

New Hampshire State Court Report 1981



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New Hampshire State Court Report 1981

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Front Cover:

Statue of Daniel Webster in front of the State House, Concord, New Hampshire

"The law: It has honored us; may we honor it." — Daniel Webster, Speech at the Charleston Bar Dinner, May 10, 1847.

A native of New Hampshire, Daniel Webster was admitted to the Bar in 1805. During his first term in Congress, 1813-1817, he moved to Massachusetts and served two more terms representing that state. He entered the Senate in 1827, where he championed nationalism as opposed to state's rights. In 1841-1843, he served as Secretary of State of the United States and negotiated the Webster-Ashburton Treaty defining the Maine boundary. He returned to the Senate in 1844.

This Page:

Background, Facade of the Supreme Court Building, Concord, New Hampshire

Photography:

by Bill Finney
(except for those of the Nashua, Laconia and Grafton Courthouses)

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INTRODUCTION

The citizens of the State of New Hampshire throughout their history have shown a strong penchant for independence. The creation of the present, modern, judicial system, with full separation of powers, is one area where this characteristic stands out.

From its colonial days, New Hampshire has acted decisively when the need arose to create a better government and judiciary, severing its dependence upon a far away King exercising colonial rule.

In January 1776, New Hampshire became the first colony to sign an informal written constitution, and in June of that year, the newly created legislature passed an act which created the Supreme Court of Judicature, abolishing the colonial court of appeals and ending the practice of granting appeals to the King in England. The basic concept was to give the state the power to resolve its own judicial problems within its own boundaries.

Historically, from 1776 to 1901, changes to the state's courts primarily consisted of changes in name and judicial personnel. However, at the beginning of this century the court system was significantly modified. The Supreme Court was divided into two separate courts, the Supreme Court to handle questions of law, and the Superior Court to handle trial matters. At that time, an unwritten gentlemen's agreement was reached between the two major political parties ending the practice of replacing incumbent judges with each change of administration. The agreement reached at that time provided that there would never be more than three of the five justices in the Supreme Court from a single party, a practice which continues today. Prior to the agreement, justices held their posts only while the administration which had appointed them was in power, creating a situation where they were dependent upon the political climate of the day to hold their jobs.

New Hampshire is one of the few states in the nation that appoints its judges to serve during good behavior until mandatory retirement at age 70. Dating back to Alexander Hamilton and the Federalist Papers, the good behavior standard was cited as one of the most valuable "modern improvements in the practice of government." Further, according to Hamilton, it was the best way to get a "steady upright and impartial administration of the laws."

The good behavior tenure has become a primary tool for assuring the public that its rights cannot be lost because of promises, concessions or outside pressures on a member of the judiciary who faces a limited appointment. A major defense of the practice of good behavior tenure is that the constitution provides the necessary means to remove a judge who is not doing his job as it should be done. Additionally, the Supreme Court has established the Judicial Conduct Committee to assure the public that judges, masters and referees will not misuse their judicial powers or act in any way which will violate the code of judicial conduct.

The Supreme, Superior and Probate Courts are constitutionally established, while the District and Municipal courts are legislatively established. The municipal courts evolved from the old justice of the peace or police

courts, whereas the present district court structure was established in 1963 by the legislature.

Legislation establishing a unified court system was enacted in 1971. This statute had as its purpose the unification of all courts in the state under the superintending authority of the Supreme Court. This authority was broadened in November of 1978 when the voters passed a constitutional amendment making the Chief Justice of the Supreme Court the administrative head of all the courts.

This latter provision has served as the primary force behind the positive actions which have been undertaken during the last two years to dramatically improve the function of the courts by reducing delay, increasing efficiency and improving operational effectiveness.

In recent years, the courts have been greatly aided by the work of various committees and study groups. The Supreme Court has established several committees to assist it in meeting its statutory and constitutional mandates. Among the committees are the Administrative Committee of the District and Municipal Courts, the New Hampshire Court Accreditation Commission, the Professional Conduct Committee, the Judicial Conduct Committee, the Judicial Planning Committee and the Committee on Character and Fitness. These committees serve as working arms of the Court providing such necessary services as: day-to-day administration of the district and municipal courts; evaluation and accreditation of court facilities; forums for complaints against members of the Bar and Bench; ongoing planning, research and program development; and screening of applicants for admission to the Bar.

While the courts receive invaluable assistance from these committees, the contributions of recent court study groups should not be overlooked. The Governor's Commission on Court System Improvement, **The Court System Survey**, and the Select Commission to Examine a Unified Court System have greatly aided court improvements.

In 1974, the Governor's Commission made a series of wide-ranging recommendations which resulted in significant changes in the methods of judicial selection and identified the problems of trial court delay. **The Court System Survey**, completed in 1977, identified over 100 standards to be addressed for judicial system improvement. These standards have provided a direction for the systematic improvement of the courts since their release. The Select Commission has continued the indepth analysis of the preceding study groups and made recommendations in the areas of budgeting, personnel administration and court financing which should provide the courts with a positive focus for the improvement of court operations during the next decade.

