity of financial resources throughout the state, funds are never included in either local, county or state budgets. For programs of this type the court system must rely on block grant funds until the program has demonstrated a level of effectiveness which militates in favor of its inclusion in a local budget.

The provision of a small financial reservoir with which to fund pilot or experimental programs is crucial if alternative procedures and processing methods are to be tested. This program area is intended to provide minimal resources for program demonstration which have applicability throughout the court system.

OBJECTIVE:

The demonstration of selected programs or projects within the limited jurisdiction and general jurisdiction trial courts serves as the objective for this program area. Specifically, during the funding year, the programs in the areas of records management, accounting, and court recording are envisioned.

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

This standard is directly related to standards 16.7 of the Court System Survey.

IMPLEMENTATION:

The intent of this program area is to test in a variety of court locations: (1) the use of memory cash registers; (2) multi-track sound recording at the limited jurisdiction trial court level; and (3) the installation of lateral filing systems to test the efficiency of such systems. At a minimum, one program in each of the above-mentioned areas will be funded during this fiscal year; however, depending upon the amount of money available, additional projects may be included for funding.

SUBGRANT DATA:

A minimum of three grants to units of local government are envisioned under this program area.

BUDGET:

<u>FY'80 FUNDS</u>	<u>LEAA</u>	<u>STATE/LOCAL OR OTHER</u>	<u>PERCENTAGE OF STATE/LOCAL MATCH</u>
Part C Block Funds	\$18,000	\$2,000.	10%

PROGRAM AREA: 80-I-E-3

TITLE: Law Clerks and Support Staff

RELATIONSHIP TO PROBLEM ANALYSIS AND TO MULTI-YEAR BUDGET FORECAST:

For many reasons, but primarily due to the extended waiting time required for jury trials, parties intent on gaining rapid adjudication of their cases frequently elect trial by judge. While such trials can be completed more rapidly, they place a heavier burden on the judge, who becomes the trier of fact as well as arbiter of law. Judges thus require a longer time to prepare both findings of fact and rulings of law. In some instances, the backlog of written decisions brings the entire processing time for a court trial close to the length of time required for jury trial which faces a much more immediate pressure to reach its verdict of fact.

Parties should be able to expect judges to decide their cases within thirty days of the trial. However, in seeking attainment of this standard, it is necessary to recognize the resources required: few trial judges, especially in the circuit-riding superior court, have access to a sufficient number of law clerks to perform legal research and drafting work while the judges are on the bench. The travelling judges in New Hampshire also must depend on the court stenographers to type opinions and perform any secretarial duties. Speedy decision of cases may require added judges but the significance of providing needed support staff should not be underestimated in achieving optimum time performance.

OBJECTIVES:

The provision of adequate law clerk and secretarial assistance to the justices of the supreme and superior courts will enhance the courts' ability to be responsive in issuing written opinions and researching points of law.

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

Access to a law clerk for research and drafting has been cited as one of the crucial elements needed to achieve this standard. Two approaches which have been suggested are: (1) the creation of a pool of law clerks who would be available on call; and (2) the assignment of a law clerk to each superior court judge. While significant differences in cost and administration exist between the two approaches, both achieve the stated objective of increasing law clerk availability. Implementation of either approach is contingent upon an increased appropriation to the court. This is directly related to Standard 11.7 of the Court System Survey. Standard 11.7 provides that "Decisions in matters tried to a judge should be rendered within thirty (30) days from submission to the court."

IMPLEMENTATION:

Several approaches have been suggested for the implementation of this program. Law clerks and clerk stenographers supported under this program will either work in specified geographic areas of the state serving a few of the circuit riding superior court judges or be assigned to a single location and provide a research and stenographic pool for all the members of the court.

Whether the regional or single site approach is adopted for use in the superior court, funds from this program area will be required to purchase such equipment as typewriters and transcribers.

SUBGRANT DATA:

One subgrant each will be awarded to the supreme court and superior court.

<u>BUDGET</u> <u>FY '80 FUNDS</u>	<u>LEAA</u>	<u>STATE/LOCAL</u> <u>OR OTHER</u>	<u>PERCENTAGE OF</u> <u>STATE/LOCAL MATCH</u>
Part C Block Funding	\$40,500	\$4,500	10%

PROGRAM AREA: 80-I-E-4

TITLE: Improvement of Court Facilities and Security

RELATIONSHIP TO PROBLEM ANALYSIS AND MULTI-YEAR BUDGET FORECAST:

As Allen Greenberg noted in his book, Courthouse Design: A Handbook for Judges and Court Administrators (1976),

The physical organization of the modern courthouse has become completely transformed by the enlarged scale of the court's operations and concomitant growth of their administrative staffs. The problem is not simply one of providing the necessary additional space . . . most older courthouses cannot support the court as it now functions and becomes a positive hindrance to efficient operations, security, and public safety.

