

New Hampshire
COURTS
SUPREME
SUPERIOR
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GOVERNOR'S COMMISSION ON CRIME
AND DELINQUENCY

STATISTICAL ANALYSIS CENTER

47376



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F O R E W O R D

This publication is one of a series of functional reports on each of the components of the New Hampshire Criminal Justice System prepared to present a description and an analysis of resources, manpower, and organizational capabilities of the existing system. These reports on Courts, Police and Corrections support the preparation of the New Hampshire Comprehensive Criminal Justice Plan required by the Federal Government and provide information to state officials and agencies.

These reports will be updated annually and will become more comprehensive each year.

I would like to express my appreciation to the New Hampshire Judicial Council, the Justices, the Clerks of Court, state, local and county law enforcement and correctional officials that were so helpful in providing much of the information upon which these reports are based.


R. J. Crowley, Jr.

PREFACE

A NOTE ON THE PROJECTIONS USED IN THIS REPORT

The projections in this report are based on a mathematical analysis of historical data. Six different mathematical formulas were tried. The formula which best fits the historical data is used to project caseloads into the future.

A mathematical quantity which measures how well the historical data fits the mathematical curve was also computed. This quantity has a value of 1 when every data point lies exactly on the curve and a value of 0 when the data points do not have anything to do with the mathematical curve. Sociologists often quote a value of 0.6 as an acceptable value. The Court data fits the curves used in the projections with a value greater than 0.9 in every case.

It is not necessary to know what factors cause the mathematical representation to properly represent data. Predictions based on this kind of mathematical formalism can only tell you:

1. How well the mathematical curve represents past data; and,
2. If nothing changes, this is the way it will look in the future.

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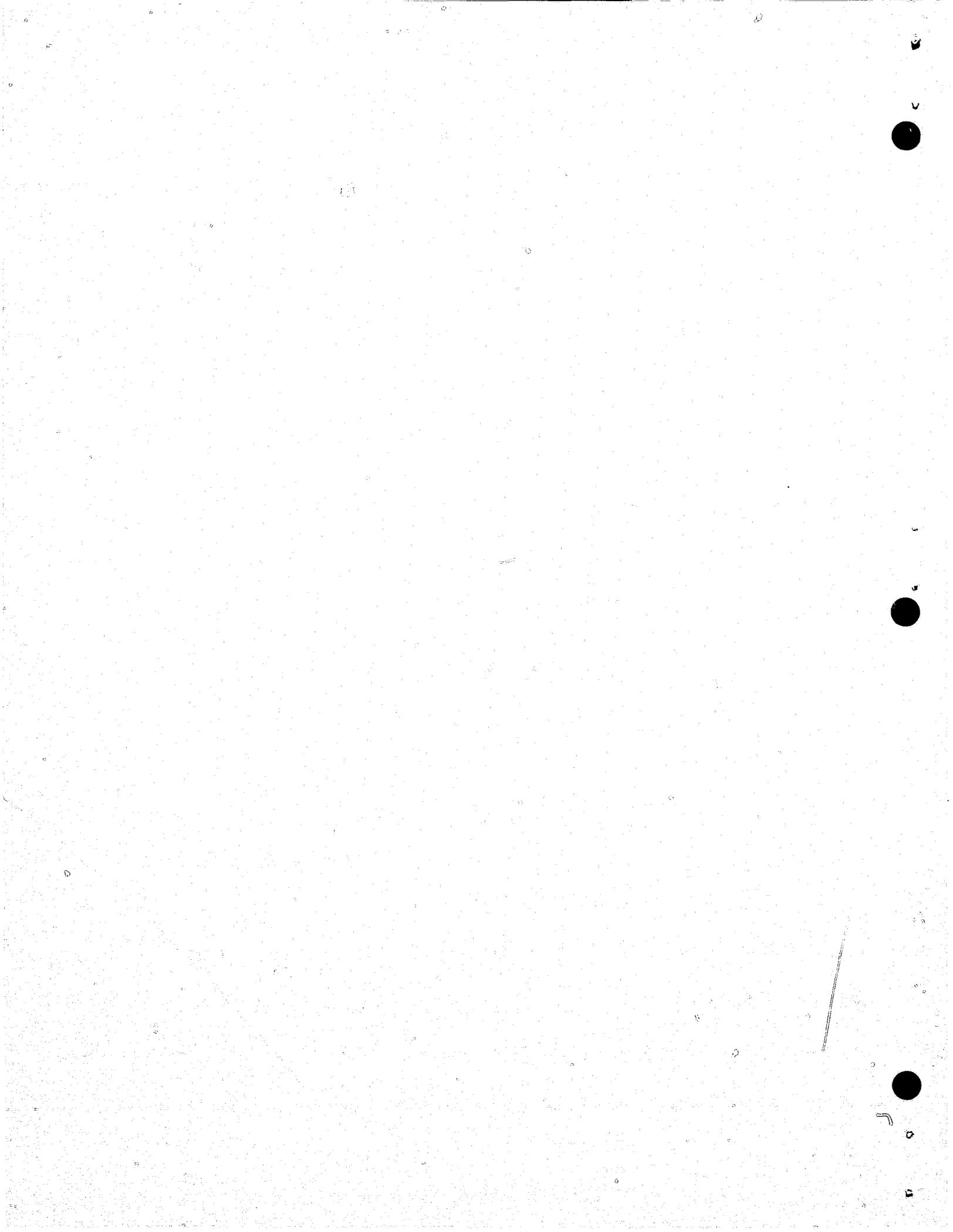
A FUNCTIONAL ANALYSIS OF THE NEW HAMPSHIRE COURTS

INTRODUCTION

The State of New Hampshire employs a four court system to deal with criminal offenders. These are the Municipal, District, Superior and Supreme Courts. Additionally, there exists a fifth entity, the Probate Court, which is without criminal jurisdiction and deals essentially with estate administration and certain areas of domestic relations.

The purpose of this report is to examine each court within the State that deals with criminal matters. Through an analysis of the organization and resources available to each court, an accurate description of the currently existing court system will be available to criminal justice planners at all levels.

It should be noted that this report does not treat the entire judicial system within the State. For example, the material presented on the public defender projects and appointed defense counsels could be much more extensive. Similarly, very little information is contained dealing with either the attorney general's office or the county attorneys. Future revisions of this report will deal with these subjects.



SECTION 1 - SUPREME COURT

I. SUPREME COURT NARRATIVE II. SUPREME COURT ORGANIZATION

The state Supreme Court is authorized by the New Hampshire constitution (Part II, Art. 72-A) and operates under R.S.A. 490. Its primary purpose is to function as a court of last resort for all civil and criminal matters commenced under state law except for a few cases that may be reviewed by the federal courts. In addition to the above functions, the Court also rules upon transferred questions from lower courts, issues advisory opinions, disposes of petitions, promulgates procedural rules for all state courts, and deals with other, less common, matters.

There are no limits on the Supreme Court to hear criminal appeals, although in the great majority of cases the Court limits its role to a review of the law applied and does not concern itself with factual issues. In rare instances, however, the Court may sit as a fact finding body as well as final arbiter of legal principles.

An appeal in Supreme Court practices and procedures is a technical term and in New Hampshire refers only to the transfer of questions of law from administrative agency.¹ Transfers from the Municipal, District and Superior Courts are known as reserved cases and bills of exception.² A petition is used to invoke the original, not appellate, jurisdiction of the Court, to dispose of some special matters such as disbarment proceedings, or the issuance of a special writ.³ For the purposes of this report, the most

¹Pappagianis, George S. - "A Primer on Practice and Procedure in the Supreme Court of New Hampshire" - N.H. Bar Journal, Vol. 17, No. 3, March 1976, Pg. 172.

²Ibid.

³Ibid.

important of these three forms is the reserved case as it is by this method that most of the criminal matters arrive before the court.

For the Supreme Court to hear such a matter it must be alleged by the criminal defendant that the trial court erred either procedurally or in its application of rules of law. Dissatisfaction with the trial verdict alone does not grant a right to a Supreme Court hearing. Further, the alleged errors must be brought to the trial judges' attention by defense counsel in the form of timely objections; the objection must be ruled upon adversely to the defendant and the defendant must take exception to the ruling. In other words, except when there has been an interlocutory transfer of questions of law, all issues that the appellate court will decide must have been previously heard in the lower court. No new arguments may be raised at this level.

There are two devices that the Court employs to inform itself about a reserved case. The first and most important is a brief filed by the parties and the second is oral argument. A brief will first be filed by the party which has asked the Supreme Court to review the case. This brief contains a summary of the factual situation from which the dispute may arise and a list of all alleged errors on the part of the trial court. Additionally, the brief presents legal arguments on these contested issues and should cite authority for the positions taken.

Within a prescribed period of time the other party to the suit must file a reply brief which contests the issues discussed by the party seeking review. The Court may allow either party to file a second brief in order to allow for full discussion of each issue. This brief, if allowed, may be filed either prior to or after oral arguments are held.

Once all briefs, amendments, and preliminary motions have been filed, the Clerk of Court schedules oral argument. These presentations are

usually quite brief and serve to allow counsel to summarize their major contentions and answer questions raised by the Justices. Arguments are electronically recorded to aid the Justices in reaching a decision.⁴

After all the material has been submitted and argument has been heard, the Court decides the case. In doing so, it has a number of options available. It may overturn the trial judges rulings on all alleged errors, some of the alleged errors, or none of them. The Court also may deliver its decision in one of several ways. It may issue a formal, signed opinion in which each issue is dealt with individually. However, if a Justice disagrees with all or part of this opinion, he may write a separate dissenting or concurring opinion. A dissenting opinion disagrees with the final resolution of the case while a concurring opinion agrees with the result but not for the same reason as the majority of Justices. To decide a case it is only necessary that three of the five Justices agree as to the result, not reasons.

The Court may also issue a "per curiam" opinion which translates as one "from the court". Such an opinion is not signed by the individual author for this reason. It should be noted that per curiam opinions are relatively rare and represent only a small portion of the Court's decisions.

Separate from either the individual or per curiam opinions is the memoranda opinions. Like a per curiam opinion, it is unsigned but its distinguishing difference is found in its form. Such an opinion is usually very brief and discusses only the result that the Court reached, not its reasoning or authority. This type of disposition is generally used when the issues to be resolved do not require lengthy discussion or when the Court's position on these matters has been fully explained in an earlier opinion.

⁴Ibid. - Pages 178-180.

III. SUPREME COURT PERSONNEL

The New Hampshire Supreme Court has five Justices. The Justices are nominated by the Governor and approved by the Governor's Council. (N. H. Const., Part 2; Art. 73) There are no specific prerequisites for nomination; however, it is customary that the nominee be a member of the New Hampshire Bar and have held another office in the judicial system prior to becoming a Justice. Of the five Justices currently on the Court, four served on the Superior Court, one served as Attorney General, one as U. S. Attorney, and one as County Attorney. All have had experience in a private law practice prior to their appointments.

The salaries of the Justices are set by the legislature and are currently \$34,268 for the Associate Justices and \$35,060 for the Chief Justice. The higher salary reflects the additional administrative duties that must be dealt with by the Chief Justice, by virtue of his office.

Each Justice is appointed for an indefinite term which ends either at the mandatory retirement age of 70, or at an earlier age through resignation or removal of the Justice.

To assist in the administration of the Court, the Justices appoint the Clerk of Court. R.S.A. 490:19 provides that the Clerk will discharge all duties assigned to him by statute and those "as usually appertain to that office". These include the scheduling of argument, the collection of briefs, transcripts and other material from litigants, the issuance of certain preliminary orders and other administrative duties.

The Clerk of Court also acts as the official reporter of Supreme Court decisions. In this capacity he publishes the opinions of the Court. Shortly after an opinion is released by the Court it is published in "advance sheet" form. This allows a fairly wide degree of dissemination prior to the

publication of an entire year's opinions in a bound volume.

The annual publication "New Hampshire Reports" also reflects the opinions of the Court. These volumes constitute a standard part of any New Hampshire legal library and are exchanged with other state libraries on a reciprocal basis. Along with the New Hampshire statutes, their reports are the basis of legal research dealing with New Hampshire law.

The four secretaries authorized by the Court are classified as legal stenographers and are called upon to perform tasks similar to those carried out by legal secretaries in a private law office. This includes normal secretarial duties plus the preparation of legal documents, transcribing legal proceedings and other similar duties. It is mandatory that an applicant for one of these positions hold an associate's degree from a recognized college or business school, and have at least three year's prior experience, one of which must be in a law office.

The accounting technician is responsible for maintaining and keeping accurate records of the Supreme Court's financial affairs. This includes disbursements such as payroll, travel, purchases and income such as court, entry fees, sale of published reports and bar admission fees. This position requires an associate's degree in accounting or business administration and two years of practical experience in those or related fields. A more detailed description of the courts income and expenditures will be found in the "funding" material.

Recently, the position of administrative assistant to the Chief Justice has been added to the Court personnel. The total responsibilities of this position cannot now be completely defined as the position has only recently been filled. However, it is expected that this person will relieve the Clerk of several of his administrative tasks. Additionally, it is expected

that the assistant will coordinate continuing education programs for the Justices, compile court statistics, perform public relations functions and carry out other non-judicial duties for the Justices.

Under ordinary circumstances the Court does not employ a stenographer to transcribe its proceedings. However, when required, either the State or the litigants bear the cost of this service.

In addition to the administrative personnel which are employed by the Supreme Court, there are also two classes of employees who assist the Justices. These are the Court's law clerks and law students who serve as judicial interns.

The clerks are graduates of law schools accredited by the American Bar Association and are selected by the Justices. Each Justice is assigned a clerk whose main duty is to research the law applicable to the cases before the Court. They are also required to check the accuracy of material in briefs submitted by litigants.

The final major task of the Supreme Court law clerks is to assist in the drafting of opinions. Once the Court has reached a decision, the Chief Justice will draft the opinion himself or assign the responsibility to another Justice. This Justice may, in turn, ask a clerk to suggest possible wording. It must be emphasized that the clerks do not supply anything more than a suggested mechanical structure for the opinion. The actual decision and supporting logic are supplied solely by the Justices. Similarly, the opinion's final form is written by the assigned Justice and approved by concurring members of the Court.

Additionally, the Franklin Pierce Law Center, located in Concord, New Hampshire, supplies an intern to each Justice during the academic year.

IV. SUPREME COURT EQUIPMENT

The Supreme Court, although not requiring a great deal of specialized equipment, does require modern, efficient office equipment and access to some security equipment. It is, therefore, in these two areas that this report will concentrate. Similarly, because these needs and applications are so limited, this subject will not be treated in great detail.

The New Hampshire Supreme Court has adequate office equipment to meet its minimal needs. Each secretary has an electric typewriter and two others are available to members of the staff.

The Supreme Court has no security equipment or personnel and does not have arrangements for such services from any other agency such as the New Hampshire State Police. New Hampshire has not had problems with court security due to the nature of its proceedings. There are no trials held within the Court and, therefore, the Court is not likely to be a target of violent demonstrative behavior. Furthermore, the defendant in a criminal appeal is not physically present in the Court which makes impossible any escape attempt and reduces substantially the probability of disruptive conduct. If a security problem did arise, assistance could be readily obtained from the State Police.

The only other significant equipment used by the Supreme Court is its recording system. This is located in the courtroom and is used to record oral argument presented to the Court. No transcript of the tape is made but it is available to the Justices as an aid in their decision-making. Once the opinion in a case has been issued, the tapes are re-used which destroys the previously recorded materials. Consequently, there is no verbatim record of the Court proceedings unless a stenographer is obtained by the litigants.

V. SUPREME COURT FACILITIES

The physical plant of the New Hampshire Supreme Court was completed in Concord during 1970, and serves only court related functions.

Located in the center of the building is the courtroom, which is designed and furnished in a traditional manner. It is a spacious room (45' x 52') with seating capacity for 85 spectators. A low railing divides the spectator's area from the area used by the Justices and litigants. Counsel for plaintiff and defense are each provided a separate table, as is the Clerk of Court. Located between the counsel tables is a lectern which is used by whichever party is arguing at the moment. This lectern is equipped with a microphone which connects to the recording system discussed earlier. The Justices bench and chairs are located in the front of the room and are elevated somewhat from the courtroom floor. The Court does not, however, have a jury box as juries are not used by appellate courts.

The Justices chambers are located on the first floor in the building's north wing in an area not usually open to the public. Each Justice is provided with a private office which is comfortably furnished. The offices all contain a desk, several chairs, and bookcases which are built in to the office walls. Each is spacious with the Chief Justices' office being somewhat larger (21'6" x 21' vs. 18'9" x 15'7") than the others. In addition, the Chief Justices' chambers are equipped with a fireplace and small adjoining bathroom.

The four legal secretaries have office space adjacent to the Justices' chambers. All four are located in one room which measures 22'6" x 15'.

The Court's filing facilities consist of three rooms, one of which is located in the building's basement area. This arrangement is not adequate.

There are two rooms used by the five law clerks which are located behind the courtroom and are each approximately 16' x 14', one used by two clerks and the other by three.

At the extreme rear of the building on the first floor is the Justices conference room. This room is where the Justices meet privately to discuss the cases before the Court and decide them. It is spacious (26' x 39') with its central feature being a large conference table. It also contains several arm chairs, smaller tables, and a fireplace. Besides serving as the conference room, this facility is also used occasionally for social events hosted by the Supreme Court, such as the annual reception for successful bar admission candidates. Adjacent to the room is a small kitchen area furnished with a stove, refrigerator and sink.

On the second floor is the attorney's lounge and a small lounge for use by the Court staff. The foyer is a large (30'4" x 16'3") room which may be used by attorneys prior to or after appearing before the Court. It is often used as a conference room by committees of lawyers working either for the Court or the New Hampshire Bar Association. This room has a kitchen adjacent to it.

The staff lounge is a smaller room located across the hallway from the attorney's lounge.

The entire south wing of the structure is the state law library. This facility is administratively a part of the state library but is located in the Court building for the convenience of its users. The library houses 71,000 volumes on three floors and has three offices for its administrative staff. The basement level is largely devoted to treatises on various aspects of law from most state and all federal courts, current periodicals and staff offices. The third floor of this wing is devoted to bound volumes of law reviews and other legal periodicals (approximately 150 periodicals

subscribed to by the library). All three floors have a large area devoted to study and research. The library is open to the public.

VI. SUPREME COURT FUNDING

The Supreme Court receives most of its funding in the form of an annual appropriation from the state legislature. In fiscal year 1976 this appropriation was \$336,619. In 1977 it will be \$337,522. Additionally, \$7,319 has been allocated each year for the administration of the bar examination. The Governor's Commission on Crime and Delinquency funds several projects at the Court. In fiscal 1976, Crime Commission funding totaled \$78,097 and is projected at \$71,009 for 1977. Total court expenditures for the two years are \$442,035 for 1976 and \$415,880 projected for 1977.

Most of these funds are used to pay the salaries of permanent court personnel. Approximately \$300,000 will be expended for this purpose in 1976. The majority of these salaries are in the Court budget which is included on Table 1-1 in this report.

The salary of the Administrative Assistant to the Chief Justice will be provided through Crime Commission funds for the first year. A secretary for the Administrator and some office equipment will also be provided for under this grant. Similarly, the Commission has approved funding of an Administrator and a clerk for the Court's committee on Professional Conduct. This committee was originally a part of the New Hampshire Bar Association, and only in recent years has its operation been governed by the Supreme Court. This change was brought about through mutual agreement between the Court and the Association in order that the committee might be able to deal more effectively with issues of professional conduct. At the present time, the committee has no paid staff. The committee members serve without compensation. The addition of the Administrator and secretary will

increase the efficiency of this committee.