Another area slated for improvement during this decade is the scheduling of court cases, with an emphasis on reducing the time necessary to process a case without jeopardizing the rights of all involved. Through constant self-evaluation and the courage to carry out needed changes, the court system of New Hampshire is one which stands out for its effectiveness, its fairness and its total independence from outside pressures.



Justices of the Supreme Court — (seated, left to right) Hon. David A. Brock; Hon. William A. Grimes, Chief Justice; (standing) Hon. Maurice P. Bois; Hon. Charles G. Douglas, III; Hon. John W. King

SUPREME COURT

The Court system of New Hampshire is headed by the Supreme Court, consisting of a chief justice and four associate justices. A constitutional Court, with superintendent authority over the courts in the state, it is located in Concord.

The Supreme Court Building, built in 1970, is named in honor of the late Chief Justice Frank Rowe Kenison, and was specially designed for the specific needs of the Court. In addition to facilities for the Court and its staff, the structure houses the State Law Library, which is part of the executive branch of government.

The duties of the Supreme Court are to correct errors in trial proceedings, to rule on decisional law, setting standards which can be followed in future cases, and to supervise the state's court system. In addition, the Supreme Court is empowered to issue advisory opinions at the request of either House of the General Court or the Governor and the Executive Council.

On July 3, 1979, the first complete revision of Supreme Court rules since 1901 went into effect, reducing case processing time from 295 days to 171 days. Under the new rules, cases can be declined if all five justices deem the appeal to lack merit or an adequate record, or to have been answered by a recent ruling. Once a case has been filed with the Court and assigned a docket number, it is distributed to the justices who have to decide whether it merits consideration by the full court, should be declined or should be turned over to a justice to hold a settlement conference with the attorneys involved in an effort to dispose of the case.

The Supreme Court holds monthly sessions, beginning on the first Tuesday of each month to hear oral arguments on appeals. Generally, each party is allotted twenty minutes to present its argument. Following oral argument, the judges draw cases and begin research and drafting of opinions. All five judges meet during the month to "conference" or review and comment on proposed decisions.

In order to aid the court in its appellate work, the court has a staff and five law clerks, a Clerk of Court/Reporter of Decisions and a professional staff of five persons. It should be noted that although the Court disposes of over 470 cases per year, similar to the Supreme Courts of Vermont, Maine and Rhode Island, the court support staff is half the size of the smallest of these three courts. The clerk is responsible for preserving all court files and papers, for keeping a docket record of all matters before the court and of all petitions, appeals or other processes presented to the court. He issues such records or other processes as the court may order and accounts for and pays to the State all fees received on behalf of the Supreme Court. In his capacity as Reporter of Decisions, the clerk publishes the opinions rendered by the Supreme Court. These case reports are published and distributed as the **New Hampshire Reports**.

Today's modern appellate court system in the state is considered by many to be among the most efficient in the

nation. In a survey by the National Center for State Courts, it was reported that "... your Supreme Court is operating quite smoothly... with little room for major change to improve case-processing time."

During 1980, 505 cases were entered and 210 were pending from the previous year. Of the total, 216 separate opinions were written, 235 cases were disposed of, 109 were declined, 41 dismissed, 73 withdrawn and 13 remanded. That left a total of 244 cases pending as of December 31, 1980. As of July 1, 1980, 24 cases or 25% of over 100 prehearing settlement conferences conducted by retired Chief Justice Edward J. Lampron were withdrawn as a result of settlement.

Of the \$2,676,275 of state funds expended for the operation of the judicial branch in calendar year 1980, 49.1% or \$1,316,280 was for the operation of the Supreme Court. Approximately \$460,000 of this amount was for capital improvements to the court facility to provide adequate space for law clerks and administrative personnel.



Supreme Court Law Clerks — Peter H. Bornstein, Judith Kundl, Robert G. Whaland, Dennis P. Phillips, Thomas F. Quinn

Supreme Court Staff — (l-r) Theresa H. Hunneyman; Ralph H. Wood, Clerk; Margaret A. Haskett; Flora Y. Thomas; Donna R. Craig; Carol A. Belmain, Deputy Clerk



Office of Administrative Services

The office of Administrative Services assists the Supreme Court in exercising its superintending authority over the courts in all non-judicial matters. In October 1980, the Director of Administrative Services was granted the authority by the Supreme Court to coordinate, implement and monitor administrative procedures and practices of the state's court system.

Among the areas assigned to the office are the development of standardized budgeting and accounting procedures, the audit of all court accounts, development and maintenance of efficient records management, creation of uniform compensation and personnel practices, procurement, administration of grant funds and coordination of judicial and non-judicial education.

The office staff consists of the director, the Coordinator of Continuing Education and an administrative assistant. It is located in the Supreme Court building.

The office has introduced the use of word processing equipment in the courts. That equipment is now being used to docket and index all case entries and send multiple notices and court orders and to process routine correspondence. Budgeting and financial forecasting information has been collected and programmed for all courts.

A system of centralized purchasing for all the courts in the state has been ordered effective May 1. The advantages of centralized purchasing are expected to save \$100,000 through statewide volume purchases in the first year.

