

39 GBB

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THE STATE OF NEW HAMPSHIRE
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May 29, 2020

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

His Excellency, Governor Christopher T. Sununu
And the Honorable Executive Council
State House
Concord, N.H. 03301

REQUESTED ACTION

Pursuant to RSA 9:16-a, authorize the Judicial Council to transfer funds from the Abuse and Neglect (Non-CASA) accounting unit to the Assigned Counsel accounting unit as outlined below, in the total amount of \$90,000. Effective upon Fiscal Committee and Governor and Council approval, through June 30, 2020. Source of funds is 100% General Fund.

Class	Title	Account	Current Budget	Requested Change	Adjusted Budget
108 - 500571	Assigned Counsel	10910000	\$1,380,001	\$90,000	\$1,470,001
108 - 500571	Guardian ad Litem	11010000	\$475,000	(\$90,000)	\$385,500

EXPLANATION

The Assigned Counsel accounting unit funds the work of assigned counsel for both indigent criminal defendants and accused parents in abuse and neglect cases. Expenditures have exceeded our forecasts in this line. Without additional funding, the Judicial Council will be unable to pay the court-approved invoices for these services. Pending invoices for this accounting unit total approximately \$94,729.84. This request requires Fiscal Committee approval because this transfer will bring total transfers for accounting unit 1091 Assigned Counsel over \$100,000.

Pursuant to the State's statutory order of appointment, all indigent criminal defense cases are sent directly to the Public Defender program. The Public Defender reviews each case, and if an ethical conflict exists, the case is then assigned to a contract attorney. The majority (approximately 88%) of indigent criminal defense cases remain with the Public Defender. Contract attorneys are paid a flat fee and serve as the back-up to the Public Defender. If contract counsel is unavailable or if the charged conduct is a homicide that the Public Defender has

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conflicted out of, assigned counsel is then appointed to the case. The assigned counsel system is based on an hourly rate of payment, with a structure of fee caps in place through court rules. Unpredictable factors, such as the number of homicides in a fiscal year, significantly impact the assigned counsel expense. Costs for representation of parents in abuse and neglect cases are also paid out of this accounting unit. These costs are more than double the amount that has been paid for assigned counsel on criminal cases.

Expenditures have exceeded our forecasts in this line. Without this transfer, the Judicial Council will be unable to pay the court-approved invoices for these services. Postponing payment until the new fiscal year would constitute an undue hardship for these providers.

The transfer will be coming from the Non-CASA Guardian ad Litem accounting unit. Pending invoices for this service total approximately \$23,586.82.

This Agency will remain at your service to provide any requested information concerning the critical importance of this additional funding to the orderly administration of justice.

Thank you for your consideration.

Respectfully Submitted,



Sarah T. Blodgett
Executive Director