

YOR 39

Nina Gardner, Chair
Hon. James E. Duggan, Vice Chair
Hon. James P. Bassett
Gina Belmont, Esq.
Sen. Sharon M. Carson
Kimberley Casey
John E. Durkin, Esq.
Karen A. Gorham, Esq.
Scott Harris, Esq.
Matthew Houde, Esq.
Christopher M. Keating, Esq

THE STATE OF NEW HAMPSHIRE
JUDICIAL COUNCIL
www.nh.gov/judicialcouncil



Sarah T. Blodgett, Executive Director
25 Capitol Street, Room 424
Concord, New Hampshire 03301-6312

Hon. Edwin W. Kelly
Hon. David D. King
Steven D. Lubrano
Gordon J. MacDonald, Esq
Henry Mock
Hon. Tina Nadeau
Stephen Reno
Rep. Claire Rouillard
Alan Seidman, Ed.D
Richard Y. Uchida, Esq
Phillip Utter, Esq
Daniel Will, Esq

April 19, 2017

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Judicial Council to amend the Contract Attorney Program contracts by increasing the total by \$50,000 from \$3,619,500 to \$3,669,500 to allow qualified attorneys in the State to continue providing representation of indigent defendants, effective upon Governor and Council approval through June 30, 2017. The original contract was approved on May 27, 2015, Item #77. 100% General Funds.

	FY 2016	FY 2017
02-07-07-070010-1093-102 <u>Contract Counsel</u>	\$0	\$50,000

EXPLANATION

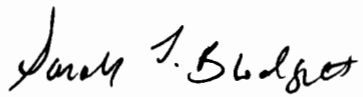
The Judicial Council received an original appropriation of \$1,799,600 in this account for FY17. An amendment to the FY 2016 appropriation of \$119,900 was approved by Governor and Council on May 22, 2016 (item #22). RSA 604-A:1-b provides that "in the event that expenditures for indigent defense by the Judicial Council are greater than amounts appropriated in the operating budget, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding." The Judicial Council submitted a request for an additional warrant of \$50,000 from funds not otherwise appropriated for the period effective July 1, 2016 through June 30, 2017. This request was approved by Fiscal Committee on April 14, 2017 (Item #FIS 17-063) and was approved by Governor and Council on April 19, 2017 (Item #34). This additional warrant was necessary due to the increased caseload caused by unanticipated demand for contract counsel.

Accordingly, the Judicial Council requests to increase the Contract Attorney Program contracts total to \$1,849,600 for the remainder of State FY 2017 to allow payment to attorneys providing legal counsel to indigent defendants. Pursuant to RSA 604-B, the Judicial Council is authorized to contract with qualified attorneys to provide for representation of indigent defendants when the

Public Defender Program is disqualified or unavailable due to caseload limitations to provide such representation, in accordance with the provisions of RSA 604-A:2-b. This Contract Attorney Program has continued to accomplish its purpose of reducing the number of such cases which otherwise would be handled by the more expensive Assigned Counsel system.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sarah T. Blodgett". The signature is written in a cursive, flowing style.

Sarah T. Blodgett
Executive Director

Attachments

THE STATE OF NEW HAMPSHIRE
JUDICIAL COUNCIL
www.nh.gov/judicialcouncil

Nina Gardner, Chair
Hon. James E. Duggan, Vice Chair
Hon. James P. Bassett
Gina Belmont, Esq.
Rep. Paul Berch
Sen. Sharon M. Carson
Kimberley Casey
John E. Durkin, Esq.
Joseph Foster, Esq.
Karen A. Gorham, Esq.
Scott Harris, Esq.
Matthew Houde, Esq.



25 Capitol Street, Room 424
Concord, New Hampshire 03301-6312

Christopher M. Keating, Esq.
Hon. Edwin W. Kelly
Hon. David D. King
Shari J. Landry
Steven D. Lubrano
Henry Mock
Hon. Tina Nadeau
Stephen Reno.
Alan Seidman, Ed.D.
Richard Y. Uchida, Esq.
Phillip Utter, Esq.
Daniel Will, Esq.

May 4, 2016

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Judicial Council to amend the Contract Attorney Program contracts by increasing the total by \$119,900 from \$3,499,600 to \$3,619,500 with qualified attorneys in the State to provide for the representation of indigent defendants effective upon Governor and Council approval through June 30, 2017. The original contract was approved on May 27, 2015, Item #77. 100% General Funds.

