

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

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JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

September 28, 2015

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court
State House
Concord, NH 03301

Approved by Fiscal Committee

Date

Her Excellency Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 7:12, authorize the Department of Justice (DOJ) to accept and expend a sum not to exceed \$600,000 from funds not otherwise appropriated for the purpose of covering projected shortfalls in the general litigation expenses incurred in the defense of the State and the prosecution of criminal law effective with the approvals of the Fiscal Committee and the Governor and Council through June 30, 2016. 100% General Funds.

These funds are to be budgeted in account #02-20-20-200010-2601 entitled "Attorney General" as follows:

<u>Class/Expense</u>	<u>Class Title</u>	<u>Current Budget</u>	<u>Balance Forward</u>	<u>Available Balance</u>	<u>Projected Shortfall</u>	<u>Anticipated Expenditures</u>
233-500769	Litigation Expense	\$350,000	\$259,586	\$609,586	(\$600,000)	(\$1,209,586)

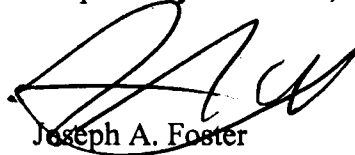
EXPLANATION

The DOJ has been appropriated a sum of \$350,000 for general litigation expenses for Fiscal Year 2016. In addition, \$259,586 was brought forward from Fiscal Year 2015. The Department has expended/committed \$344,695 to date and has recently received October invoices totaling \$364,300 leaving a deficit of approximately \$99,400. Although litigation costs are very difficult to forecast, this request for \$600,000 is to cover anticipated expenditures through June 30, 2016.

The Department continues to incur litigation costs in the Criminal Bureau for cases that include the *Addison* appeal, *State vs. Kibby*, *State vs. Barnaby* and other ongoing homicide cases. We anticipate incurring costs in excess of \$180,000 for various lab tests, crime scene evaluations and expert review for upcoming trials. Litigation for on-going civil cases, including the State's Fair Labor Standard Act Review/Counsel and *St. Joseph vs. Department of Revenue Administration*, are estimated to cost approximately \$545,000. On-going matters being handled by the Consumer, Environmental and Transportation Bureaus are estimated to cost in excess of \$140,000.

Please let me know if you have any questions. Your consideration is greatly appreciated.

Respectfully submitted,



Joseph A. Foster
Attorney General

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