Another Crime Commission grant provides the salaries for two of the five law clerks. Other current or anticipated grants deal with such myriad matters as travel to, and payment for, various educational programs, payment for expenses incurred in attending judicial conferences, and the purchase of library materials.

The Supreme Court has a significant income which is derived from charges for its services. The largest single source of funds (other than government appropriations) is through the sale of published court opinions. As discussed earlier in the report, the opinions of the Court are sold in three different forms; slip opinions, advance sheets, and bound volumes entitled New Hampshire Reports.

The bound volumes represent the largest single item of income, bringing in \$21,650.92 in fiscal 1976. This figure represents slightly more than 47% of the Courts receipts over the past year. Slip opinions and advance sheets brought in \$11,589, or approximately 25% of total revenues. The third largest source of revenue was from fees collected from applicants for the bar examinations which totaled \$8,200, or almost 18% of all monies collected. Fees related to having cases heard by the Court, admission certificates and other charges together made up the remaining \$4,232.10 that was collected by the Supreme Court in 1976. The total income received by the Court during 1976 was \$45,672.02. (See Table 1-1 for a more specific breakdown of these amounts raised by the Supreme Court.)

Supreme Court funding is administered by the Chief Justice. Table 1-1 depicts the budgets for fiscal years 1976 and 1977.

TABLE 1-1
SUPREME COURT BUDGET*

	<u>FISCAL YEAR 1976</u>	<u>FISCAL YEAR 1977</u>
Permanent Personal Services	80,327	80,602
Salary of Justices	170,519	170,569
Salary of Clerk Reporter	21,675	21,675
Current Expenses	23,005	24,091
Equipment	505	
Other Personal Services	650	650
Benefits	16,073	16,100
In-State Travel	1,965	1,965
Out-of-State Travel	2,900	2,900
N.H. Supreme Court Reports	<u>19,000</u>	<u>19,000</u>
TOTAL	336,619	337,552
Bar Examiners		
Current Expenses	355	355
Other Personal Services	2,800	2,800
Benefits	164	164
Multi-State Bar Examination	<u>4,000</u>	<u>4,000</u>
TOTAL	7,319	7,319
Crime Commission Grant		
Law Reprints	203	
Equipment	5,700	
Crime Commission Grants (Law Clerks)	28,370	27,998
Appellate Justice Seminar	585	585

	<u>FISCAL YEAR 1976</u>	<u>FISCAL YEAR 1977</u>
Crime Commission Grant (Cont.)		
Law Clerk Institution	475	
Appellate Court Clerk Conf.	340	340
Appellate Judges Conf.	495	495
American Bar Association and Other Conferences	1,710	1,710
National Center for State Courts	9,000	9,000
Disciplinary Investigator & Steno	27,500	27,500
Indirect Costs	<u>3,719</u>	<u>3,381</u>
TOTAL	78,097	71,009
 GRAND TOTAL	 422,035	 415,880

*Source: Committee of Conference Report for fiscal years ending June 30, 1976, and June 30, 1977, Page 34.

VII. SUPREME COURT WORKLOAD
VIII. SUPREME COURT ANALYSIS

An analysis of the Supreme Court's caseload was performed to show the trends for the past 10 years and projections for the future. Supreme Court opinions, distributions of cases entered into the Supreme Court and the number of days between date of case entry and date of oral argument or submission are included in this section. The impact that future caseloads may have on facilities, equipment and personnel is significant.

Table 1-2 indicates that during the 1965-1975 period, the annual number of cases that were entered increased by 118%, while the number of cases disposed of increased by 139%. Criminal dispositions refers to appellate hearings which arise from a criminal trial. Included are matters which are affirmed, reversed, dismissed or remanded, but not motions for rehearing. Of the total number of appellate cases disposed of during this period, the approximate total number of criminal cases increased by 678% and accounted for approximately 25.3% of the total number of dispositions in the Supreme Court in 1975. The number of cases pending in Supreme Court has increased 580% since 1965, from 35 cases in 1965 to 238 cases in 1975.

TABLE 1-2

SUPREME COURT CASELOADS
(1965-1975)*

	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
Total cases entered	132	143	138	144	154	139	186	188	240	270	288
Approximate criminal case dispositions	9	10	18	16	17	20	22	12	38	61	70
Total case dispositions	116	131	124	135	128	137	141	149	196	274	277
Pending cases	35	51	63	77	86	112	114	159	198	248	238

Source: Biennial Report of the Judicial Council

*Year ending July 31.

Table 1-3 furnishes information on the distribution of the caseload in cases filed or entered into the Supreme Court for 1973 and 1974. Those cases entered from the Superior Court account for 80% of the total for 1973 and 71% of the total for 1974.

TABLE 1-3
DISTRIBUTION OF CASES ENTERED INTO SUPREME COURT
(1973-1974)*

<u>Cases Entered</u> <u>From:</u>	<u>1973</u>		<u>1974</u>	
	<u>Number</u>	<u>Percent</u> <u>of Total</u>	<u>Number</u>	<u>Percent</u> <u>of Total</u>
Superior Court	192	80.8	192	71.1
Probate Court	2	0.8	3	1.1
District/Municipal Court	8	3.3	23	8.5
Original Cases	18	7.5	17	6.3
Administrative Appeals	10	4.2	27	10.0
Advisory Opinions	9	3.8	7	2.6
**Certification of Questions under Rule #20	1	0.4	1	0.4
TOTAL	240	100.0	270	100.0

Source: Biennial Report of the Judicial Council

*Years ending July 31.

**Supreme Court rule #20 allows the Court to answer questions directed to it from Federal Courts, where such Courts must apply New Hampshire law to a problem before them but they are unable to find an applicable precedent in cases previously decided by the New Hampshire Supreme Court.

The workload of the Supreme Court Justices has increased since 1970. Almost twice as many opinions have been written with the number of Justices remaining the same.

Table 1-4 shows the number of opinions issued by Supreme Court Justices increased 93% from 1970-1975. The average number of opinions per Justice increased from 21 opinions in 1970 to 41 opinions in 1975.

TABLE 1-4*

SUPREME COURT OPINIONS

<u>YEAR</u>	<u>TOTALS</u>
1970	106
1971	107
1972	123
1973	180
1974	192
1975	<u>205</u>
	913

*New Hampshire Bar Journal, March 1976, Vol. 17, No. 3, A Primer on Practice and Procedure in the Supreme Court of N. H. by George S. Pappagianis.

Table 1-5 shows the average and median number of days between the date of case entry and the date of oral argument or submission. The average number of days increased 42% from 1970 to 1975, and the median number of days increased 12% from 1970 to 1975.

TABLE 1-5

NUMBER OF DAYS BETWEEN DATE OF CASE ENTRY AND DATE OF ORAL ARGUMENT OR SUBMISSION IN THE SUPREME COURT

<u>YEAR</u>	<u>AVERAGE</u>	<u>MEDIAN</u>
1970	147	130
1971	135	121
1972	197	146
1973	214	140
1974	171	127
1975	209	146

*New Hampshire Bar Journal, March 1976, Vol. 17, No. 3, A Primer on Practice and Procedure in the Supreme Court of New Hampshire by George S. Pappagianis.

The following tables (1-6, 1-7, 1-8) are Supreme Court projections on cases entered, disposed of and pending. These 3 charts cover the years 1977 - 1984. These trends are based on previous caseloads. The 12 year trend is based on the workload of the past 12 years and the 6 year trend is based on the workload of the past 6 years. The reason the 6 year trend shows higher figures for the future is because that in the past 6 years, the caseload has shown a marked increase.

TABLE 1-6

SUPREME COURT PROJECTION OF CASES ENTERED

(1977 to 1984)

12 YEAR TREND

1977	--	305
1978	--	330
1979	--	357
1980	--	386
1981	--	418
1982	--	452
1983	--	488
1984	--	528

6 YEAR TREND

1977	--	331
1978	--	363
1979	--	400
1980	--	439
1981	--	483
1982	--	531
1983	--	584
1984	--	642

TABLE 1-7

SUPREME COURT PROJECTION OF CASES DISPOSED

(1977 to 1984)

12 YEAR TREND

1977	--	299
1978	--	327
1979	--	358
1980	--	392
1981	--	429
1982	--	469
1983	--	513
1984	--	562

6 YEAR TREND

1977	--	404
1978	--	484
1979	--	579
1980	--	693
1981	--	830
1982	--	993
1983	--	1189
1984	--	1123

TABLE 1-8

SUPREME COURT PROJECTION OF CASES PENDING

(1977 to 1984)

12 YEAR TREND

1977	--	344
1978	--	400
1979	--	464
1980	--	538
1981	--	625
1982	--	725
1983	--	842
1984	--	977

6 YEAR TREND

1977	--	256
1978	--	270
1979	--	285
1980	--	300
1981	--	317
1982	--	334
1983	--	352
1984	--	372

Table 1-9 shows doubling times for the Supreme Court, or how many years it took for the caseloads to double between the years 1964 - 1975. Cases pending doubled more than twice as fast as cases disposed of and entered.

TABLE 1-9

SUPREME COURT DOUBLING TIMES

11 YEAR TREND

Cases Entered:	8.64 years
Cases Disposed:	8.5 years
Cases Pending:	3.83 years

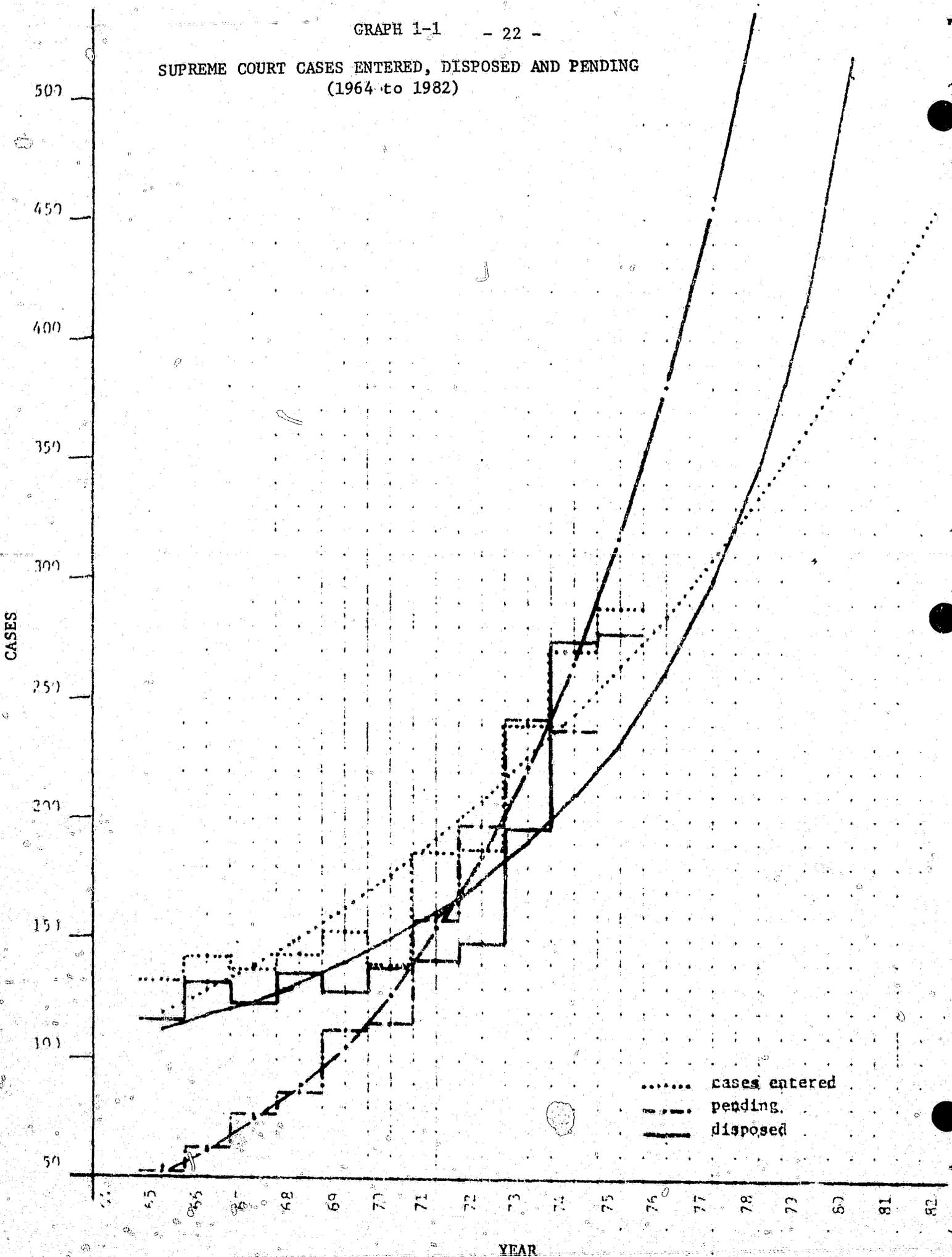
5 YEAR TREND

Cases Entered:	5.61 years
Cases Disposed:	3.54 years
Cases Pending:	3.66 years

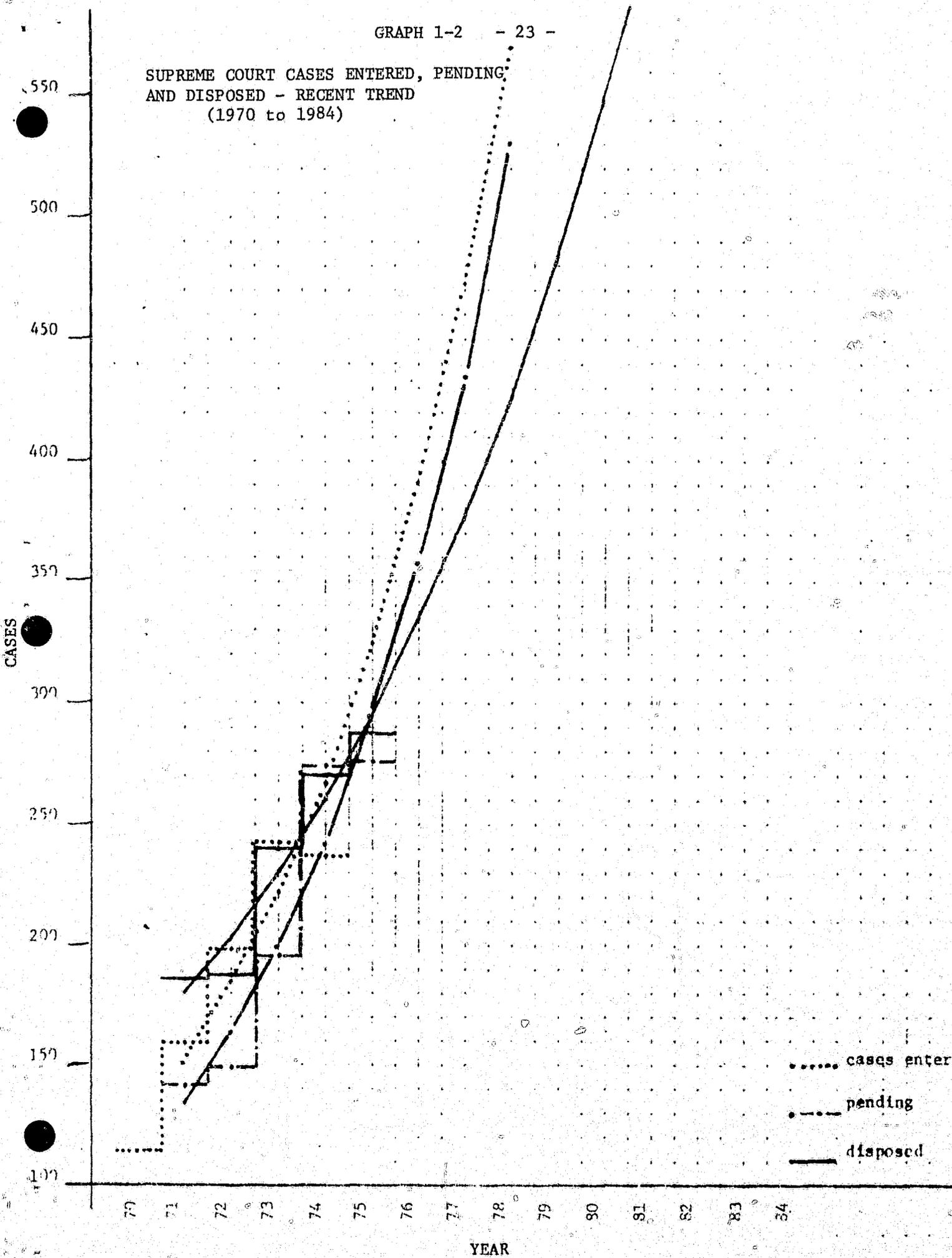
Graph 1-1 shows Supreme Court cases entered, disposed of and pending for the 1964-1982 period. Actual figures were used for 1964-1975 and projections were used for 1976 into the future. Graph 1-2 depicts the more recent trend along with projections.

Projections have been made for the Superior, District and Municipal Courts as well as the Supreme Court. All of these projections have been based on caseloads for approximately the past 10 years. These projections are based on the premise that all factors relating to caseloads will stay the same in the future as in the past.

SUPREME COURT CASES ENTERED, DISPOSED AND PENDING
(1964 to 1982)



SUPREME COURT CASES ENTERED, PENDING AND DISPOSED - RECENT TREND (1970 to 1984)



..... cases enter.
- . - pending
— disposed

SECTION 2 - SUPERIOR COURT

I. SUPERIOR COURT NARRATIVE

Although the New Hampshire Superior Court serves in some respects as appellate court for Municipal and District Courts, it is generally a trial court and hears both civil and criminal cases, as well as sitting in equity, a function which the lower courts are unable to fulfill.

This Court is authorized by the New Hampshire constitution (Part II, Art. 72-A), and operates in accordance with R.S.A. 491. It is a "circuit court" with the judges rotating in assignment among the various counties. Its criminal jurisdiction is extensive as the Court holds all powers held by District Courts as well as the authority to hear all other criminal matters. The only criminal matters which the Superior Court do not hear are those which are the result of violation of federal statutes; these cases are heard in the United States District Court for the District of New Hampshire.

Although the Superior Court has concurrent jurisdiction with the District Courts in certain criminal offense categories, this jurisdiction is discretionary and the Court may dismiss such actions to permit a hearing in the lower court. This procedure may serve as a means of reducing the caseload in the Superior Court, although it probably has no effect upon the total workload of the entire court system.

The geographic jurisdictions of the Superior Courts is determined by county lines. Most counties have only one court location within their boundaries; however, Coos County has two sites. A suit commenced in a particular jurisdiction does not have to be heard within that Court. If the Court believes that the end of justice, or even mere convenience would

be served by moving the trial, then a change of venue to another location may be ordered.

Appeals from convictions in the Superior Court are heard in the state Supreme Court in Concord. However, unlike appeals from the District or Municipal Courts, these actions are not allowed as a matter of right but rather may be heard at the discretion of the appellate court.

In addition to its criminal jurisdiction, the Superior Court also has a wide range of other powers. These include the trying of the great majority of civil suits, appeals from state administrative agencies, and issuance of declaratory judgments. The Superior Court may not, however, render advisory opinions.