In 1973, the New Hampshire Court Accreditation Commission stated that "neglected and inadequate courthouses debase the entire judicial system." Clearly, the Accreditation Commission served as a vanguard for the promulgation of facility standards, nationally. Recognizing these facts, the task at hand is to insure the availability of: (1) technical assistance in the design and layouts of new court facilities; (2) technical assistance for the renovation of existing facilities; (3) financial resources to enhance records keeping, docketing and indexing efficiency through the application of current technology; and (4) technical assistance and financial resources to provide adequate court security.

OBJECTIVES:

(1) To facilitate the development and renovation of court facilities which contribute to an atmosphere of justice and to enhance efficient court administration, a court

facility advisory panel will be created to provide technical assistance to towns, counties, and the state in the development and renovation of court facilities for all levels of court.

(2) To develop a set of minimum security standards for all courts in the state and to systematically implement those standards.

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

This program area is developed in response to Standard 15.1 of the New Hampshire Court System Survey, "to provide adequate and appropriate courthouse facilities through enforcement of Accreditation Commission standards."

IMPLEMENTATION:

New Hampshire is a leader in the development of standards for court facilities. In an effort to foster the implementation of these standards, a technical assistance advisory group will be established to provide consultation in the design, layout and organization of new and existing court facilities. This service will be offered on a request basis at no cost. A small grant to underwrite the out-of-pocket expenses of the committee members, travel for site inspection and administrative costs is anticipated. The composition of the group will at least include a superior and a district court judge, an architect, a member of the bar, and a representative of the Judicial Planning Committee.

As an adjunct to the technical assistance efforts, the advisory group will review the standards established in 1973 for court accreditation and update the standards as needed. The purpose of this update is to provide a set of published benchmarks with which to reevaluate all the court facilities in the state. One obvious objective of such a review is to assess the extent of improvement or modification which has occurred since the original accreditation review. A second objective is to establish a current inventory of court facilities using the updated standards. A third objective is to establish a master plan, with appropriate priority designations, for facilities improvement throughout the state. These last two objectives will also serve as useful information for the study committee being established by the legislature to review the organization, financing and operation of the court system.

No funds for court renovation or equipment are envisioned as being provided under this program area. Rather as mentioned above, a limited amount of funding will be provided to offset the out-of-pocket expenses of the court facilities advisory committee and to prepare an updated facilities inventory and master plan .

Additionally, funds will be allocated to those courts of general jurisdiction whose security systems fall below the minimal security standards established by the facilities committee. Included in the types of security issues anticipated

for funding under this area are: (1) the development of individual court security plans; (2) bailiff training; (3) installation of duress alarms; and (4) provision of portable metal detectors.

SUBGRANT DATA:

Several sub-grants will be awarded to state, county, and local courts under this program area.

BUDGET:

<u>FY'80 FUNDS</u>	<u>LEAA</u>	<u>STATE/LOCAL OR OTHER</u>	<u>PERCENTAGE OF STATE/LOCAL MATCH</u>
Part C Block Funds	\$13,500	\$1,500.	10%

PROGRAM AREA: 80-I-E-5

TITLE: Continuing Judicial and Non-Judicial Education

RELATIONSHIP TO PROBLEM ANALYSIS AND MULTI-YEAR BUDGET FORECAST:

The absence of continuing education isolates judges, masters, attorneys and non-judicial court personnel from exposure to new legal thought and management and judicial techniques helpful to improving the administration of justice.

OBJECTIVE:

The primary objective of this program area is to facilitate the development of a comprehensive continuing legal education program for all judicial system personnel. Such an objective includes: (1) strengthening the quality and increasing the opportunity for in-state programs; (2) reducing reliance on federal funds to achieve continuing education goals; and (3) developing a state judicial college aimed at addressing the basic orientation and ongoing continuing legal education needs of the court system personnel.

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

This program area is directly related to standards 13.1, 13.2, and 13.3 of the Court System Survey.

IMPLEMENTATION:

During the past two years the judicial system has made great strides in developing and offering in-state continuing education programs at all levels of court for both judicial and non-judicial personnel. The development of these programs and

incorporation of various education opportunities offered by the National College of the State Judiciary, Appellate Judges Conference, and Institute for Court Management, have combined to insure a well rounded career development program for judicial and non-judicial court personnel. As these programs have been developed and supported, the amount of state and local resources budgeted for educational programs has increased, reducing the requirement for federal funds. This program area is intended to continue this progress both in terms of improved and increased local continuing education programs and reduced reliance on federal funds.

Emphasis will continue to be placed on the development of career educational programs for all court personnel both to insure quality and to stimulate mobility within the judicial system. The development of a judicial college program offered on an annual or biennial basis will be initiated during this funding year. The purpose of this program is to insure better communication throughout the judicial system and to provide information of common interest and value in an effective and efficient manner.

