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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL

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October 31, 2013

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, NH 03301

*M. Rice* 11/22/13  
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 \$900,000 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, 2014. 100% General Funds.

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

<u>Class</u>	<u>Description</u>	<u>Current Budget</u>	<u>Request</u>	<u>New Budget</u>
233-500769	Litigation Expense	\$350,000	\$900,000	\$1,250,000

EXPLANATION

The Department of Justice was originally appropriated a sum of \$350,000 for general litigation expenses for SFY 2014. The department currently has less than \$100,000 available with approximately \$300,000 of outstanding invoices waiting to be paid. The DOJ expended a total of \$1,975,048 for Fiscal year 2013. This request for \$900,000 is to cover anticipated expenditures through the end of State Fiscal Year 2014. As we have indicated, litigation costs are very difficult to forecast.

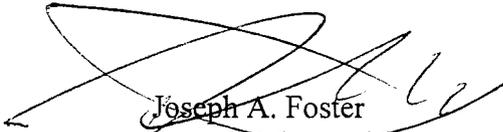
The Department is currently in the process of defending a complicated and expensive lawsuit challenging the constitutionality of the State's mental health system. There has been a substantial amount of electronic discovery as well as legal work to contest the certification of a class. To date we

have paid outside counsel over \$1.5 million and anticipate that these costs will exceed an additional \$700,000 for the remainder of this fiscal year. In addition the Department continues to incur ligation costs in the Criminal Bureau for cases that include the Addison appeal and three homicide cases that we estimate will cost in excess of \$55,000 for expert testimony and crime scene reconstruction. Other on-going cases in the Civil and Consumer Bureaus are estimated to cost in excess of \$80,000.

I would be happy to answer any questions concerning this request.

Your consideration is greatly appreciated.

Respectfully submitted,



Joseph A. Foster  
Attorney General

JAF/k  
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