II. SUPERIOR COURT ORGANIZATION

In spite of the fact that branches of the Superior Court meet in all 10 counties and are funded by the counties, there is only one centrally administered court. The Chief Justice of the court is also its administrator, and assigns various administrative tasks to the twelve other justices and other court personnel. For example, in addition to their duties related to caseload disposal, the justices are also called upon to staff the following standing Superior Court committees:

1. Incarceration Facilities Committee;
2. Marital Masters Committee;
3. Professional Bondsmen Committee;
4. Rules Committee;
5. Budget Committee;
6. Cooperation with News Media and Bar Association Committee;
7. Probation Liason Committee;

8. Probation and Sentencing Report Committee;
9. Committee on Rules and Duties of Bailiffs;
10. Schedule Committee;
11. Committee on Drug Abuse;
12. Law Clerks Committee; and,
13. Liason Committee with the Manchester Mental Health Association.

Additionally, the justices staff the courts' Sentence Review Division which hears appeals relevent to the severity of a criminal defendant's sentence. This division may increase or decrease a sentence and is concerned only with the appropriateness of the sentence at the time of imposition. Factors or events which have taken place since sentencing are not considered by the justices as these are topics more suitably dealt with by a parole board.

Beyond these formal duties which are incidental to their roles as justices, the judges also serve on numerous advisory boards and commissions. For example, Justice Francis Perkins of Concord serves as a member of the Governor's Commission on Crime and Delinquency and Chief Justice Keller of Meredith serves on the New Hampshire Judicial Council. Other justices serve in similar capacities.

The Court meets as a body several times each year to discuss and act upon administrative matters. Meetings are usually held in January, March, May and September.

The Superior Court is administered from a central office located in the Belknap County Courthouse in Laconia. This staff consists of a full-time Administrative Assistant to the Chief Justice and two clerks, one full-time and one part-time.

III. SUPERIOR COURT PERSONNEL

The Superior Court justices are appointed by the Governor and approved by the Executive Council to serve an indefinite term. Vacancies occur only through death, resignation, removal, or retirement mandatory at age 70. At the present time there are 13 justices. R.S.A. 491:1 requires that the number of justices that serve the Court be increased by one for each increase of 60,000 people in the New Hampshire population. The last such increase occurred in August of 1975, leading to the appointment of Frederick D. Goode of Bedford. In 1976, there were two vacancies created by the Governor's nomination of Justice Maurice P. Bois and Justice Charles G. Douglass III to the Supreme Court. At the time of this publication these vacancies had not yet been filled.

The justice's primary duties are hearing and deciding civil and criminal cases which are brought before the Superior Court. In addition, they also perform the Court related administrative tasks enumerated earlier.

To assist the justices in research necessary to handling of these cases, the Court employs two law clerks. These clerks are selected annually from applicants who are either in their third year of law school or who have recently completed legal training. In addition to research they also assist the justices in preparing legal memoranda and jury instructions. Currently, one is located in Manchester at the Hillsborough County Courthouse and the other in the Supreme Court Building in Concord. The Manchester clerk takes assignments from the four judges assigned to that location (occasionally a fifth judge serves in Manchester) while the one in Concord handles assignments from the other nine justices.

The Governor's Commission on Crime and Delinquency currently funds one of the two clerk positions and has approved funding for an additional two clerks. These funds are, however, temporary and must be approved annually

by both the Crime Commission and the Governor and Council.

The Court system also employs 10 Clerks of Court, one for each county. The clerks are charged with handling the administrative matters of the individual county courthouse. This includes the scheduling of cases, supervision of clerical personnel, and acting as custodian of all Court documents. Each clerk in New Hampshire is an attorney who is admitted to the practice of law in the State.

The clerk is actually an employee of the county and thus his salary is set by the Justices.

To provide security for the Court facilities and to maintain custody over criminal defendants who have not been released on bail, the Court relies upon bailiffs provided by the county sheriffs' departments. The sheriffs are responsible for the transportation of prisoners between the county jail and courthouse. The number of bailiffs vary depending upon the needs of the Court during the particular trial. Table 2-1 shows the number of personnel in each county who normally perform the bailiff function.

The number of people who hold clerical positions at each of the county courthouses vary from a single secretary in Coos County to 16 in Hillsborough. The size of the Court staff is indicative of the caseload in that particular County. (Superior Court caseload statistics are dealt with later in this report.) The number of people who do clerical work for each Superior Court location are shown in Table 2-1.

TABLE 2-1

SUPERIOR COURT EQUIPMENT, FACILITIES AND PERSONNEL

COUNTY	EQUIPMENT							FACILITIES					PERSONNEL		
	# OF COPYING MACHINES	USE OF VIDEO TESTIMONY	ARE FILING FACILITIES ADEQUATE?	SECURITY MEASURES FOR FILES (V-VAULT, F-FIRE)	# TYPEWRITERS	METAL DETECTORS	RECORDING DEVICES	# OF COURTROOMS	DET. FACILITIES?	IS CLERKS OFFICE SHARED?	ARE CLERKS FURNISHINGS ADEQUATE?	LIBRARY FACILITIES	# SECRETARIES	# BAILIFFS ASSIGNED SOLELY FOR COURT USE	# SECURITY PERSONNEL ASSIGNED SOLELY FOR COURT USE
Belknap	2	Y	N	V	6	N	N	3	Y	N	Y	Y	7	3	
Carroll	1	Y	Y	V	3	N	N	1	N	N	Y	Y	3	2	
Cheshire	A	N	N	V	3	N	N	1	N	N	N	Y	3	3	
Coos	1	Y	Y	1-V 1-V, F	2	N	N	1	N	N	Y	Y	1	3	
Grafton	1	Y	N	V, F	5	N	Y	2	Y	N	N	Y	3	3	
Merrimack	1	Y	Y	V	6	Y	Y	1	Y	N	Y	N	6	D	
Strafford	1	Y	Y	N	5	N	N	2	Y	N	Y	Y	5	2	1
Sullivan	2	Y	N	V	3	N	N	1	N	Y	N	Y	3	4	
Hillsborough	1	Y	Y	L	2-4	Y	N	5	Y	N	Y	Y	17	6	
Rockingham	1	Y	N	N	14	Y	N	2	Y	Y	Y	Y	12	4-6	

Y - YES

V - VAULT

N - NO/NONE

F - FIREPROOF

L - LOCKED

A - AVAILABLE FOR USE

D - DEPENDING ON NEED

IV. SUPERIOR COURT FACILITIES

Equipment and facilities vary widely among the various court sites in the State. One of the best equipped and furnished courts in New Hampshire is the Hillsborough County Court located in a new county office building in Manchester. Conversely, only 18 miles north, in Concord, are the Merrimack County facilities which are so poor that in 1974, the New Hampshire Court Accreditation Commission refused to accredit them as satisfactory for use by the Superior Court. Merrimack County has not, however, the only courthouse that was so designated. Of the eleven court facilities (the Superior Court has two courthouses in Coos County due to its size), three were rated excellent, four were rated satisfactory and four (Cheshire, Merrimack, Strafford and Sullivan) were found unacceptable and consequently not accredited. Since the Accreditation Commission report was issued, Strafford County has built a new Court facility.

A number of criteria may be used to compare courthouses. The age of the facility is not an overriding factor. Some of the older buildings within the Court system received accreditation from the commission. The buildings general condition, spaciousness, configuration, and general condition all must be taken into account. Table 2-1 reflects a breakdown by county of the various Court facilities.

In the survey conducted in conjunction with the preparation of this report, data was collected to provide information on many items relating to the Court facilities. The data is displayed in Table 2-1.

While few courthouses are equipped with any type of permanent security devices, this is not viewed as a problem by Court personnel. New Hampshire has been spared the violence that has occurred at some criminal trials throughout the nation.

Several counties now have problems or anticipate problems related to the maintenance and storage of court records. These problems involve the size and location of storage space as well as the requirement to adequately secure and safeguard court records.

All county courthouses except Merrimack, reported that they have library facilities. The quality of the nine libraries vary greatly throughout the State; however, most have the following research documents:

1. New Hampshire Reports;
2. New Hampshire Revised Statutes, Annotated;
3. West's New Hampshire Digest;
4. Corpus Juris Secundum;
5. American Jurisprudence.

Several libraries have reports of decisions of various federal courts as well as opinions from the other New England States. Federal statutes and other texts and treatises on legal subjects are found in some of the libraries.

The only other significant physical facilities problem commonly noted relates to administrative space. While the amount of space actually used for clerical workers varies widely, as does the number of such workers, it is common to find that not enough room is allocated for administrative work. It is evident that overcrowding has led to serious problems at some sites, other problems are anticipated as the Courts increase their administrative staffs to compensate for increasing workloads.

V. SUPERIOR COURT EQUIPMENT

Of the four major criminal justice system components (police courts, probation and corrections) the Courts have the least need for specialized equipment. Their needs, as mentioned when discussing the New Hampshire Supreme Court, are limited almost exclusively to standard office equipment and furnishings. This situation exists because the Courts, for the most part,

deal with criminals on an individual basis. When a criminal defendant arrives in the Superior Court he has already been apprehended and disarmed, thus rendering him a relatively harmless person. While the Court proceedings are under way, he remains under custodial supervision and may not even leave his seat without an escort.

The second factor which reduces the Court's need for much specialized equipment is the small number of criminals who are dealt with at any one time. Because of this, the Courts do not need elaborate detention facilities or security equipment. (Many counties do, however, have criminal detention facilities located in or adjacent to the courthouse.)

As can be seen from Table 2-1, the Superior Court sites generally have sufficient office equipment to meet their needs.

One county did not have its own photocopier (Cheshire), but did have one available for its use.

As far as any type of security equipment is concerned, the Courts generally rely upon the sheriffs' departments to meet their security requirements. Two counties, Rockingham and Merrimack, have used metal detectors in the past to search potential spectators for possible weapons; in other counties, such precautions have been rarely used.

Most counties find that the use of bailiffs is sufficient to meet their security needs and no major changes are expected in the near future.

VI. SUPERIOR COURT FUNDING

The Superior Court receives funds from the three following sources:

1. The State of New Hampshire;
2. The individual county governments; and,
3. Fines and fees which the Court itself imposes upon criminal defendants and civil litigants.

The revenues generated from fines and fees are transferred to the county general fund for disbursement as the county commissioners may direct.

The following Table is the Budget of the Superior Courts. The sources of funds for the budget are also contained in the Table.

TABLE 2-2
SUPERIOR COURTS BUDGET

	<u>FISCAL YEAR 1976</u>	<u>FISCAL YEAR 1977</u>
Salary of Judges	438,617	438,617
Salary of Judicial Referees	50,778	50,778
Salary of Court Stenographers	271,722	271,722
Current Expenses	28,215	29,630
Equipment	570	570
Other Personal Services	1,000	1,000
Benefits	46,820	46,820
In-State Travel	28,260	29,673
Out-of-State Travel	<u>2,600</u>	<u>2,730</u>
TOTAL	868,582	871,540
Sources:		
County (Stenos)	298,894	298,894
General Funds	<u>569,688</u>	<u>572,646</u>
TOTAL	868,582	871,540
Administrative Services		
Current Expenses	2,276	2,390
Equipment	740	605
Other Personal Services	29,799	29,799
Benefits	2,555	2,555
In-State Travel	350	350

	<u>FISCAL YEAR 1976</u>	<u>FISCAL YEAR 1977</u>
Out-of-State Travel	<u>100</u>	<u>100</u>
TOTAL	35,820	35,799
Source:		
General Funding	35,820	35,799
Law Clerk		
Current Expenses	300	300
Equipment	500	605
Other Personal Services	30,456	30,456
Benefits	1,822	1,802
In-State Travel	<u>500</u>	<u>500</u>
TOTAL	33,578	33,663
Source:		
Crime Commission Funds	16,762	13,388
General Funding	<u>16,816</u>	<u>20,275</u>
TOTAL	33,578	33,663
Crime Commission Grant		
Equipment	69,278	66,864
Indirect Costs	4,876	5,541
Conf. of State Trial Judges	8,000	
Marital Masters Clerical/Equip.		22,275
Continuing Judicial Training	4,500	5,926
Voice Writter Training	<u>15,750</u>	<u>15,750</u>
TOTAL	102,404	116,356
Sources:		
Crime Commission Funds	102,404	116,356

	<u>FISCAL YEAR 1976</u>	<u>FISCAL YEAR 1977</u>
TOTAL OF BUDGET	1,040,384	1,057,385
Sources:		
General Funding	622,324	628,720
Other Funds	<u>418,060</u>	<u>428,638</u>
TOTAL	1,040,384	1,057,385

VII. SUPERIOR COURT WORKLOAD
VIII. SUPERIOR COURT ANALYSIS

There has been a significant increase in the number of criminal and civil cases heard in the Superior Courts over the past 10 years. Some Courts have realized a greater increase than others, some have been fortunate enough to effectively handle their caseload with more staff and better facilities, others have not.

The criminal and civil caseloads are analyzed in this section and projections will be provided.

Criminal cases include felonies, misdemeanors, and violations. Although the number of criminal cases entered and disposed of has increased considerably since 1965, the number of cases pending in Superior Court has shown the highest increase.

CRIMINAL CASES IN SUPERIOR COURT

Table 2-3 shows that during the period from 1965-1975, the number of cases entered increased 343%, the number of cases disposed of increased 311%, and the number of cases pending increased 604%. Although the number of criminal case dispositions has increased 311% from 1965 to 1975, this is not enough to counteract the backlog of pending cases.

Table 2-4 shows data on the number of criminal cases entered into Superior Court, by county, for the 1965-1975 period.

Table 2-5 shows the number of criminal cases entered and disposed of for the years 1965 to 1975, along with the percent of change in this 10 year period. All counties have experienced a considerable increase, with Merrimack County showing the greatest.

TABLE 2-3
CRIMINAL CASEWORK OF SUPERIOR COURTS
(1965-1975)*

<u>Year</u>	<u>Entered</u>	<u>Disposed of</u>	<u>Pending</u>
1965	1,426	1,373	640
1966	1,685	1,677	648
1967	1,993	1,875	766
1968	2,523	2,363	926
1969	2,583	2,294	1,215
1970	3,319	2,766	1,768
1971	3,601	3,258	1,837
1972	4,665	4,070	2,390
1973	4,853	4,499	2,831
1974	5,145	4,199	3,373
1975	6,321	5,642	4,508

Source: Reports of the New Hampshire Judicial Council

*Year Ending July 31.

TABLE 2-4

NUMBER OF CRIMINAL CASES ENTERED INTO SUPERIOR COURTS

(1965 - 1975)*

<u>Superior Court</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
Belknap	133	107	90	103	150	300	239	282	445	428	541
Carroll	53	67	98	120	67	93	100	326	136	205	276
Hillsborough	472	551	724	905	815	1208	1098	1355	1333	1433	1921
Merrimack	95	165	173	145	224	250	270	422	523	529	717
Rockingham	242	257	261	479	447	515	637	782	947	978	1118
Strafford	143	219	246	217	341	391	415	556	539	601	685
Coos	46	75	65	123	99	97	140	131	136	137	153
Grafton	102	113	112	188	178	220	300	339	303	288	355
Cheshire	86	63	120	162	136	130	240	292	333	354	376
Sullivan	54	68	104	81	126	115	162	180	158	192	179

Source: Biennial Reports of the Judicial Council

*Year ending July 31.

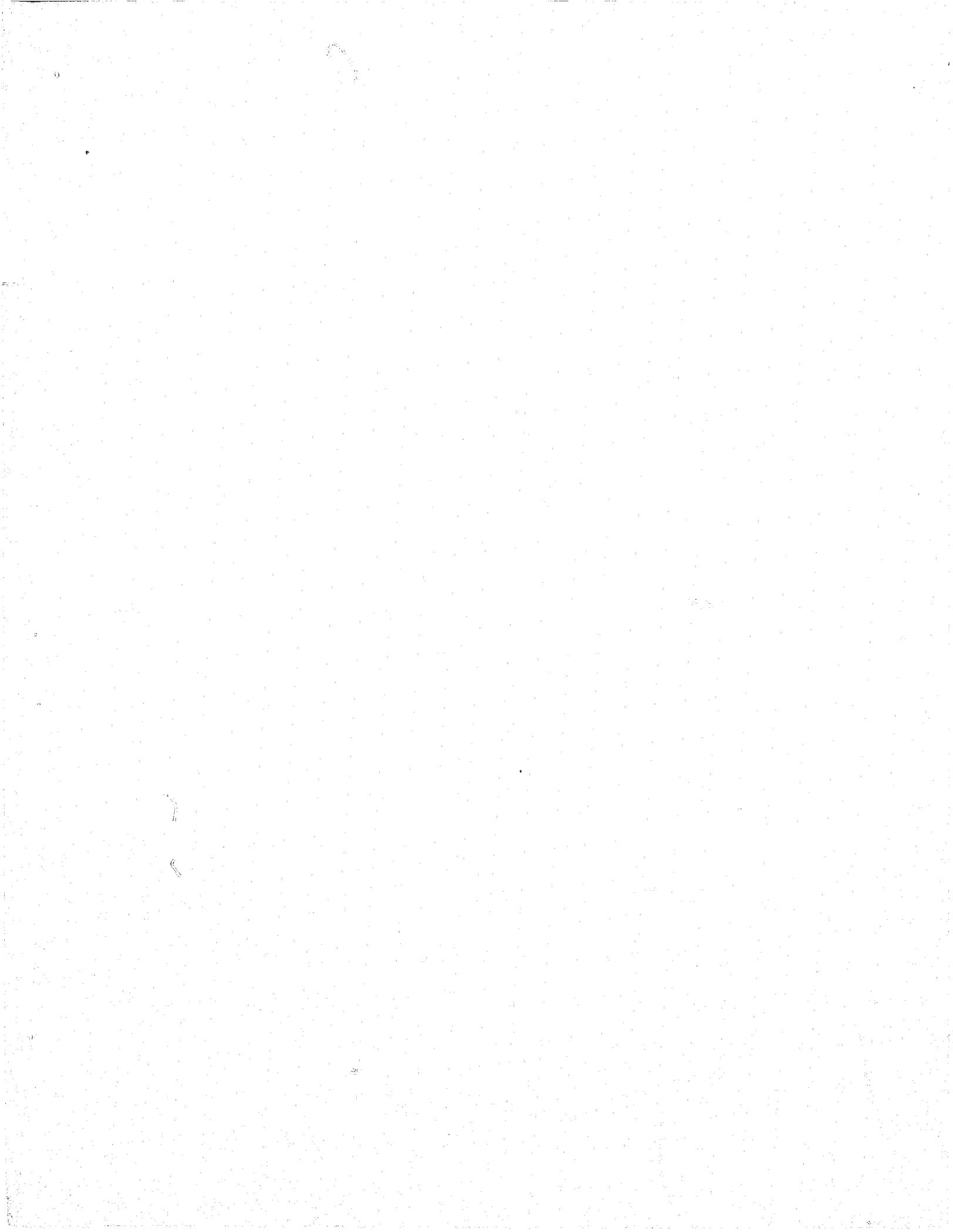


TABLE 2-5
CRIMINAL CASELOADS IN SUPERIOR COURTS
(1965-1975)*

<u>County</u>	<u>Cases Entered</u>			<u>Case Dispositions</u>		
	<u>1965</u>	<u>1975</u>	<u>% Change 65-75</u>	<u>1965</u>	<u>1975</u>	<u>% Change 65-75</u>
Belknap	133	541	306.8	141	583	313.5
Carroll	53	276	420.8	50	237	374
Cheshire	86	376	337.2	95	340	257.9
Coos	46	153	232.6	48	150	212.5
Grafton	102	355	248.0	103	340	230.1
Hillsborough	472	1,921	307.0	444	1,574	254.5
Merrimack	95	717	654.7	102	554	443.1
Rockingham	242	1,118	362.0	193	918	375.6
Strafford	143	685	379.0	146	719	392.5
Sullivan	<u>54</u>	<u>179</u>	<u>231.5</u>	<u>51</u>	<u>227</u>	<u>345.1</u>
<u>State Total</u>	1,426	6,321	343.3	1,373	5,642	310.9

Source: Biennial Reports of the Judicial Council

*Year ending July 31.