SUBGRANT DATA:

One grant to the Judicial Planning Committee of the Supreme Court is envisioned.

BUDGET:

<u>FY'80</u>	<u>LEAA</u>	<u>STATE/LOCAL OR OTHER</u>	<u>PERCENTAGE OF STATE/LOCAL MATCH</u>
Part C Block Funds	\$13,500*	\$1,500.	10%

* Funds from FY'79 will be used to supplement the FY'78 request.

PROGRAM AREA: 80-I-E-6

TITLE: "Improved Administrative Procedures"

RELATIONSHIP TO PROBLEM ANALYSIS AND MULTI-YEAR BUDGET FORECAST:

Historically, the management of the courts was left to judges, whose training and primary responsibility was to resolve issues of law. Of necessity, judge time was devoted to the resolution of legal disputes rather than developing and implementing administrative policies or procedures. As a result of this situation there is a lack of uniformity in court practice and procedure. The procedural disparities between courts leads to confusion among practitioners and the public.

Effective court administration not only involves formulating and promulgating consistent administrative policy, but it also requires regular review and update of these policies to insure the most efficient and effective administrative procedures.

OBJECTIVES:

To continue to improve and strengthen the administration of the New Hampshire court system.

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

This program area is directly related to Standard 16.7 New Hampshire Court System Survey.

IMPLEMENTATION:

The programs funded under this program area in previous years have either been included in the budgets of various

levels of court or have been eliminated. As such, no programs anticipated for funding under this program area are requests for renewal funding.

During the past two years, significant strides have been made in improving the administration of court records management. A review and revision of all court forms has been undertaken to insure efficient and effective paperflow. All general jurisdiction trial courts will convert their filing systems to open lateral filing using an 8½" X 11" flat filing format by January 1, 1980, and pilot projects testing the applications of word processing and microfilm are currently underway in the courts .

One result of the intensive restructuring of the records management area has been the identification of inactive records retention, storage and destruction as one of the most poorly managed aspects of the entire records area. In an attempt to improve the efficiency and develop a more systematic approach to records retention and archiving, a centralized court system archives center is being contemplated. Such a facility would provide centralized micrographic processing of selected inactive court records, storage of the archival record, destruction or transfer of the source documents and distribution of unit records to the appropriate court. In short, the program envisions the establishment of the first truly centralized court system records and archives center in the country.

In order to provide the services described above, a combination of discretionary and block grant funding is projected. Discretionary grant funds will be used for the purchase of most capital equipment and block grant funds used to provide two staff

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positions during the first year. Staff provided through block grant funds will be responsible for developing the operating procedures, for filming supreme court records and initiating the filming of superior court records during the first year.

SUBGRANT DATA:

One subgrant will be awarded to the Supreme Court.

BUDGET:

<u>FY'80 FUNDS</u>	<u>LEAA</u>	<u>STATE/LOCAL OR OTHER</u>	<u>PERCENTAGE OF STATE/LOCAL MATCH</u>
Part C Block Funds	\$27,000	\$3,000	10%

PROGRAM AREA: 80-I-E-7

TITLE: Judicial Conduct Committee

RELATIONSHIP TO PROBLEM ANALYSIS AND TO MULTI-YEAR BUDGET FORECAST:

This program is directly related to the problem analysis concerning the need for an effective method for discipline and removal of judges and to address violations of the Code of Judicial Conduct. This is the final request for support as the program has been included in the biennium budget for FY'81.

OBJECTIVES:

To provide continued funding support for the Judicial Conduct Committee.

To insure that complaints relating to alleged violations of the Code of Judicial Conduct are properly reviewed.

RELATIONSHIP TO GOALS, OBJECTIVES AND STANDARDS:

This program area is directly related to Standard 12.3 of the Court System Survey.

IMPLEMENTATION:

In previous years, staff support has been provided through the use of grant funds. However, the clerk of the supreme court will now take on the staff responsibility for the Judicial Conduct Committee. The commitment of state dollars to this function demonstrates the court's commitment to absorbing programs which have proven beneficial.

Funding will be provided to continue support staff for the purpose of conducting investigations and advising the court of situations requiring its attention. Publications and dissemination of information for the public is also anticipated.

The Committee established to hear and decide allegations of misconduct on the part of any member of the justice community includes: 3 judges, 2 lawyers, and 2 lay persons.

SUBGRANT DATA:

One grant will be awarded to the supreme court.

BUDGET:

<u>FY '80 FUNDS</u>	<u>LEAA</u>	<u>STATE/LOCAL OR OTHER</u>	<u>PERCENTAGE OF STATE/LOCAL MATCH</u>
Part C Block Funds	\$11,340	\$1,260	10%