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Becker

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



DEC 23 '15 AM 3:12 DAG

ANN M. RICE
DEPUTY ATTORNEY GENERAL

December 21, 2015

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

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 \$1,000,000 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 Executive 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	\$950,000	\$259,586	\$1,209,586	(\$1,000,000)	(\$2,209,586)

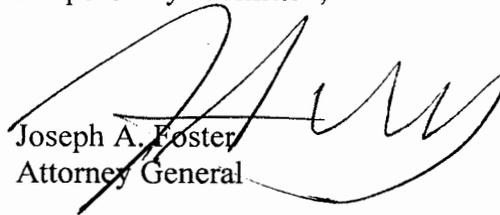
EXPLANATION

The DOJ was 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. In October 2015, the Department went before the Fiscal Committee and Governor and Executive Council to appropriate an additional \$600,000 which was expected to cover litigation costs through June 30, 2016. However, litigation costs have far exceeded expectations leaving a current balance of \$2,300 in the class 233 litigation account. The expenditure trend is anticipated to continue through June 30, 2016.

The Department continues to incur litigation costs in the Criminal Bureau for cases that include the *Addison* appeal, *State v. Kibby*, and *State v. Barnaby*. The Department anticipates that we will incur estimated expenses of \$236,000 for various lab tests, crime scene evaluations and expert review for upcoming trials. To date, the Department has expended approximately \$900,000 for litigation for on-going civil cases in Fiscal Year 2016. Most of these expenditures were for outside counsel related to the State's Fair Labor Standard Act, *St. Joseph v. Department of Revenue Administration*, and the independent monitor for the mental health case. It is expected that these ongoing civil cases, among others, will cost an additional \$630,000. The Charitable, Environmental and Transportation Bureaus' litigation costs are estimated to be approximately \$136,500.

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

Respectfully submitted,



Joseph A. Foster
Attorney General

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