Table 2-6 indicates by percentage the way in which criminal cases were disposed of in Superior Court in 1965 and 1975. It should be noted that for the dispositions processed in the 1965-1975 period, dispositions by court hearings increased by 125% and "other" type dispositions increased by 66%.

TABLE 2-6

How criminal cases are disposed of (by percent):

	<u>1965</u>	<u>1975</u>
Jury trials represented	5.8%	5.6%
Court hearings represented	3.2%	7.2%
Guilty and nolo pleas represented	59.7%	49.8%
Other dispositions represented	10.3%	17.1%
Nol prossed represented	<u>21.0%</u>	<u>20.3%</u>
	100%	100%

Projections were made for the number of Superior Court cases entered, disposed of and pending for the years 1976-1984. The projected number of cases pending exceeds the projected number of cases disposed of in 1978. These projections are based on the premise that all of the current factors and conditions will remain unchanged in the future.

Graph 2-1, based upon the information in Table 2-7, portrays the number of Superior Court criminal cases entered, disposed of, and pending. Actual figures were used for the 1965-1975 period with projections used for the years 1976-1983.

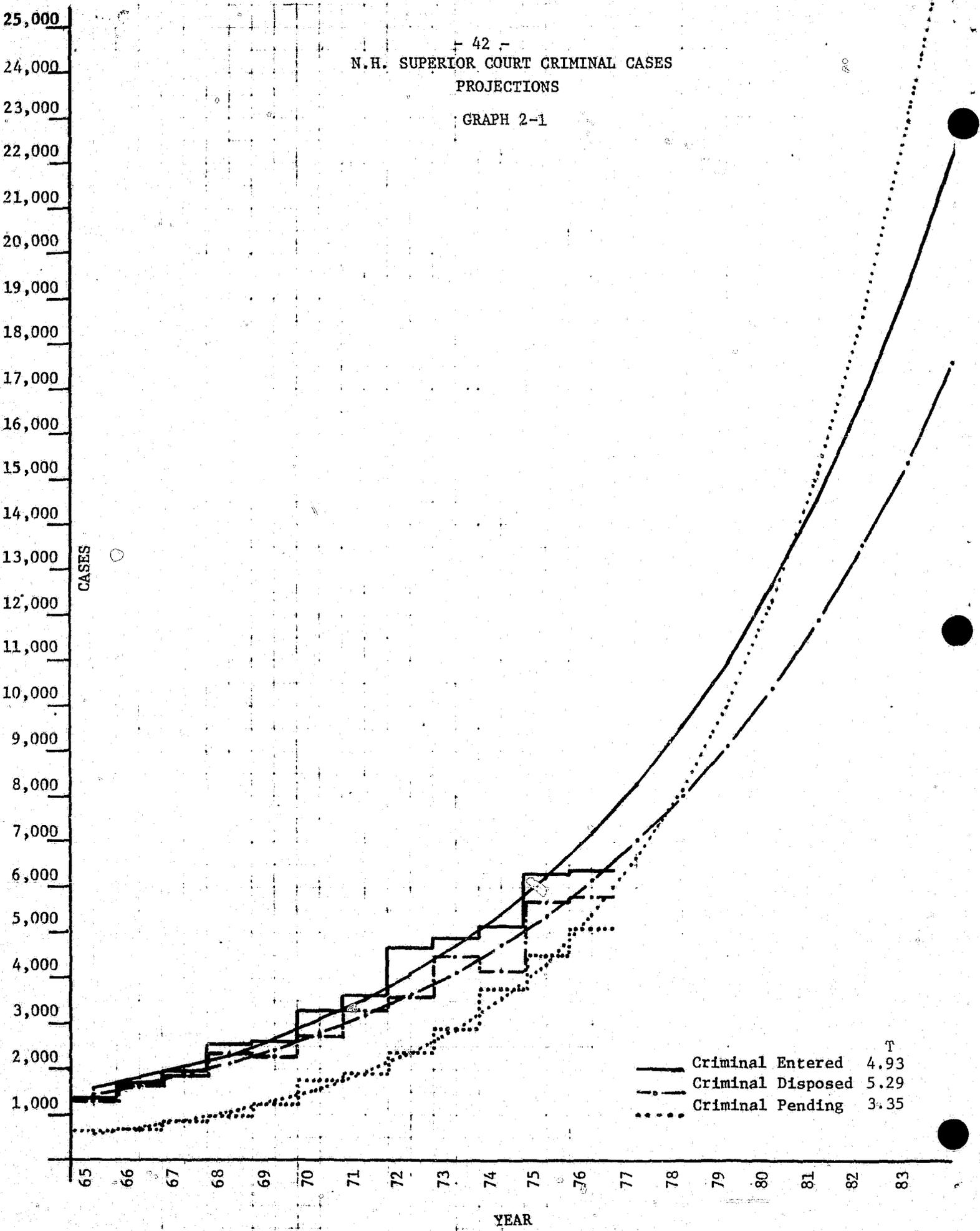
TABLE 2-7

SUPERIOR COURT - CRIMINAL CASE PROJECTIONS

<u>YEAR</u>	<u>ENTERED</u>	<u>DISPOSED</u>	<u>PENDING</u>
1976	7,188	6,162	5,372
1977	8,274	7,025	6,607
1978	9,523	8,008	8,124
1979	10,962	9,128	9,991
1980	12,617	10,406	12,286
1981	14,523	11,862	15,108
1982	16,717	13,522	18,578
1983	19,242	15,415	22,846
1984	22,148	17,572	28,094

N.H. SUPERIOR COURT CRIMINAL CASES PROJECTIONS

GRAPH 2-1



CIVIL CASES IN SUPERIOR COURT

Civil cases account for a greater percentage of the total caseloads in Superior Court than do criminal cases. Table 2-8 provides statistics on the total number of civil cases entered, disposed of, and pending in the Superior Courts in the period 1965-1975. The short-fall between the number of cases entered and disposed of in this period increased by 851 cases; from 756 cases in 1965, to 1,607 cases in 1975, an increase of 113%.

TABLE 2-8

CIVIL CASELOADS IN SUPERIOR COURTS

<u>YEAR</u>	<u>ENTERED</u>	<u>DISPOSED OF</u>	<u>PENDING</u>
1965	10,896	10,230	9,948
1966	11,664	10,974	10,804
1967	11,677	11,266	11,215
1968	12,074	11,281	12,008
1969	12,133	11,312	12,829
1970	12,741	11,416	14,154
1971	12,868	12,308	14,714
1972	13,736	13,317	14,933
1973	15,064	14,373	15,665
1974	16,829	15,659	16,835
1975	17,398	15,791	18,441

Table 2-9 reflects the percent change in civil cases entered and disposed of between 1965 and 1975. Rockingham County showed the highest percent change for cases entered and case dispositions. The percent change in case dispositions in Hillsborough County shows the lowest increase.

TABLE 2-9

PERCENT CHANGE OF CIVIL CASELOADS IN THE SUPERIOR COURTS

1965-1975

<u>County</u>	<u>ENTERED</u>			<u>DISPOSED</u>		
	<u>1965</u>	<u>1975</u>	<u>% Change 1965-1975</u>	<u>1965</u>	<u>1975</u>	<u>Percent Change</u>
Belknap	745	1,090	46%	592	974	65%
Carroll	328	576	76%	263	491	87%
Cheshire	808	1,133	40%	781	1,071	37%
Coos	323	463	43%	317	415	31%
Grafton	664	1,051	58%	629	979	56%
Hillsborough	3,243	4,816	49%	3,094	3,957	28%
Merrimack	1,111	1,811	63%	1,086	1,651	52%
Rockingham	2,217	4,314	95%	2,037	4,213	107%
Strafford	1,051	1,487	41%	1,037	1,395	35%
Sullivan	<u>406</u>	<u>657</u>	<u>62%</u>	<u>394</u>	<u>645</u>	<u>64%</u>
TOTALS	10,896	17,398	60%	10,230	15,791	72%

The number of civil cases that were entered into the Superior Courts increased from 10,986 in 1965 to 17,398 in 1975, an increase of 58%.

Since the Courts hear felonies and criminal cases prior to hearing civil cases, it is not surprising to see that the number of civil cases pending was greater than civil case dispositions in 1978.

The way in which civil cases were disposed of in 1965 compared to 1975 is listed below. Dispositions by jury trials decreased by 52%, dispositions by Court hearings increased by 53%, dispositions by default and continued cases decreased by 52%, and "other" type dispositions decreased by 18%.

Of the total number of civil cases disposed of in:

	<u>1965</u>	<u>1975</u>
Jury trials represented	3.1%	1.5%
Court hearings represented	35.0%	53.4%
Dismissals represented	7.5%	6.4%
Defaults and continued represented	17.0%	8.1%
Other cases represented	<u>37.4%</u>	<u>30.6%</u>
	100%	100%

Graph 2-2 shows the total number of civil cases entered and disposed of during 1965-1975. From 1970 to 1974 civil case dispositions keep up with civil cases entered fairly well. Yet in 1974-1975, case dispositions show a considerable leveling off, and cases entered show a more slight leveling off.

Table 2-10 lists civil case projections for 1976-1984. Although these projections show a significant increase in all three categories, the criminal case projections accelerate much faster than projections.

GRAPH 2-2
CIVIL CASES ENTERED AND DISPOSED OF IN SUPERIOR COURTS
1965 - 1975

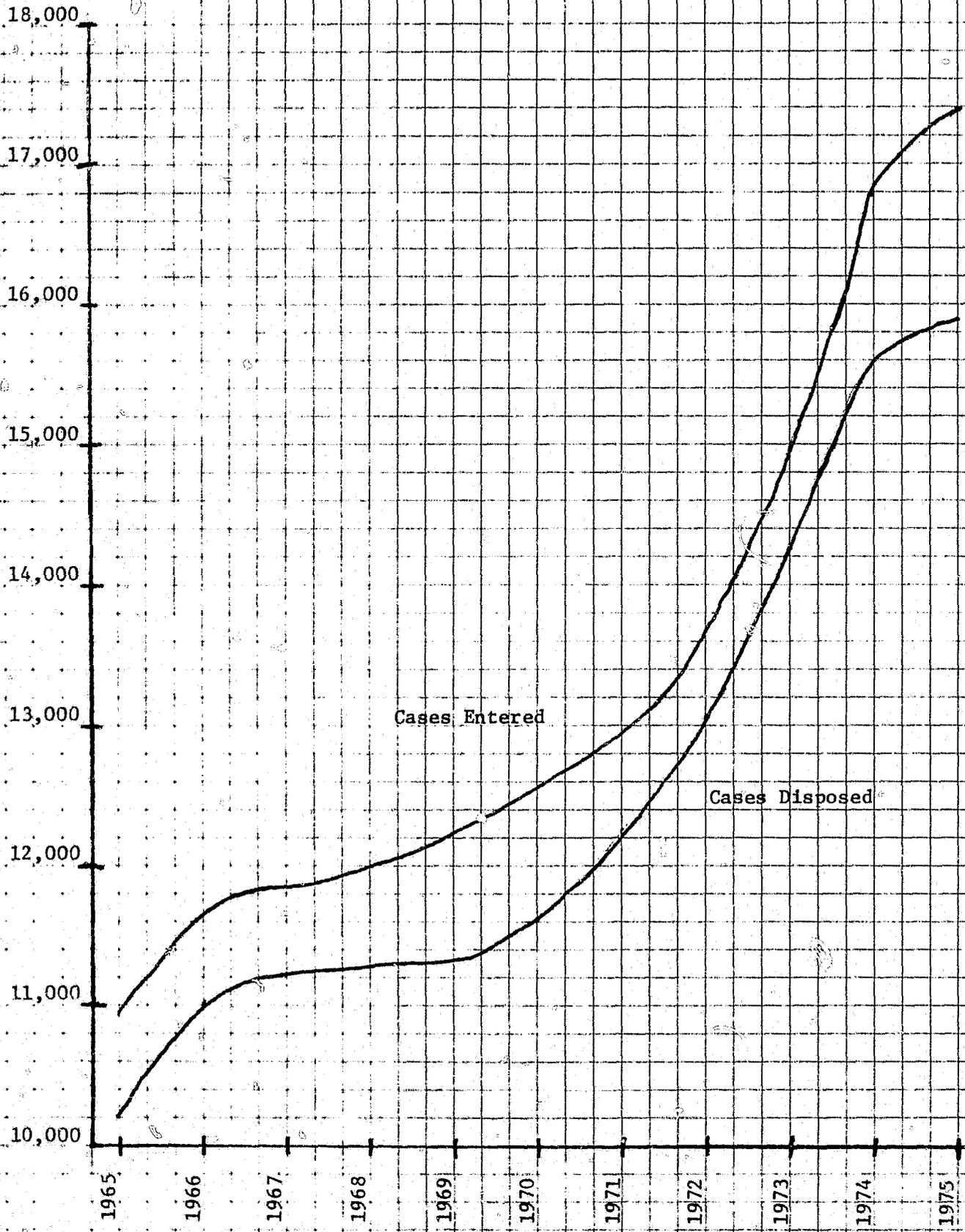


TABLE 2-10

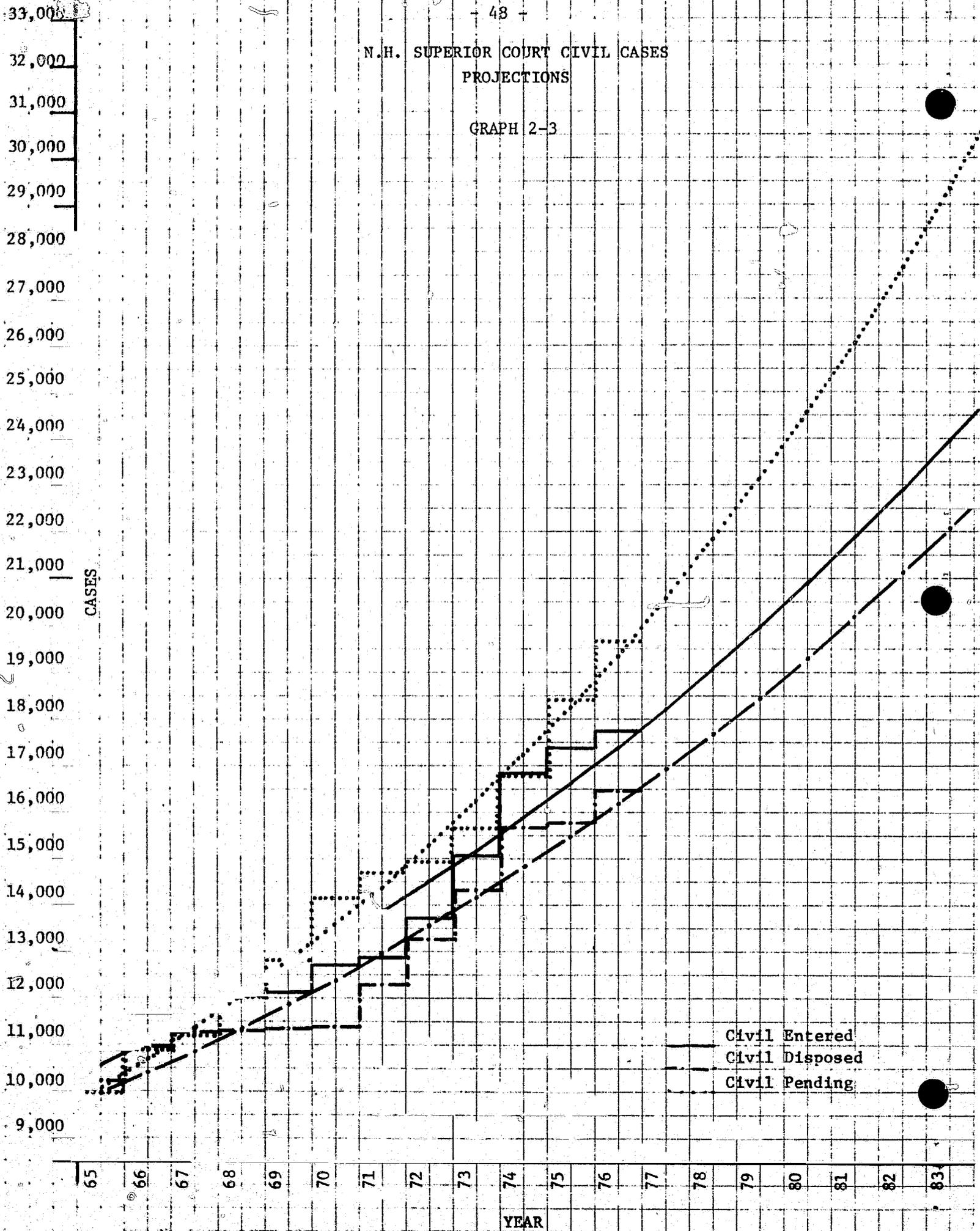
SUPERIOR COURT - CIVIL CASE PROJECTIONS

<u>YEAR</u>	<u>ENTERED</u>	<u>DISPOSED</u>	<u>PENDING</u>
1976	17,406	16,193	19,361
1977	18,217	16,922	20,545
1978	19,065	17,685	21,802
1979	19,953	18,482	23,135
1980	20,882	19,315	24,550
1981	21,855	20,185	26,051
1982	22,873	21,095	27,644
1983	23,938	22,045	29,335
1984	25,053	23,039	31,129

Graph 2-3 (next page) is a graphical representation of the above data.

N.H. SUPERIOR COURT CIVIL CASES PROJECTIONS

GRAPH 2-3



A COMPARISON OF CRIMINAL AND CIVIL CASELOADS

Table 2-11 reflects the profound difference between criminal and civil case dispositions for Superior Court.

TABLE 2-11

SUPERIOR COURT DISPOSITIONS

<u>YEAR</u>	<u>CRIMINAL</u>	<u>CIVIL</u>	<u>TOTAL</u>	<u>AVERAGE CASELOAD PER JUSTICE</u>
1972	4,070	13,317	17,387	1,449
1973	4,499	14,373	18,872	1,573
1974	4,199	15,659	19,858	1,655
1975	5,642	15,791	21,433	1,649

Although the civil cases far outnumber the criminal cases in Superior Court, the percentage of criminal cases has greatly increased during the past 10 years. In 1965, the criminal caseload represented 11.5% of the total number of cases entered by the Superior Court in 1965. During the period 1965-1975, it represented 26.6% of the total, an increase of 131.3%. The difference between the cases entered and disposed of increased from 2,116 cases in 1974, to 2,286 cases in 1975.

During the period 1965-1975, the total number of criminal and civil cases which were entered into the Superior Court increased 92.5% (12,322 in 1965 to 23,719 in 1975). During the same 10 year period, the total dispositions increased 84.7% (11,603 in 1965 to 21,433 in 1975).

Table 2-12 depicts the percentage change in criminal and civil cases entered and disposed of between the years 1965 and 1975. The percentage change in criminal cases entered and case dispositions easily outnumbers

the civil percentage changes. Please note the difference between Merrimack County's criminal (655% change) and civil (63% change) caseloads between 1965 and 1975.