Funds are available for State Fiscal years 2016 and 2017 as follows, with the ability to adjust encumbrances between State Fiscal Years through the Budget Office, if needed and justified:

	FY 2016	FY 2017
02-07-07-070010-1093-102 <u>Contract Counsel</u>	\$119,900	\$0

EXPLANATION

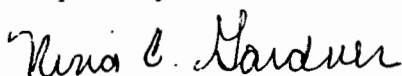
The Judicial Council received an original appropriation of \$1,700,000 in this account for FY16. On March 9, 2016, the Judicial Council transferred \$49,900 from account 02-07-07-070010-1092, Guardian ad Litem into this account under the authority of RSA 9:16-a to meet immediate funding needs for the Contract Attorney Program. RSA 604-A:1-b provides that "in the event that expenditures for indigent defense by the Judicial Council are greater than amounts appropriated in the operating budget, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding." The Judicial Council submitted a request for an additional warrant of \$70,000 from funds not otherwise appropriated for the period effective July 1, 2015 through June 30, 2016. This request was approved by Fiscal Committee on April 15, 2016 (Item #FIS 16-066) and Governor and Council on May 4, 2016 (Item #35). This additional warrant was necessary due to the increased caseload caused by unanticipated demand for contract counsel.

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
May 4, 2016
Page Two

Accordingly, the Judicial Council requests to increase the Contract Attorney Program contracts total to \$1,819,900 for the remainder of State FY 2016 to allow payment to attorneys providing legal counsel to indigent defendants. Pursuant to RSA 604-B, the Judicial Council is authorized to contract with qualified attorneys to provide for representation of indigent defendants when the Public Defender Program is disqualified or unavailable due to caseload limitations to provide such representation, in accordance with the provisions of RSA 604-A:2-b. This Contract Attorney Program has continued to accomplish its purpose of reducing the number of such cases which otherwise would be handled by the more expensive Assigned Counsel system.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nina C. Gardner".

Nina C. Gardner
Chair

Attachments

THE STATE OF NEW HAMPSHIRE
JUDICIAL COUNCIL
www.nh.gov/judicialcouncil



Nina Gardner, Chair
Hon. James E. Duggan, Vice Chair
Hon. James P. Bassett
Gina Belmont, Esq.
Rep. Paul Berch
Sen. Sharon M. Carson
Kimberley Casey
John E. Durkin, Esq.
Joseph Foster, Esq.
Donald D. Goodnow, Esq.
Karen A. Gorham, Esq.
Matthew Houde, Esq.

Christopher M. Keating, Executive Director
25 Capitol Street, Room 424
Concord, New Hampshire 03301-6312

Hon. Edwin W. Kelly
Hon. David D. King
Shari J. Landry
Steven D. Lubrano
Henry Mock
Hon. Tina Nadeau
Stephen Reno
David Ruoff, Esq.
Alan Seidman, Ed.D.
Richard Y. Uchida, Esq.
Phillip Utter, Esq.
Daniel Will, Esq.

May 12, 2015

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

REQUESTED ACTION

Authorize the Judicial Council to enter into contracts totaling \$3,499,600, with Governor and Council approval, for the period effective July 1, 2015 through June 30, 2017, with qualified attorneys in the State to provide for the representation of indigent defendants when, pursuant to RSA 604-B, the Public Defender Program is disqualified by a conflict of interest or not able to provide representation due to caseload limitations. 100% General Funds.

Funds will be available, pending budget approval for fiscal years 2016 and 2017, as follows:

	FY 2016	FY 2017
02-07-07-070010-1093-102 Contract Counsel	\$1,700,000	\$1,799,600

EXPLANATION

Beginning in 1985 and in each biennium thereafter, the Governor and Council have authorized the Judicial Council to enter into agreements, (subject to the approval of the Attorney General as to form and execution), with qualified attorneys to provide for representation of indigent defendants when, (pursuant to RSA 604-B), the Public Defender Program is disqualified or unavailable due to caseload limitations to provide such representation, in accordance with the provisions of RSA 604-A:2-b. This Contract Attorney Program has continued to accomplish its purpose of reducing the number of such cases which otherwise would be handled by the more expensive Assigned Counsel system. In FY 2014, the Contract Attorney Program handled 14% of all indigent cases. We anticipate the same share of the caseload in the next biennium.

The attached contract will serve as the basis for each individual contract which may be written for the period July 1, 2015 through June 30, 2017. The Attorney General has reviewed the attached contract as to form and substance. The Attorney General must also approve each contract for form, substance and execution entered into between the Judicial Council and each separate contract attorney or firm and must also approve any amendments to these individual contracts.

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Council
May 12, 2015
Page Two

The attorneys on the attached list are currently qualified for contracts. Additional attorneys may be qualified by the Judicial Council based on caseload need and the limits of the available appropriation.

Information about the qualifications necessary to serve as contract counsel in indigent-defense cases is posted on the Judicial Council website. Applications to serve as appointed counsel in indigent-defense cases are likewise available on the Judicial Council website.

Applicants are qualified by the Indigent Defense Subcommittee of the Judicial Council based on the submitted application and questionnaire, the attorney's criminal defense experience and a personal interview.

The size of each individual contract award is determined by considering several factors, including the anticipated demand for indigent-defense representation in the attorney's geographic coverage area, the number of attorneys providing representation under the individual contract, the contractor's experience and past performance, the Judicial Council's estimation of reasonable caseload limits in the attorney's geographic coverage area and the available appropriation.

Thank you for your consideration. I would be glad to answer any questions you may have regarding these proposed contracts.

Respectfully submitted,

Christopher Keating
Executive Director

Attachments