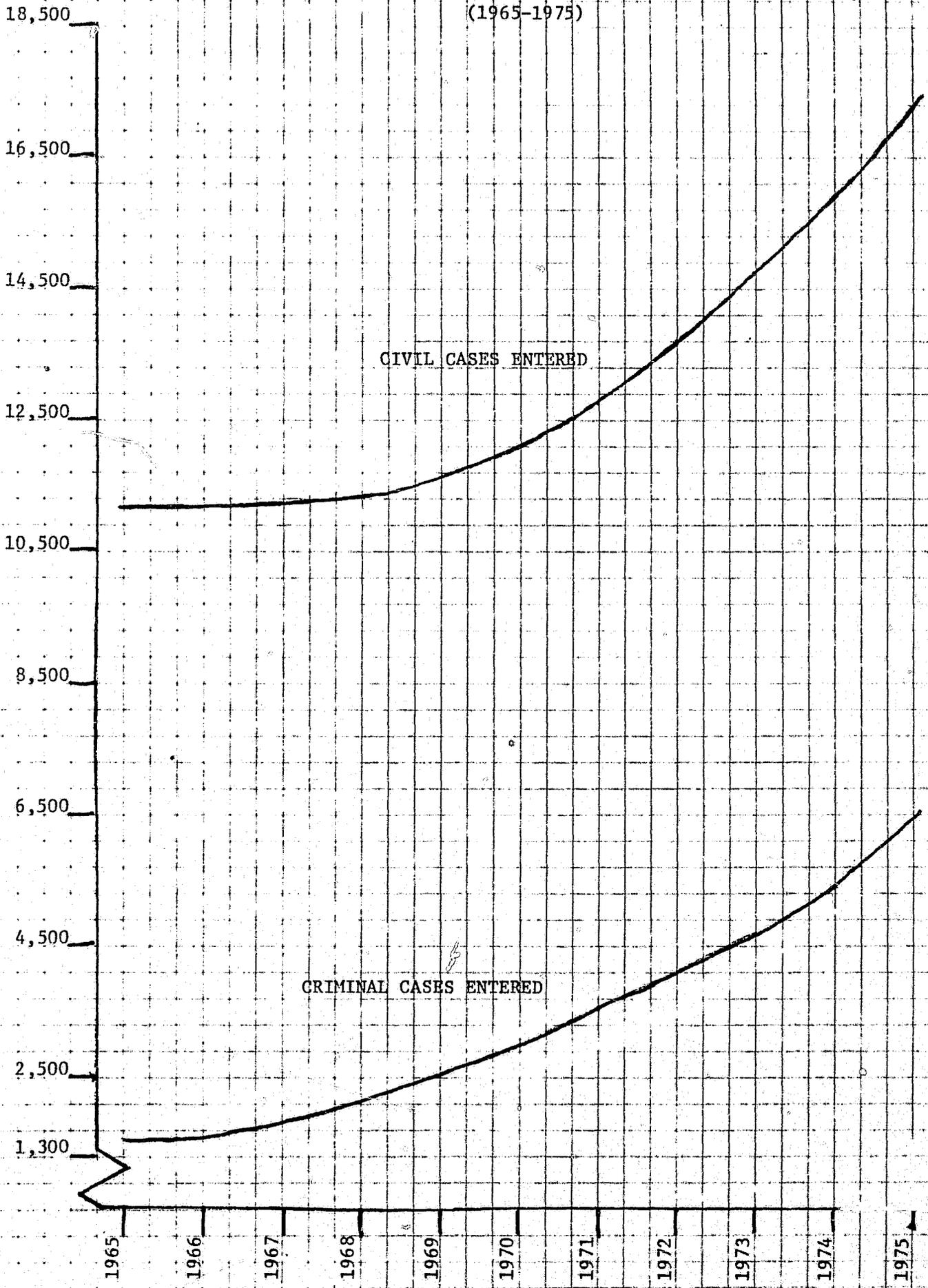
TABLE 2-12

PERCENT CHANGE FROM 1965-1975 IN CRIMINAL AND CIVIL
CASES ENTERED AND DISPOSED OF

<u>COUNTY</u>	<u>CASES ENTERED</u>		<u>CASE DISPOSITIONS</u>	
	<u>CRIMINAL</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>CIVIL</u>
	<u>PERCENT</u>	<u>CHANGE</u>	<u>PERCENT</u>	<u>CHANGE</u>
Belknap	307%	46%	313%	65%
Carroll	421%	76%	374%	87%
Cheshire	337%	40%	258%	37%
Coos	237%	43%	213%	31%
Grafton	248%	58%	230%	56%
Hillsborough	307%	49%	255%	28%
Merrimack	655%	63%	443%	52%
Rockingham	362%	95%	375%	107%
Strafford	379%	41%	393%	35%
Sullivan	232%	62%	345%	64%
STATE TOTAL	343%	60%	311%	72%

Graph 2-4 shows the number of civil and criminal cases entered into Superior Court from 1965-1975.

GRAPH 2-4
CRIMINAL AND CIVIL CASES ENTERED IN SUPERIOR COURT
(1965-1975)



COMPARISONS

Table 2-13 reflects the percentage increase or decrease for criminal and civil case dispositions for the 10 year period 1965-1975.

TABLE 2-13

PERCENT CHANGE IN SUPERIOR COURT DISPOSITIONS

<u>CRIMINAL CASES DISPOSITIONS</u>	<u>PERCENT CHANGE</u>	<u>CIVIL CASES DISPOSITIONS</u>	<u>PERCENT CHANGE</u>
Jury Trial	(+) 301.3	Jury Trial	(-) 23.9
Court Hearing	(+) 818.2	Court Hearing	(+) 135.0
Guilty & Nolo Contendre Pleas	(+) 243.5	Dismissal	(+) 32.0
Nol-Prossed	(+) 298.6	Default & Continued	(-) 26.4
Other	(+) 577.5	Other	(+) 26.5

Criminal cases disposed of by jury trials increased threefold, whereas the jury trial dispositions of civil cases decreased 24%. Although there are many more civil cases in Superior Court, the criminal cases are increasing at a more rapid rate. Therefore, it is not surprising to see the tremendous increase in all of the various ways criminal cases are disposed of.

Table 2-14 shows projections for criminal and civil cases entered, disposed of and pending for the years 1976-1984. According to these projections criminal case entries, dispositions and cases pending will exhibit a marked increase from 1980-1984. The number of civil cases pending far exceed civil case entries or civil dispositions.

TABLE 2-14
PROJECTIONS FOR CIVIL AND CRIMINAL CASELOADS IN SUPERIOR COURT
(1976-1984)

<u>YEAR</u>	<u>CIVIL ENTERED</u>	<u>CRIMINAL ENTERED</u>	<u>CIVIL DISPOSED</u>	<u>CRIMINAL DISPOSED</u>	<u>CIVIL PENDING</u>	<u>CRIMINAL PENDING</u>
1976	17,406	7,188	16,193	6,612	19,361	5,372
1977	18,217	8,274	16,922	7,025	20,545	6,607
1978	19,065	9,523	17,685	8,008	21,802	8,124
1979	19,953	10,962	18,482	9,128	23,135	9,991
1980	20,882	12,617	19,315	10,406	24,550	12,286
1981	21,855	14,523	20,185	11,862	26,051	15,108
1982	22,873	16,717	21,095	13,522	27,644	18,578
1983	23,938	19,242	22,045	15,415	29,335	22,846
1984	23,053	22,148	23,039	17,572	31,129	28,094

The criminal caseload is increasing at a much greater rate each year than civil caseloads. Our projections show the criminal case dispositions surpassing the civil case dispositions in 1989 (see Graph 2-5) and criminal cases pending outnumbering civil cases pending in 1985 (see Graph 2-6).

CASES DISPOSED

SUPERIOR COURT

GRAPH 2-5

45,000

40,000

35,000

30,000

25,000

20,000

15,000

10,000

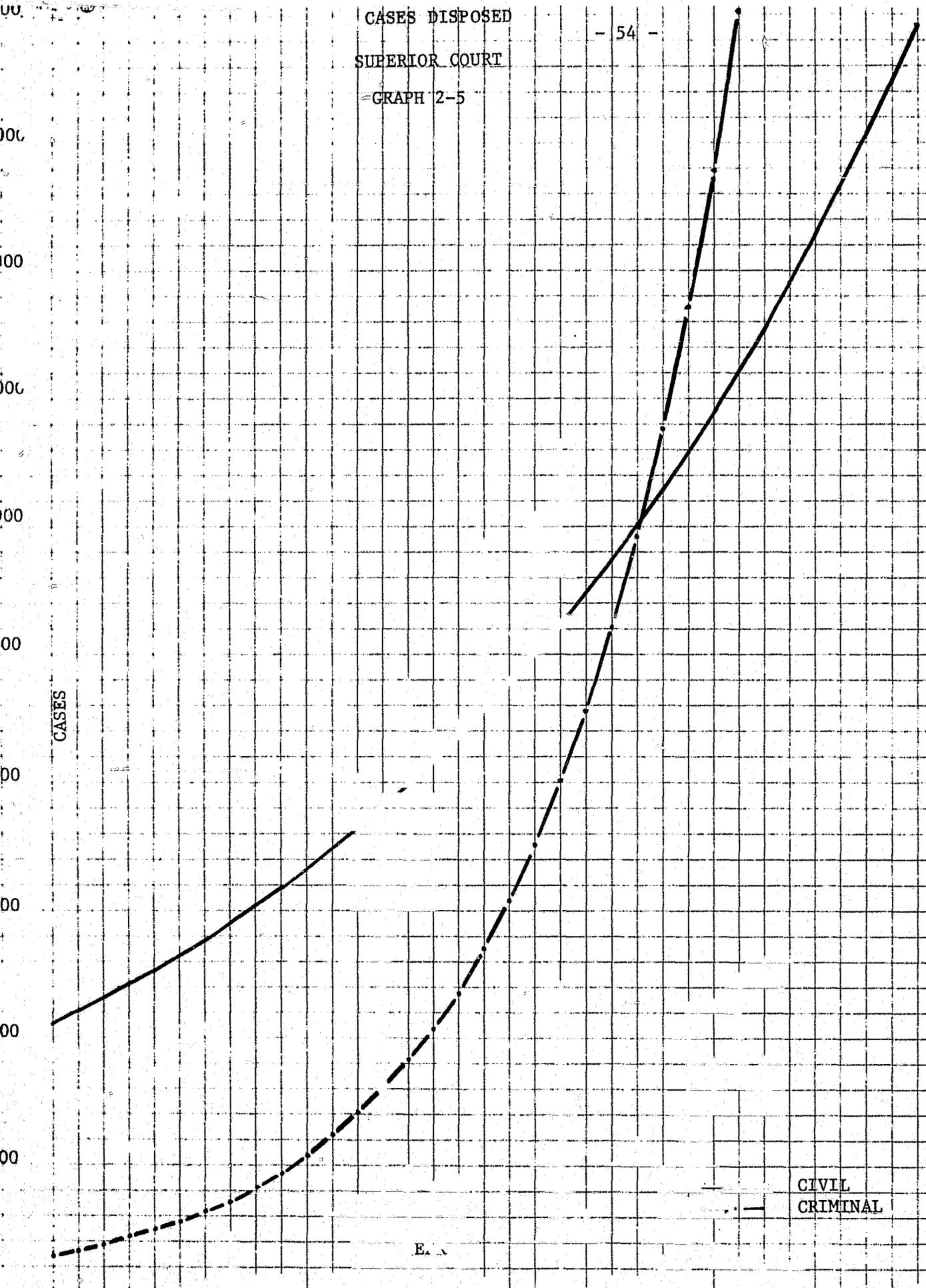
5,000

CASES

CIVIL
CRIMINAL

65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 90 91 92 93 94 95 96 97 98 99 2000

E. A.



CASES PENDING
SUPERIOR COURT
GRAPH 2-6

- 55 -

000

40,000

35,000

30,000

25,000

20,000

15,000

10,000

5000

4000

3000

2000

1000

CASES

YEAR

— CIVIL
- - - CRIMINAL

65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90

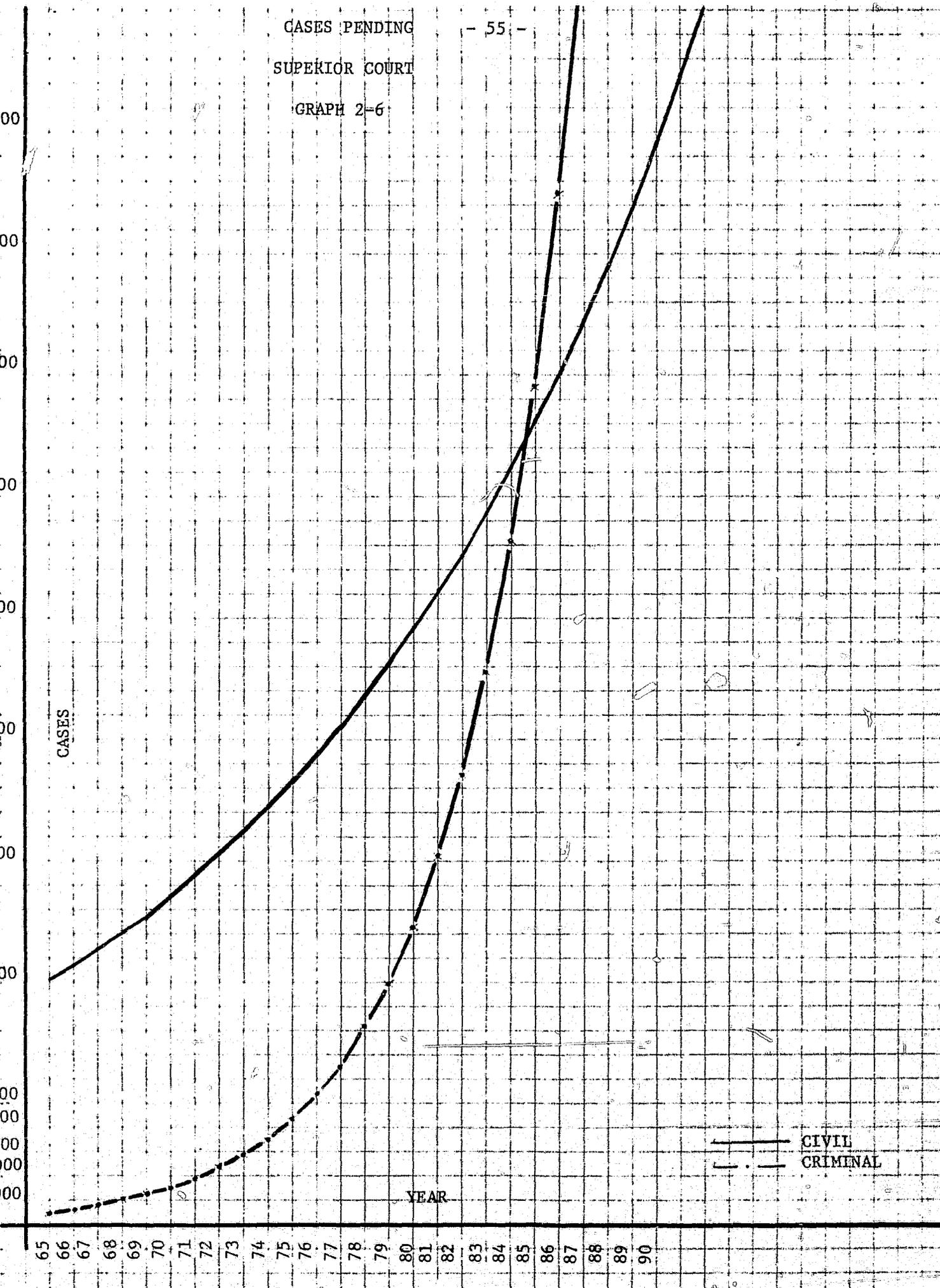


Table 2-15 shows the projected future caseload of the Superior Courts based on previous years' trends. Graph 2-7 is a graphical representation of this data. Based on these projections, the number of cases entered will rise by 66%, the cases disposed by 62%, and cases pending by 84%.

TABLE 2-15

SUPERIOR COURT - TOTAL CASE PROJECTIONS

(1976-1984)

<u>YEAR</u>	<u>ENTERED</u>	<u>DISPOSED</u>	<u>PENDING</u>
1976	23,881	22,049	24,210
1977	25,447	23,421	26,134
1978	27,116	24,879	28,210
1979	28,898	26,428	30,451
1980	30,789	28,074	32,871
1981	32,808	29,821	35,482
1982	34,959	31,678	38,302
1983	37,252	33,650	41,345
1984	39,695	35,745	44,630

50,000

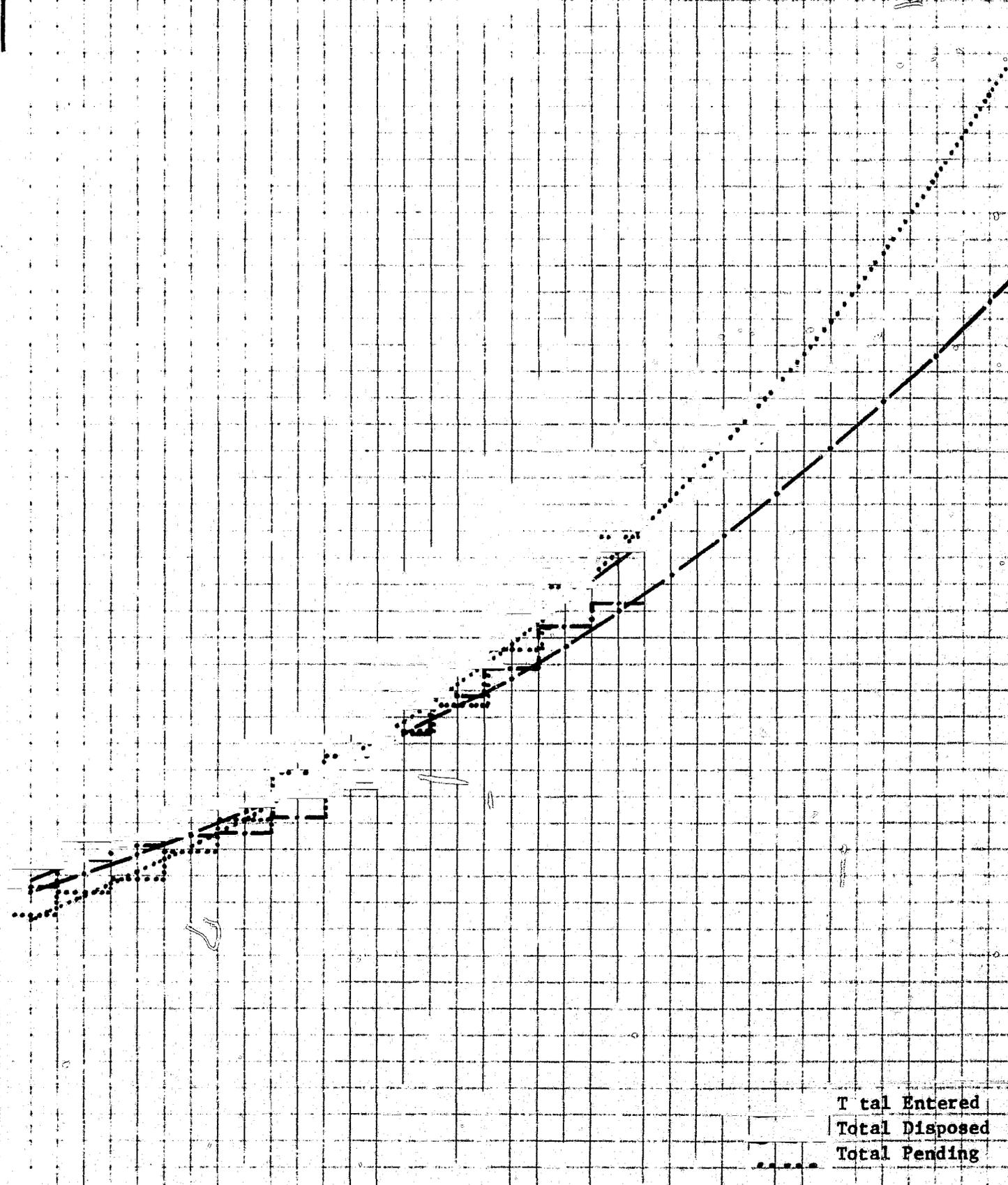
40,000

30,000

20,000

10,000

- 57 -
 N.H. SUPERIOR COURT TOTAL CASES
 PROJECTIONS
 GRAPH 2-7



Total Entered
 Total Disposed
 Total Pending

65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83

TABLE 2-16

NEW HAMPSHIRE SUPERIOR COURT

DOUBLING TIMES

CRIMINAL CASES

Entered	--	4.93 years
Disposed	--	5.29 years
Pending	--	3.35 years

CIVIL CASES

Entered	--	15.23 years
Disposed	--	15.73 years
Pending	--	11.68 years

TOTAL CASES

Entered	--	10.91 years
Disposed	--	11.48 years
Pending	--	9.07 years

Table 2-16 shows the time required for, criminal and civil caseloads to double in the past. This projection is based on recent trends.

A projection of the number of justices needed to maintain a constant level of cases pending in light of the projected increasing caseload is shown in Table 2-17.

TABLE 2-17*

SUPERIOR COURT

NUMBER OF JUSTICES NEEDED TO KEEP CASES PENDING CONSTANT

<u>YEAR</u>	<u>JUSTICES</u>
1965	7
1966	8
1967	8
1968	9
1969	10
1970	10
1971	11
1972	12
1973	13
1974	14
1975	15
1976	16
1977	17
1978	18
1979	19
1980	21
1981	22
1982	24
1983	25
1984	27

*This prediction is from Calculation of the Number of Superior Court Justices Needed to Keep the Number of Cases Pending at the End of the Year Constant by Roger L. Hall, Director, Statistical Analysis Center, Governor's Commission on Crime and Delinquency.

SECTION 3 - MUNICIPAL AND DISTRICT COURTS

I. MUNICIPAL AND DISTRICT COURT NARRATIVE

The lowest tier in the criminal justice adjudication system is the Municipal Court. This court is established by the New Hampshire General Court pursuant to Article 4, Part II, New Hampshire Constitution and its operation governed by N. H. R.S.A. 502. In 1964 there were 85 Municipal Courts. During that year, the legislature created the District Court System and combined the municipalities into 41 districts. Each municipality was, however, allowed to retain its own court if it desired until the position of Justice became vacant. At that time, the encompassing district would take over all functions of the Municipal Court. Currently, there are only 18 Municipal Courts in the State, all of which will eventually cease to function.

Currently, Municipal Courts have "subject matter jurisdiction" over criminal cases in which the punishment imposed cannot exceed either 1 year's imprisonment and/or \$1,000 fine. Essentially this limits the Municipal Court's criminal jurisdiction to misdemeanors. In such cases the trial court may transfer questions of law to the New Hampshire Supreme Court but findings of fact made by the Municipal Court are final.

Appeals are referred to the Superior Court. Every convicted individual has the right of appeal; therefore, all appeals must be referred to the Superior Court. Upon the filing of an appeal, the judgment of the Municipal Court is, in effect, vacated and the proceeding in the Superior Court is a trial de novo.

It should be noted that the Municipal Courts also have jurisdiction over "small claims" which are defined by R.S.A. 503:1 as a civil action

involving no more than \$500 in damages and not dealing with title to real estate.

The District Courts in New Hampshire are in many ways similar to the Municipal Courts described above. There are many areas in which both Courts have concurrent jurisdiction. Similarly, there are few areas in which the powers of the District Courts exceeds that of the Municipal Courts, particularly in Criminal Jurisdiction. District Courts were created by legislation in 1964 to serve as low level trial courts for relatively small civil actions and less serious criminal offenses. In most instances a number of municipal jurisdictions were combined to form a district, thus abolishing the municipal entity (R.S.A. 502-A).

The District Courts are empowered by R.S.A. 502-A:11 to try criminal matters in which the fine imposed is less than \$1,000 and/or the term of confinement is less than 1 year. R.S.A. 651:2 makes it clear that a court which may impose only these limited penalties is dealing only with misdemeanors as is the case with Municipal Courts. This Court may, however, conduct probable cause hearings for more serious offenses and bind a defendant over to the Superior Court.

Should a criminal defendant be found guilty in the District Court, then he may appeal as a matter of right to the Superior Court, a procedure identical to that used when appealing from the Municipal Court. In this instance again, the Superior Court will hold a trial de novo rather than a review of the District Court trial.

The jurisdiction and procedures in civil matters vary somewhat from those in the Municipal Courts. The District Courts may also hear small claims cases but in addition has the authority to hear civil claims in amounts up to \$3,000 if there is no question involving the title to real

estate. This jurisdiction is shared concurrently with the Superior Courts; an appeal in these cases is directed to the Supreme Court.

Because of the similarities in jurisdiction and the fact that the District Courts will replace the Municipal Courts, they are considered a single entity for this report.

One area of common jurisdiction for these Courts is the handling of juveniles. Juvenile hearings are not conducted in the same manner as are civil or criminal proceedings for adults. First, they are closed to the public and the identity of the juvenile is not disclosed. Second, the proceedings are not adversary in nature. These hearings are more informational in nature, designed to give the presiding judge as much information as possible upon which to base a decision.

These measures are taken to safeguard the juvenile from adverse publicity within the community and to avoid unjustly attaching a social stigma to the youth involved. A further safeguard is the sealing of all juvenile records upon reaching the age of majority (18). This gives the individual a "fresh start" and a clear police record when he reaches legal maturity.

An exception is made to all the juvenile proceedings and safeguards; however, when a minor commits an offense so serious that the Courts feel that he should be tried as an adult. Several factors are taken into consideration when making this decision but the most important are age and the alleged crime. If the Municipal or District Court judge believes that the juvenile involved should not be treated as a juvenile then he may certify the youth as an adult and transmit the case to the Superior Court for disposition. However, as a final safeguard, the certification must also be approved and accepted by the Superior Court Justice to whom it is being transmitted. Once accepted by the Superior Court Justice, the case proceeds as if the accused were an adult.

II. DISTRICT AND MUNICIPAL COURTS ORGANIZATION
III. DISTRICT AND MUNICIPAL COURTS PERSONNEL

The District and Municipal Courts are not a single administrative entity. There is an "Administrative Committee for District and Municipal Courts" in the State Capital Building, however, its only function is record keeping. The Committee is composed of two Municipal Court Justices and three District Court Justices appointed by the Supreme Court. It is charged by statute (R.S.A. 502-A:16) with recommending rules, procedures and forms for use by the Municipal and District Courts. The records maintained deal principally with caseloads and financial matters.

The administration of each Court is the responsibility of the presiding Justice.

The Justices of the Municipal and District Courts may be either a Justice, Special Justice, or Associate Justice. The Justice is the chief administrator of the Court and makes all final administrative decisions. A Special Justice, if available, takes some of the cases and assists the Justice in administrative matters. Most Municipal and District Courts in New Hampshire have a Justice and Special Justice. Some of the larger courts have in addition to a Justice and a Special Justice, a third Justice referred to as an Associate Justice.

The Justices are appointed by the Governor with approval by the Executive Council. They in turn select the clerks, who may or may not hold the position as a full-time job. In many of the smaller jurisdictions the job is combined with other municipal duties such as town clerk or probation officer.

To discuss other personnel, such as secretarial workers or security positions for each individual court site in narrative form would be both

lengthy and fruitless. Therefore, these matters are dealt with in tabular form in Table 3-1.

IV. DISTRICT COURT EQUIPMENT

V. DISTRICT COURT FACILITIES

Because of the large number of District and Municipal Courts, an adequate discussion of each Court's equipment and facilities would be impossible within space limitation. Therefore, the following table (3-1) is included in hopes that it will be a helpful source of information regarding these areas.

TABLE 3-1

DISTRICT AND MUNICIPAL COURTS EQUIPMENT, FACILITIES AND PERSONNEL

COURT	EQUIPMENT							FACILITIES					PERSONNEL			
	# OF COPYING MACHINES	USE OF VIDEO TESTIMONY	ARE FILING FACILITIES ADEQUATE?	SECURITY FOR FILES V-VAULT, F-FIRE	# TYPEWRITERS	METAL DETECTORS	RECORDING DEVICES	# OF COURTROOMS	DET. FACILITIES	ARE JUVENILE FACILITIES ADEQUATE?	IS CLERKS OFFICE SHARED?	CLERKS FURN. ADEQUATE?	LIBRARY FACILITIES	JUDGE-PART TIME/FULL TIME	# SECRETARIES	# BAILIFFS ASSIGNED SOLELY FOR COURT USE
Berlin	A	N	Y	G	1	N	N	1	Y	N	Y	N	P			
Bristol	A	N	Y	V	1	N	N	1	Y	N	Y	N	P			
Canaan		N	Y	L	1	N	N	1	Y	Y	Y	N	P			
Concord	1	Y	Y	L/F	4	N	N	1	Y	Y	Y	Y	F	3	1	
Derry	1	N	N	V	3	N	N	2	Y	Y	Y	N	P	2	1	
Durham	1	N	N	L	1	N	N	1	N	Y	Y	Y	P		3	
Epping	A	N	Y	L	1	N	N	1	Y	Y	Y	Y				
Exeter	A	N	Y	L	1	N	N	1	N	N	N	N	P			
Farmington		N	Y	N	1	N	N	1	Y	N		Y	P		1	
Franklin	A	N	Y	L	1	N	N	1	Y	N	N	Y	P			
Gorham	N	N	N	N	1	N	N	1		N		N	P		2	
Hampton	1	N	N	N	1	N	N	1	N	Y	Y	N	P	1	4	
Hanover		N	Y	V	1	N	N	1	Y	Y	Y	N	F		2	
Haverhill	1	N	Y	V	1	N	N	1	Y	Y	Y	N	P			
Hillsborough		N	N	L	1	N	N	1	Y	Y	N	N	P		4	1
Hinsdale																
Jaffrey	A	N	N	L/F	1	N	N	1	Y	N	N	Y	F			

TABLE 3-1 CONTINUED

COURT	EQUIPMENT							FACILITIES						PERSONNEL			
	# OF COPYING MACHINES	USE OF VIDEO TESTIMONY	ARE FILING FACILITIES ADEQUATE?	SECURITY FOR FILES V-VAULT, F-FIRE	# TYPEWRITERS	METAL DETECTORS	RECORDING DEVICES	# OF COURTROOMS	DET. FACILITIES	ARE JUVENILE FACILITIES ADEQUATE?	IS CLERKS OFFICE SHARED?	CLERKS FURN. ADEQUATE?	LIBRARY FACILITIES	JUDGE-PART TIME/FULL TIME	# SECRETARIES	# BAILIFFS ASSIGNED SOLELY FOR COURT USE	# SECURITY PERSONNEL ASSIGNED SOLELY FOR COURT USE
Keene	A	N	N	N	2	N	N	1	N	N	Y	N	N	F	3	1	
Laconia	1		Y		3	N	N	1			Y	Y		P	3		
Lancaster		N	Y	L		N	N	1	Y					F			
Lebanon		N	Y	V/F	2	N	N	1	Y	N	Y	N	P	1			
Lincoln	1	N	Y		1	N	N	1	Y	N	Y	N	P		1		
Manchester	1	N	Y	V	13	N	N	3	Y	N	Y	Y	F	12	2-3		
Merrimack	1	N	Y	L	3	N	N	1	Y	Y	Y	N	P	1			
Nashua	1	N	N	L	3	N	Y	1	N	Y	N	N	F	3			
New London		N	N		N	N	N	1	N				P		1		
Newport		Y	Y	L	1	N	N	1	Y	N	Y	N	P		2		
Pelham		N	Y	L	1	N	N	1	Y		Y	Y	P				
Peterborough	1	N	Y	L	1	N	N	1	N	N	Y	Y	F				
Plaistow	A	N	N	N		N	N	1	N	Y	N	N	F	1			
Rochester	2	N	Y	L	1	N	Y	1	Y	N	Y	N	P		1		
Salem	1	N	Y	V/F	5	N	N	1	Y	Y	N	Y	P	3	1		
Somersworth	A		N	L	1	N	N	2	N	Y	N	N	P		1		
Wilton		N	Y	L	1	N	N	1	Y	Y	Y	N	P				

A - AVAILABLE N - NO/NONE V - VAULT F - FIREPROOF
 Y - YES G - GUARD L - LOCKED

VI. DISTRICT AND MUNICIPAL COURTS FUNDING

The receipts of the Municipal and District Courts exceed their annual expenses. The funding of District and Municipal Courts differ slightly and thus they will each be treated separately.

MUNICIPAL COURTS:

These Courts are functions of local government and thus receive monies from, and make disbursements to, the municipalities in which they are situated. R.S.A. 502:7 establishes the salaries for judges and mandates that salaries be provided by the municipality. Additional requirements for support are established by R.S.A. 502:4, which requires the municipality to provide a proper courtroom.

The income generated by these Courts is not used exclusively for local purposes. Fines for violations and misdemeanors constitute most of receipts in the Municipal Courts. There is a statutory formula (R.S.A. 502:14) that indicates how the fine is apportioned between local and state government. If the offense tried is a local one, then the town or city may retain the entire amount of the fine, less certain court related expenses. If the offense is one against the state, however, then the municipality retains the first ten dollars and 20% of any sum above this amount. The remaining amount is then turned over to the state after deductions of court related costs. In some instances a specific state agency or department is named as the recipient of the state's share, rather than being included in the state's general fund.

The largest administrative expense in the Municipal Courts is the salaries of the Justices, Special Justices, and clerks. R.S.A. 502:7 specifies the salary for the Justice in large (over 6,000)

cities and towns and then provides a population based formula for towns with less than six thousand inhabitants. The amounts originally granted to the Justices by this statute ranged from a high of \$5,100 to a low of \$150. The municipality has the option to pay the Justice a sum larger than that provided by the statute.

The salaries of the Special Justices are established at \$10 a day by R.S.A. 502:8.

The minimum salary for Municipal Court clerks is established at \$300 per year by R.S.A. 502:17. This salary may be increased by the municipality.

DISTRICT COURTS:

Like the Municipal Courts, the District Courts generate more funds than they expend (see Table 3-2). The amount in excess of expenditures is given to state and local treasuries. These Courts do not receive funds from or make payments to cities and towns which are included within the geographical boundaries of the district. The only local government involved in the Court expenses and disbursements is the municipality in which the Court is actually located. Other towns make no expenditures toward support of the Court and do not share in the distributions of fines, bail forfeitures, etc. In actuality, the state permits the host municipality to receive funds from court operations in return for providing administrative support.

R.S.A. 502-A:6 establishes the salaries of the Judges, Special Judges, and clerks of the District Courts. This statute provides for compensation to the two District Courts which have an Associate Justice. The statutory formula, based on the Court caseload,

provides that the following salaries for Justices:

1st 1,500 cases - \$400 per each 100 cases:

Next 1,000 cases - \$300 per each 100 cases;

Each additional 100 cases - \$150.

The statute also provides that \$500 be added to the salary of the Justices of the Courts which have exclusive jurisdiction over civil actions under \$500 in damages (Small Claims).

The same statute provides for three alternative means of determining the salary of the Special Justices of these Courts. Local municipalities have the option of paying the Special Justice either:

1. 30% of the Justice's salary;
2. 30% plus whatever additional sum the municipality desires to pay; and,
3. \$50 for each day worked.

This legislation establishes a minimum salary for the Associate Justices. Perhaps the most desirable aspect of this scheme is that it allows remuneration to be tied closely to the time actually spent in the discharge of judicial duties under a per diem arrangement.

Receipts and disbursements of the District Courts are shown on Table 3-2.

RECEIPTS AND DISBURSEMENTS - MUNICIPAL COURTS

August 1, 1975 - July 31, 1976

1 70 -

CRIMINAL CASES

COURT	TOTAL CASES Aug. 1, 1975 thru July 31, 1976	TOTAL NUMBER OF CRIMINAL CASES	CASH ON HAND July 31, 1975	FINES COLLECTED TO JULY 31, 1976	BAIL FORFEITURES TO JULY 31, 1976	TOTAL RECEIPTS	FINES AND FORFEITURES PAID TO STATE	TOTAL AMOUNT FOR EXPENSE OF COURT	WITNESS FEES AND TRAVEL	AMOUNT PAID TO CITY OR TOWN TREASURER	CASH ON HAND July 31, 1976	TOTAL DISBURSEMENTS
Alton	134	125	100.00	2,640.00	0	2,740.00	1,224.00	104.00	30.00	0	1,382.00	2,740.00
Bethlehem	199	198	1,463.34	5,738.34	83.34	7,285.02	2,873.24	0	85.00	1,339.00	2,987.78	7,285.02
Bristol	726	691	1,618.61	15,610.99	50.00	17,279.60	5,064.30	2,051.46	390.00	8,700.00	1,073.84	17,279.60
Canaan	334	305	832.35	7,160.00	0	7,992.35	3,325.00	600.83	375.00	3,139.00	552.52	7,992.35
Epping	830	845	160.15	20,874.61	0	21,034.76	9,148.00	1,171.39	1,088.40	8,500.00	1,126.97	21,034.76
Farmington	399	351	0	8,099.85	0	8,099.85	3,549.01	1,432.23	735.00	2,383.61	0	8,099.85
Greenville	339	312	0	9,679.00	0	9,679.00	2,692.20	604.76	645.00	5,737.04	0	9,679.00
Hinsdale	323	308	2,162.00	6,401.00	0	8,563.00	3,440.00	822.42	216.84	2,703.74	1,380.00	8,563.00
Loudon	332	314	1,020.70	7,093.60	0	8,114.30	3,008.80	460.00	111.60	4,150.00	383.90	8,114.30
Meredith	1016	873	3,583.55	32,491.69	0	36,075.24	14,627.00	4,110.63	660.00	14,446.53	2,231.08	36,075.24
Newmarket	456	399	2,190.57	8,621.00	0	10,811.57	1,904.00	1,235.12	1,725.00	5,020.17	927.28	10,811.57
Northumberland	380	338	628.97	11,332.21	0	11,961.18	6,384.20	629.35	88.00	4,520.98	338.65	11,961.18
Pelham	564	423	862.68	9,772.24	0	10,634.92	4,070.40	861.21	46.80	4,485.10	1,171.02	10,634.92
Pittsfield	813	694	370.22	13,669.80	0	14,040.02	5,240.80	498.98	96.93	7,563.53	639.78	14,040.02
Rye	341	321	2,442.07	9,880.00	0	12,322.07	5,100.00	539.47	480.00	4,520.00	1,682.60	12,322.07
Whitefield	360	327	519.10	8,012.00	275.00	8,806.10	3,705.00	237.96	105.00	3,998.60	760.14	8,806.10
Wilton	665	640	100.00	20,089.00	0	20,189.00	9,986.12	2,853.79	991.92	6,257.17	100.00	20,189.00
	8,211	7,464	18,054.31	197,165.33	408.34	215,627.98	85,342.07	18,213.99	7,870.49	87,463.87	16,737.56	215,627.98

RECEIPTS AND DISBURSEMENTS OF THE DISTRICT COURT

- 71 -

August 1, 1975-July 31, 1976

CRIMINAL CASES

COURT	TOTAL NUMBER OF ALL CASES ENTERED	TOTAL NUMBER OF CRIMINAL CASES	CASH ON HAND July 31, 1976	FINES COLLECTED TO July 31, 1976	BAIL FORFEITURES TO July 31, 1976	TOTAL RECEIPTS	FINES AND FORFEITURES PAID TO STATE	TOTAL AMOUNT FOR EXPENSE OF COURT	WITNESS FEES AND TRAVEL	AMOUNT PAID TO CITY OR TOWN TREASURER	CASH ON HAND JULY 31, 1976	TOTAL DISBURSEMENTS
Merrimack	4423	3925	711.88	96,378.40	0	97,090.28	39,584.69	8,058.21	8,639.60	40,049.00	758.78	97,090.28
Milford	2965	2315	2,784.83	62,199.28	200.00	66,009.83	27,801.46	5,894.44	7,115.88	25,098.05	100.00	66,009.83
Nashua	21,927	16,578	0	348,335.52	1,110.00	348,445.52	95,900.29	56,290.14	22,288.00	173,967.09	0	348,445.52
New London	1675	1487	70.00	41,075.00	490.00	41,635.00	19,852.20	3,791.70	1,532.05	16,389.06	70.00	45,635.00
Newport	2383	1906	0	41,632.00	650.00	42,282.00	18,324.32	2,244.18	3,025.80	18,687.70	0	42,282.00
Ossipee	1497	1219	1,685.54	23,055.00	0	24,740.54	8,916.00	975.09	1,054.80	13,244.65	550.00	24,740.54
Peterborough	2153	1934	14,107.87	54,595.00	250.00	68,952.87	27,854.00	2,534.37	1,595.00	31,244.55	5,724.95	68,952.87
Plainfield	1931	1553	90.00	26,863.00	0	26,953.00	13,695.00	3,227.17	755.58	9,270.56	4.69	26,953.00
Plymouth	1962	1544	1,000.00	29,048.30	125.00	30,173.30	11,821.84	2,087.37	679.94	14,949.79	63.36	30,173.30
Portsmouth	5358	4395	4,735.00	131,226.50	600.00	136,561.50	50,347.00	2,997.24	7,153.80	64,542.94	11,520.52	136,561.50
Rochester	3284	2513	345.43	69,774.00	720.00	70,839.43	34,079.80	4,633.45	5,503.35	26,200.00	422.83	70,839.43
Salem	5493	4637	275.00	113,034.50	8,918.11	122,227.61	55,668.56	10,292.57	5,558.88	50,407.60	300.00	122,227.61
Somersworth	2064	1739	1,013.49	36,051.65	200.00	37,265.14	14,616.40	6,986.62	3,984.00	9,798.92	2,479.20	37,265.14
Wolfboro	1339	1042	900.74	32,381.43	0	33,282.17	14,288.80	3,077.28	1,535.30	12,680.00	2,000.79	33,282.17
	166,263	137,873	81,241.14	3,184,343.44	79,911.25	3,345,495.83	1,291,028.93	276,285.83	230,920.84	1,496,268.16	50,992.03	3,345,495.83

TABLE 3-2
RECEIPTS AND DISBURSEMENTS OF THE DISTRICT COURTS

August 1, 1975 - July 31, 1976

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CRIMINAL CASES

COURT	TOTAL NUMBER OF ALL CASES ENTERED	TOTAL NUMBER OF CRIMINAL CASES	CASH ON HAND July 31, 1975	FINES COLLECTED TO July 31, 1976	BAIL FORFEITURES TO July 31, 1976	TOTAL RECEIPTS	FINES AND FORFEITURES PAID TO STATE	TOTAL AMOUNT FOR EXPENSE OF COURT	WITNESS FEES AND TRAVEL	AMOUNT PAID TO CITY OR TOWN TREASURER	CASH ON HAND 31, 1976	TOTAL DISBURSEMENTS
Auburn	2165	1947	6,002.04	52,613.00	0	58,615.04	25,683.86	3,759.62	1,637.80	25,473.04	2,060.72	58,615.04
Berlin	1122	741		22,735.00	675.00	23,410.00	10,534.50	465.54	999.00	11,419.96	0	23,410.00
Claremont	3436	2710	11,870.84	83,519.45	1,427.69	96,817.98	27,032.00	4,560.31	5,098.00	56,371.10	3,756.57	96,817.98
Colebrook	827	628	1,482.69	17,924.70	0	19,407.39	8,704.00	4,045.97	1,442.76	4,700.00	514.66	19,407.39
Concord	11,858	10,025	0	208,849.98	300.00	209,149.98	82,152.00	22,772.64	18,087.46	86,137.88	0	209,149.98
Conway	2909	1834	30.00	46,836.55	585.00	47,451.55	21,281.36	6,166.83	1,926.00	18,047.36	30.00	47,451.55
Derry	4201	3280	6,140.02	94,886.31	-	101,026.33	42,745.79	6,526.89	6,671.56	44,860.99	221.10	101,026.33
Dover	5782	4789	1,568.20	125,237.62	3,000.00	129,805.82	55,810.00	2,763.87	7,744.67	63,257.28	230.00	129,805.82
Durham	2048	1928	2,668.32	47,276.00	-	49,944.32	17,797.40	6,660.06	4,586.50	18,950.42	1,949.94	49,944.32
Exeter	2445	1826		49,520.29	50.00	49,570.29	22,656.00	4,318.13	2,663.64	19,932.52	0	49,570.29
Franklin	3363	2904	3,439.53	58,815.83	346.95	62,602.31	21,292.60	3,817.44	5,527.80	31,964.47	0	62,602.31
Goffstown	1682	1447	1,495.20	35,805.00	-	37,300.20	13,850.80	2,295.55	3,534.70	14,817.64	2,801.51	37,300.20
Gorham	1260	1143	1,500.00	21,333.00	300.00	23,133.00	9,347.00	1,233.83	270.00	11,282.17	1,000.00	23,133.00
Ramp ton	6532	5956	3,046.52	201,052.20	4,818.00	208,916.72	96,890.68	9,976.57	10,567.76	88,953.11	2,528.60	208,916.72
Hanover	1165	991	100.00	17,680.00	-	17,780.00	7,023.60	2,789.56	693.40	7,173.44	100.00	17,780.00
Haverhill	1035	803	2,584.00	25,215.00	190.00	27,989.00	12,735.00	1,118.50	712.98	12,308.52	1,114.00	27,989.00
Henniker	1578	1507	2,876.30	36,375.00	1,533.50	40,784.70	15,826.00	2,331.16	1,188.00	21,289.56	149.98	40,784.70
Hillsborough	1423	1182	0	32,849.00	-	32,849.00	15,086.92	1,353.21	772.68	15,636.19	0	32,849.00
Hooksett	2127	1943	313.83	43,335.35	585.00	44,234.18	20,753.16	4,397.67	2,900.88	15,700.00	482.47	44,234.18
Jaffrey	2073	1788	1,647.62	48,225.00	-	49,872.62	20,308.15	1,700.89	1,770.89	21,087.49	5,006.09	49,872.62
Keene	9034	7132	1,497.13	127,849.00	875.00	130,221.13	46,647.16	1,732.02	13,277.96	67,775.26	788.73	130,221.13
Laconia	5865	5381	0	156,920.35	4,926.00	161,846.35	66,485.31	12,300.10	10,819.32	72,241.62	0	161,846.35
Lancaster	1286	1026	53.56	24,409.95	916.00	25,379.51	11,832.00	693.05	405.00	12,395.90	53.56	25,379.51
Lebanon	3527	3067	307.76	84,955.00	6,250.00	91,512.76	43,858.00	2,536.27	7,404.00	37,000.00	714.49	91,512.76
Lincoln	563	539	3,174.50	17,843.00	-	21,017.50	7,691.20	778.43	123.24	11,825.06	599.57	21,017.50
Littleton	1815	1558	1,723.40	45,083.00	660.00	47,466.40	20,928.36	1,189.14	1,920.00	21,104.98	2,323.92	47,466.40
Manchester	26,688	23,011	0	336,662.89	39,210.10	375,872.89	113,325.72	50,912.79	47,762.76	163,871.62	0	375,872.89



VII. DISTRICT AND MUNICIPAL COURTS WORKLOAD
VIII. DISTRICT AND MUNICIPAL COURTS ANALYSIS

The District and Municipal Courts have experienced numerous changes during recent years. All have experienced an increase in caseloads. Some have built new facilities, bought new equipment, and hired more people; others still lack sufficient space, equipment and personnel. Many clerks in the District and Municipal Courts who have been working on a part-time basis are now working full-time to keep up with the increasing workload.

This section includes criminal, civil and juvenile caseloads of the District and Municipal Courts. Some Municipal Courts including Pembroke, New Castle and Hooksett, have been abolished and their casework picked up by the District Court.

Table 3-3 shows the total number of cases processed through the District and Municipal Courts for the years 1965-1975. All criminal, civil, juvenile and small claims cases are included in these figures. The number of cases have been on a steady increase since 1965. District and Municipal Courts have increased their caseloads 182% from 1965 to 1973.

TABLE 3-3

TOTAL CASELOAD OF MUNICIPAL AND DISTRICT COURTS
(1965-1975)

<u>YEAR</u>	<u>NUMBER OF CASES</u>
1965	90,274
1966	103,779
1967	113,389
1968	128,665
1969	146,965
1970	162,053
1971	201,585
1972	229,971
1973	254,454
1974	N/A
1975	N/A

N/A = Not Available

The criminal caseload in the District and Municipal Courts has been increasing steadily since 1964; 209% between 1964 and 1973. The following Table (3-4) shows the increasing number by years.

TABLE 3-4
CRIMINAL CASELOAD DISTRICT AND MUNICIPAL COURTS

<u>YEAR</u>	<u>CASES</u>
1964	41,066
1965	45,007
1966	51,197
1967	56,290
1968	66,260
1969	71,686
1970	82,955
1971	104,009
1972	116,426
1973	126,961
1974	N/A
1975	137,449

N/A = Not Available

Criminal cases include felonies and misdemeanors. In November, 1973, offenses such as drunkenness, loitering, inhaling toxic vapors were changed from misdemeanors to "violations". The total caseload of misdemeanors in 1972 was 114,331. In 1973 this caseload decreased to 109,387, a reduction of 4.3%. In 1972, the total caseload of violations was 97,997 and increased to 119,436 in 1973, a 21.9% increase. The total caseload of District and Municipal Courts showed an increase of 7.9% from 231,030 cases in 1972 to 249,202 cases in 1973.

Misdemeanors and State Motor Vehicle violations make up most of the criminal caseload in District and Municipal Courts. The following Table (3-5) shows a breakdown of the different types of cases which make up the total caseload of District and Municipal Courts. The "felonies" category in Table 3-5 refers only to probable cause hearings on felonies in District and Municipal Courts. The actual trial of a felon is heard in Superior Court only.

TABLE 3-5

PERCENT DISTRIBUTION OF TOTAL CASELOADS

	<u>District Courts</u>		<u>Municipal Courts</u>	
	<u>1972</u>	<u>1973</u>	<u>1972</u>	<u>1973</u>
Felonies	1.0%	1.1%	0.5%	0.9%
Misdemeanors	53.4%	47.0%	53.6%	50.2%
State MV Laws	31.4%	31.1%	40.2%	41.0%
Parking & Local Ordinances	12.2%	13.2%	5.3%	2.8%
Drunkenness	2.0%	1.9%	0.9%	0.9%
Violations	--	5.7%	--	4.2%

TABLE 3-6

MUNICIPAL AND DISTRICT COURT PROJECTIONS - CRIMINAL CASES

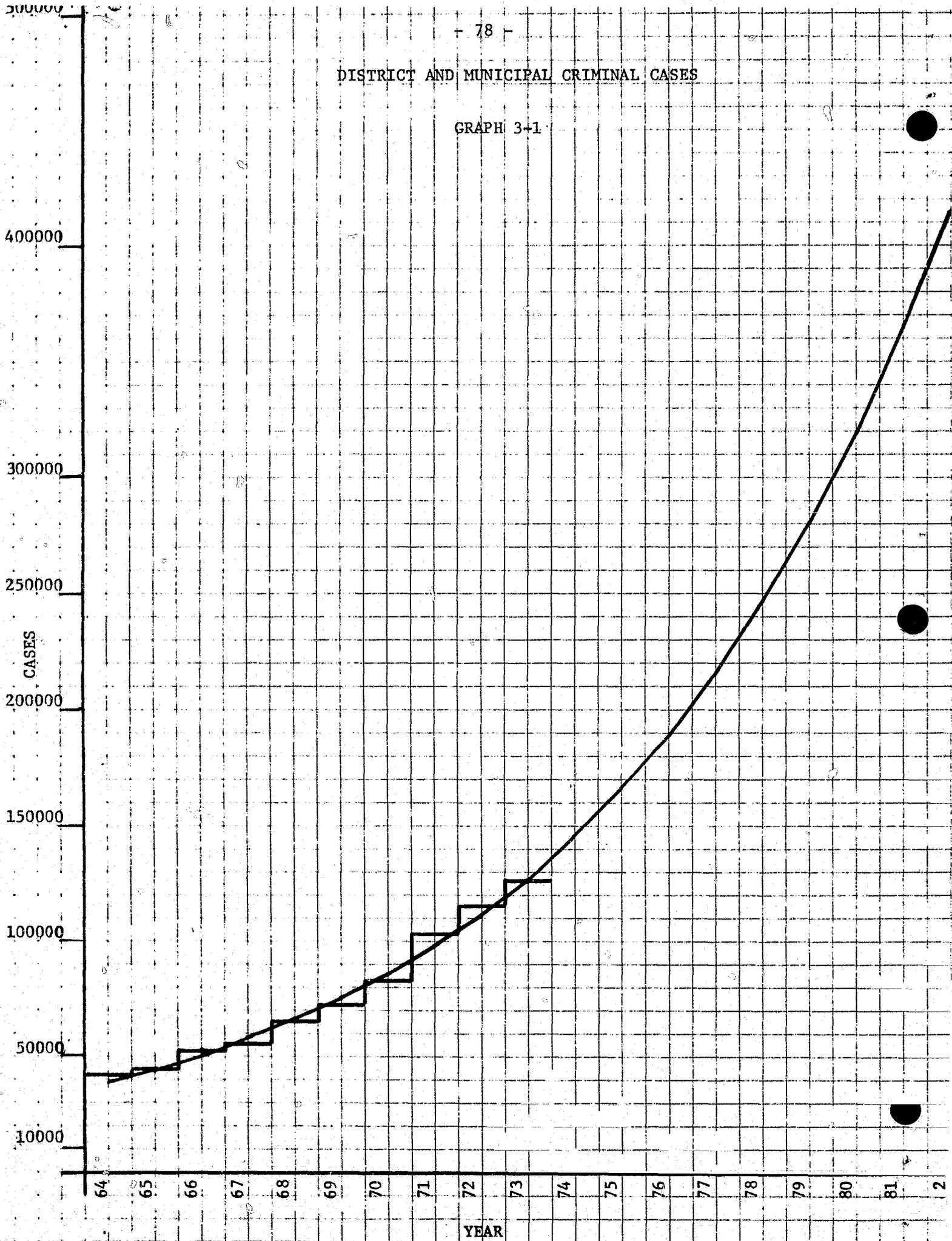
<u>YEAR</u>	<u>CRIMINAL CASES</u>
1976	189,331
1977	215,809
1978	245,989
1979	280,389
1980	319,601
1981	364,296
1982	415,241
1983	373,311

The doubling time for criminal cases entered in Municipal and District Courts, or the number of years it took for caseloads to double is 5.30 years.

Graph 3-1 shows projections for criminal cases.

DISTRICT AND MUNICIPAL CRIMINAL CASES

GRAPH 3-1



Under New Hampshire Law (R.S.A. 169), amended 1975, a minor who falls into one of the following three categories may be brought before the Court for dispositions:

1. Delinquent - Minor who commits what would otherwise be considered a criminal offense if he or she were of age;
2. PINS - (Person In Need of Supervision) One who is brought before the Court for actions that only a juvenile can commit, such as truancy or running away; and,
3. Neglected - A minor without proper parental guidance.

Juvenile cases have increased 94% from 1964 to 1973. The number of juveniles coming before juvenile courts is still increasing at a rapid rate (Table 3-7).

TABLE 3-7

DISTRICT AND MUNICIPAL COURTS TOTAL JUVENILE CASELOAD

<u>YEAR</u>	<u>CASES</u>
1964	1,934
1965	1,933
1966	1,801
1967	1,847
1968	2,186
1969	2,681
1970	2,741
1971	2,912
1972	2,883
1973	3,580
1974	N/A
1975	5,497

N/A: Not Available

The following Table (3-8) shows a breakdown of delinquents, neglected children and those juveniles transferred to Superior Court. R.S.A. Chapter 169:21 states that all cases before a Municipal or a District Court in which the offense complained of constitutes a felony or would amount to a felony in the case of an adult, may after investigation and consideration before hearing be certified to the Superior Court. A juvenile who is transferred to Superior Court is certified as an adult and has the right to a trial by jury.

The number of neglected children has increased by 35% from 1964 to 1973; delinquency increased by 91%, while the number of juveniles transferred to Superior Court has fluctuated over the past 10 years.

TABLE 3-8

DISTRICT AND MUNICIPAL CASELOADS OF JUVENILES

<u>YEAR</u>	<u>NEGLECTED CHILDREN</u>	<u>DELINQUENT CHILDREN</u>	<u>TRANSFERRED TO SUPERIOR COURT</u>
1964	81	1,758	1
1965	198	1,735	10
1966	169	1,632	16
1967	222	1,625	28
1968	224	1,962	14
1969	216	2,465	4
1970	280	2,461	11
1971	345	2,551	16
1972	378	2,456	15
1973	365	3,355	11
1974	N/A	N/A	N/A
1975	436	4,510	63

Table 3-9 shows projections for the total number of juvenile cases in District and Municipal Courts for the years 1976-1983. Juvenile crime has increased 94% from 1964 to 1973 and, according to projections, will increase 93% between the years 1973 and 1983. The doubling time for juvenile cases is 9.10 years.

TABLE 3-9

DISTRICT AND MUNICIPAL COURT PROJECTIONS

JUVENILE CASES

1976 -- 4,246

1977 -- 4,582

1978 -- 4,945

1979 -- 5,300

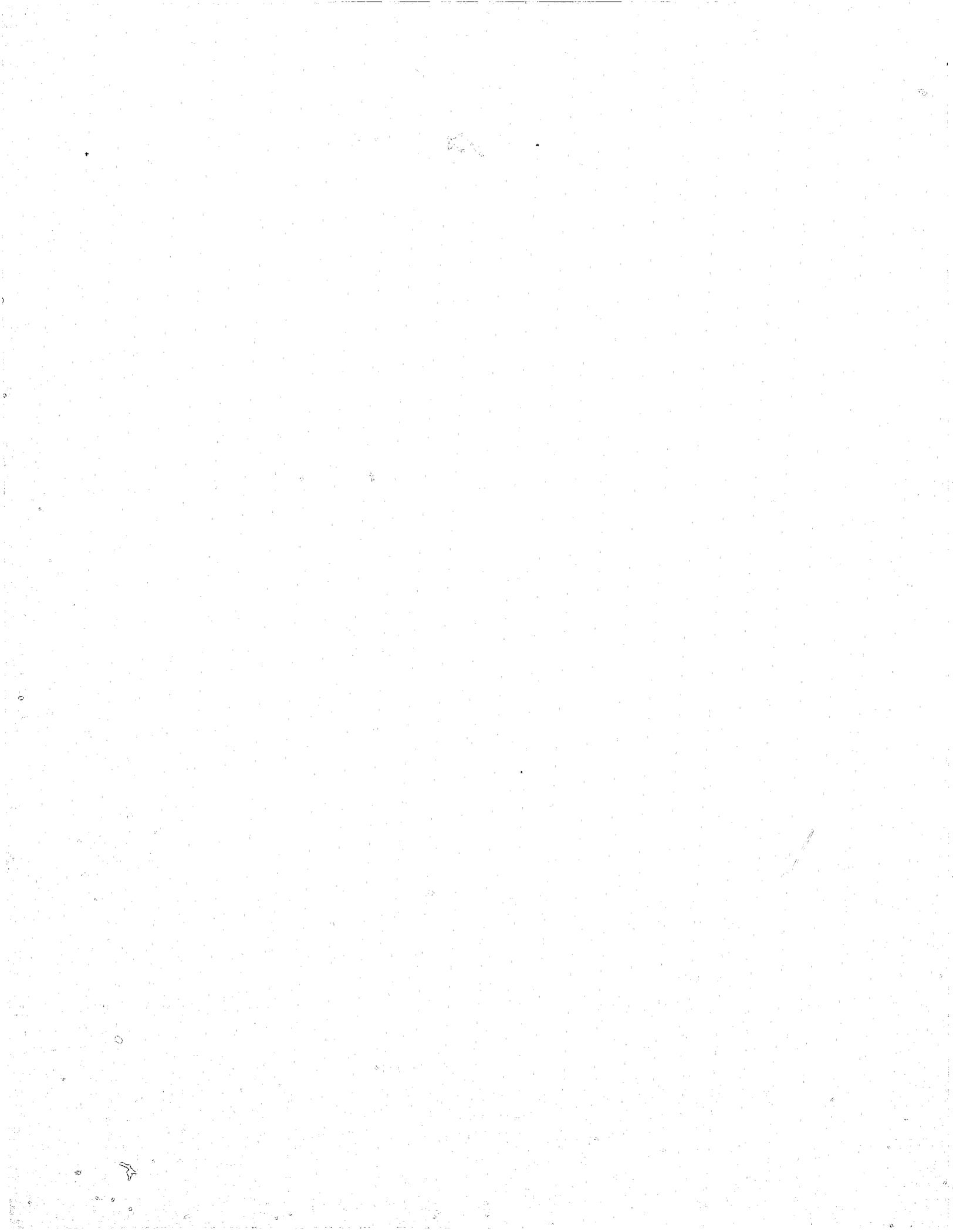
1980 -- 4,758

1981 -- 6,214

1982 -- 6,705

1983 -- 7,236

Graph 3-2 plots actual data for 1964 to 1975 and projected figures for 1976 to 1982.

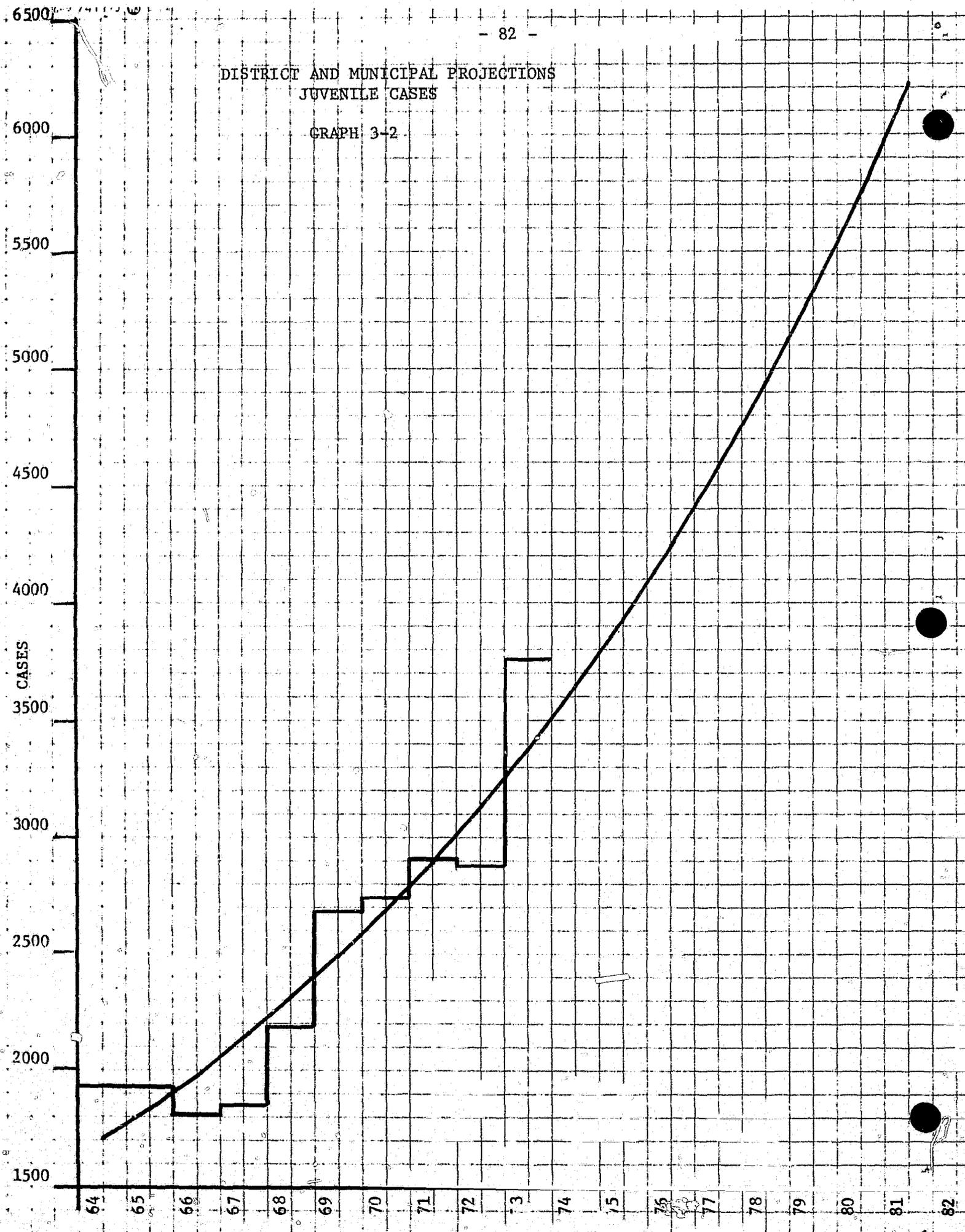


CONTINUED

1 OF 2

DISTRICT AND MUNICIPAL PROJECTIONS
JUVENILE CASES

GRAPH 3-2



CIVIL CASES IN DISTRICT AND MUNICIPAL COURTS

Civil cases are broken down into three categories in the District and Municipal Courts. These categories are civil, small claims and landlord and tenant. The number of civil cases entered into the District and Municipal Courts has increased 256% from 1964 to 1973, from 3,969 in 1964 to 14,124 in 1973. The number of civil cases disposed of during this nine year period increased 209% from 4,163 in 1964, to 12,859 in 1973. The Nashua and Manchester District Courts accounted for a quarter of the total caseload in 1972 and 1973.

Table 3-10 shows the breakdown in civil cases entered, disposed of and pending for 1964-1973.

TABLE 3-10

DISTRICT AND MUNICIPAL COURTS CIVIL CASELOAD

<u>YEAR</u>	<u>ENTERED</u>	<u>DISPOSED</u>	<u>PENDING</u>
1964	3,969	4,163	508
1965	6,212	5,974	658
1966	6,776	6,685	659
1967	6,809	6,857	802
1968	6,931	6,586	883
1969	8,742	8,359	1,098
1970	10,832	10,426	1,471
1971	11,996	12,355	2,047
1972	13,025	13,737	1,938
1973	14,124	12,859	N/A
1974	N/A	N/A	N/A
1975	N/A	N/A	N/A

Table 3-11 shows the various types of cases which make up the total caseload of District and Municipal Courts. This chart reflects that small claims comprise most of the total civil caseload for the past nine years. The percent of landlord and tenant cases is small and has remained fairly constant over the past nine years.

TABLE 3-11
BREAKDOWN OF CIVIL CASES ENTERED IN DISTRICT & MUNICIPAL COURTS
(1964-1973)

<u>YEAR</u>	<u>CIVIL</u>	<u>SMALL CLAIMS</u>	<u>LANDLORD & TENANT</u>
1964	1,173	4,757	373
1965	1,625	4,587	383
1966	1,998	4,778	373
1967	2,416	4,393	503
1968	2,788	4,143	476
1969	3,677	5,065	607
1970	4,538	6,418	664
1971	4,428	7,552	779
1972	4,301	8,701	855
1973	3,719	9,481	924

Table 3-12 shows the percent distribution of total civil caseloads in District and Municipal Courts.

TABLE 3-12

PERCENT DISTRIBUTION OF TOTAL CASELOAD

<u>YEAR</u>	<u>CIVIL</u>	<u>SMALL CLAIMS</u>	<u>LANDLORD & TENANT</u>
1964	19%	75%	6%
1965	25%	70%	5%
1966	28%	67%	7%
1967	33%	60%	6%
1968	38%	56%	6%
1969	39%	54%	6%
1970	39%	55%	6%
1971	35%	59%	6%
1972	31%	63%	6%
1973	26%	67%	7%

Table 3-13 shows projections in civil caseloads for the years 1976 to 1983. Included in this Table are cases entered, disposed of and pending. The projected doubling times for civil cases entered is 4.83 years, for civil cases dispositions 5.57 years and for civil cases pending 3.89 years.

TABLE 3-13

DISTRICT AND MUNICIPAL COURTS PROJECTIONS

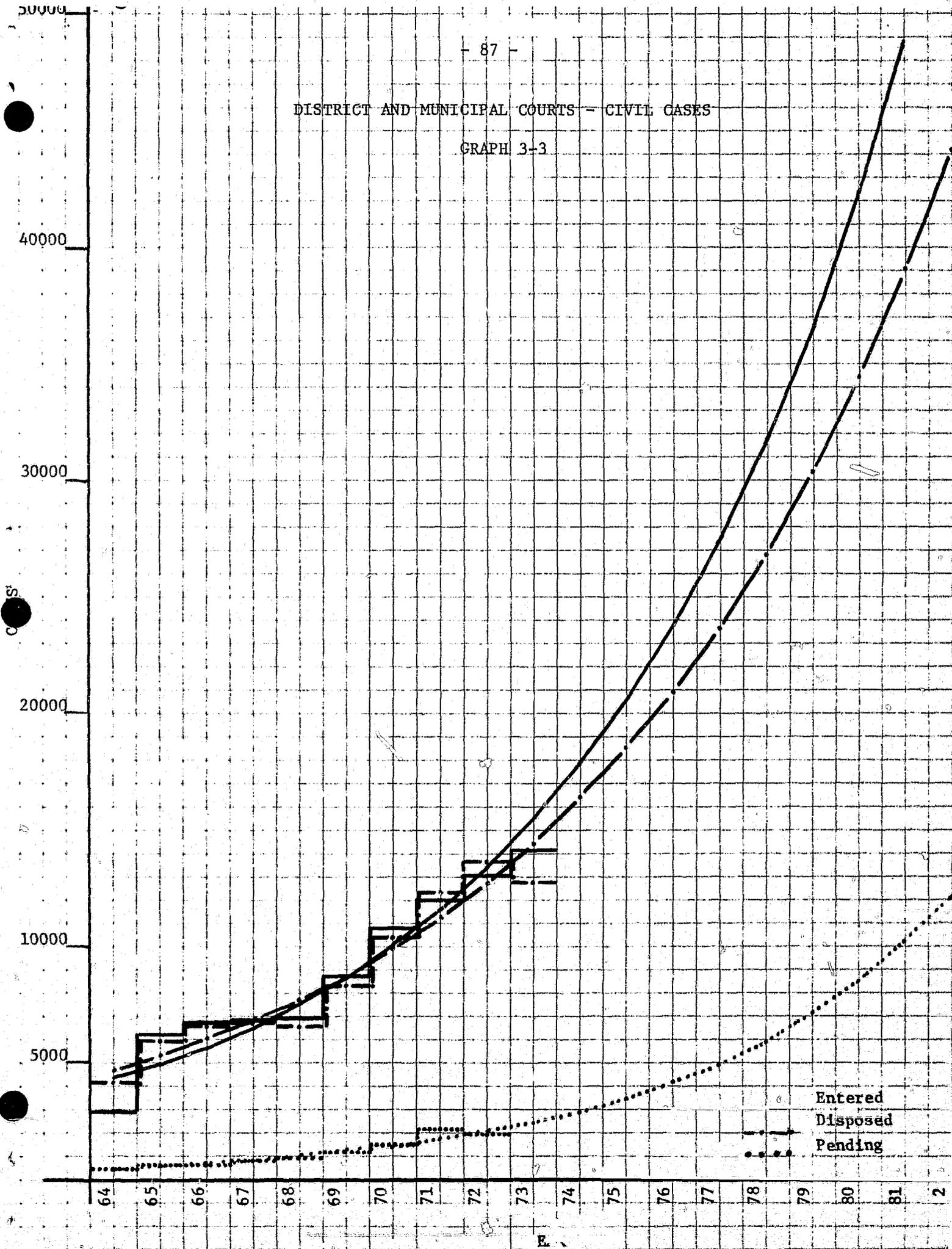
CIVIL CASES (1976-1983)

<u>YEAR</u>	<u>ENTERED</u>	<u>DISPOSED</u>	<u>PENDING</u>
1976	23,824	20,944	4,154
1977	27,504	23,721	4,963
1978	31,753	26,866	5,930
1979	36,658	30,429	7,086
1980	42,321	34,464	8,466
1981	48,858	39,034	10,116
1982	56,406	44,210	12,086
1983	65,120	50,072	14,441

Graph 3-3 shows a graph of civil cases entered, disposed of and pending for the years 1964 to 1982. Actual figures were used for the 1964 to 1975 period and projections were made for the future. According to these projections, civil cases pending will exhibit a steep rise for the next few years.

DISTRICT AND MUNICIPAL COURTS - CIVIL CASES

GRAPH 3-3



CONCLUSION

The bulk of this analysis has focused on the problems confronting the New Hampshire Court system. The following is a summary of those problem areas.

SUPREME COURT

1. The caseload on the Supreme Court has greatly increased during the 1965-1975 period. New cases entered increased by 118% and dispositions increased by 139%. Projections indicate sharper rises in the future. The workload per justice has doubled since 1970.
2. Administrative space for law clerks, legal secretaries and files is inadequate and inconvenient.

SUPERIOR COURT

1. During the period, 1965-1975 caseloads increased as shown below:

<u>CRIMINAL CASES</u>	<u>% RISE</u>	<u>CIVIL CASES</u>	<u>% RISE</u>
Cases Entered	343%	Cases Entered	60%
Dispositions	311%	Dispositions	72%
Pending	604%	Pending	85%

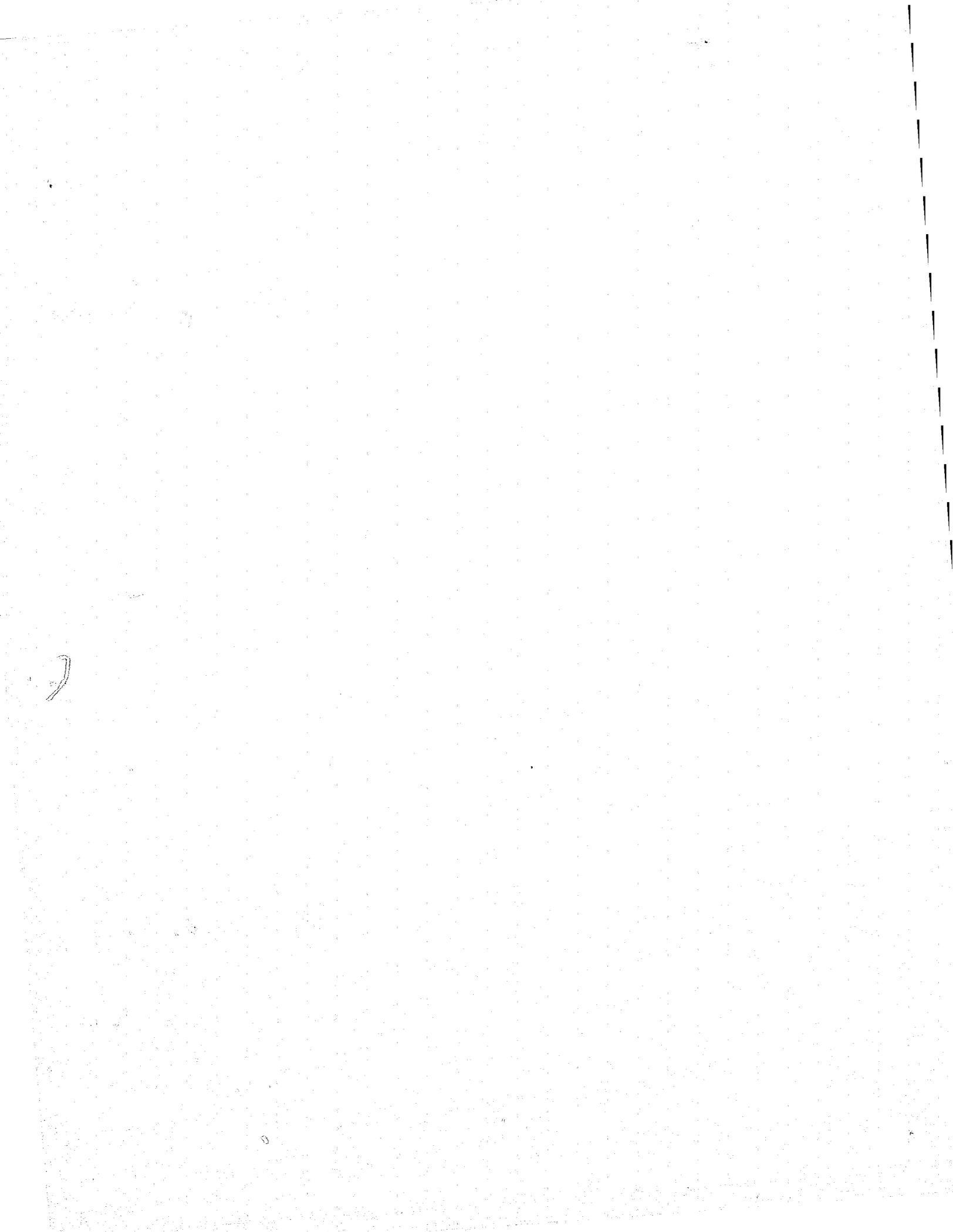
Projections indicate sharper rises for the future. Additionally, projections indicate that by 1985 the number of criminal cases will overtake the number of civil cases.

2. Cheshire, Merrimack, Strafford and Sullivan Superior Courts are not accredited by the New Hampshire Court Accreditation Commission.
3. At this time, 2 of the 13 justice positions are vacant.
4. Administrative space for secretaries and files are inadequate in most cases. In some instances, better protection of the files are required with respect to both privacy and fire.

5. The administration offices of the Superior Courts require additional office equipment.

DISTRICT AND MUNICIPAL COURTS

1. The major problem relates to increasing caseload. Juvenile cases have increased 94% from 1964 to 1973, and an increase of 93% is projected for 1973-1983. At the same time the number of civil cases for 1964-1973 increased 256%, and criminal cases for that period increased 209%.
2. Proper facilities for handling juveniles in accordance with state laws are lacking in the Durham, Exeter, Hampton, Keene, Nashua, New London, Peterborough, Plaistow, and Somersworth Courts.



END