The office also is working on the establishment of a centralized archives system to improve storage of the courts' inactive records. Additionally, a national experiment in the application of updatable microfiche in two of the State's 77 courts is being undertaken to reduce unnecessary paper handling and time consuming procedures.

Since adoption of Supreme Court Rule 45, the state's 134 judges must participate in annual judicial training and education. In order to carry out the mandate, the court hired a Coordinator for Continuing Education responsible for designing, planning and conducting in-state continuing education conferences for all court personnel as well as coordinating participation in out-of-state conferences among other duties.

Office of Administrative Services — (l-r) Thomas T. Barry, Coordinator of Continuing Education; Jeffrey W. Leidinger, Director of Administrative Services; Bonnie S. Mischke, Administrative Secretary; Harold D. Ryea, Court Accountant



Administrative Committee of the District and Municipal Courts

The Administrative Committee of the District and Municipal Courts consists of three district court judges and two municipal court justices appointed by the Supreme Court. They are assisted by a full-time executive director and a full-time administrative secretary located at the Supreme Court building. The Committee and its executive director provide administrative services to the state's 41 district and 15 municipal courts.

These services include the development and use of uniform docketing and bookkeeping practices which were instituted in all district and municipal courts in 1980. Among its other tasks, the Committee has worked on standardization of court forms and development of court rules. Part of the Committee's work has been the preparation of manuals of procedure for court clerks and auditors to more clearly define the new system's requirements.

The new bookkeeping and docketing system was designed to provide more accurate financial records, greater accessibility and faster case information retrieval as well as greater control over the record-keeping process. In addition, the Committee has developed a District and Municipal Courts Clerk's Manual to help establish uniform procedures. The manual also is considered a training tool for new court personnel.

Administrative Committee of District and Municipal Courts — (l-r) Hon. Bradley F. Kidder; Hon. William J. O'Neil; Hon. Edward J. McDermott, Chairman; Hon. Robert Taft; Hon. Albert D. Leahy, Jr.; Craig E. Briggs, Executive Director



Professional Conduct Committee — (l-r) Thomas D. Welch, Jr.; Alexandra T. Breed; James J. Barry, Jr.; Bayard F. Pope III; William N. Prigge; Paul F. Donovan; Sherman D. Horton, Jr., Chairman; Paul R. Cox; Donald F. Whittum; Mary P. Chambers; Harold W. Perkins; John C. Fairbanks; Walter L. Murphy; Wesley Miller; (not pictured) Neil F. Castaldo

Committee on Professional Conduct

Established in 1975, there is a 15-member Committee on Professional Conduct, appointed by the Supreme Court to process and investigate complaints against attorneys. Located in the Concord headquarters of the New Hampshire Bar Association, and fully funded by the Association, the Committee has a full-time administrator and part-time clerical help. Once the Committee has investigated complaints, it either dismisses them, privately reprimands the attorneys or files formal disciplinary proceedings in the Supreme Court. In 1980, five letters of reprimand were issued and two attorneys were suspended from practice.

Judicial Conduct Committee

The Committee on Judicial Conduct was created by the Court to inquire into and investigate the conduct on the part of any judge, master, referee or court clerk that may be contrary to the "Code of Judicial Conduct." The proceedings of the Committee, which consists of three judges, two lawyers and two lay persons, are conducted in a confidential manner. When appropriate, the Committee may impose limited sanctions or initiate suspension proceedings. The seven-member Committee, appointed by the Court, serves staggered four-year terms. It is assisted by an executive secretary and a part-time legal secretary. Located in the Supreme Court building, it convenes on an average of once every other month.

For the period from July 12, 1977, through December 31, 1980, there were 70 complaints, including written, telephone and walk-ins, on file. The largest number of complaints concerned rulings and decisions which are not within the Committee's jurisdiction. Of the total, 27 were dismissed for lack of jurisdiction, 17 were dismissed for proving unfounded after investigation and 13 were closed for no follow-through by complainant. Only in four cases was corrective action necessary.

Judicial Planning Committee

Established by Supreme Court order in 1976, the 10-member Committee has been responsible for the preparation, development and revision of an annual state judicial plan as well as for the establishment of priorities and development and implementation of court programs.

In 1979, the court expanded the role of the Judicial Planning Committee to include carrying out a program to systematically implement standards and goals to improve the administration of the system, to evaluate grant requests, to collect and report statistics and data on the courts, and to study the impact of legislation relating to the judicial system. The Committee was empowered to employ a director and staff to carry out its functions.

Located in the Supreme Court building, the Committee originally received much of its funding from various federal government sources, including the Law Enforcement Assistance Administration (LEAA) under the provisions of the Crime Control Act of 1976. However, reduction of federal spending has eliminated LEAA funding.

The 10-member committee continues to function as a coordinating body for all levels of the court system, working to assist the Supreme Court in implementing changes.



*Committee on Judicial Conduct
Hon. Edward J. Lampron
Chairman*



*Board of Bar Examiners
Martin L. Gross
Chairman*

Board of Bar Examiners

Among its other functions, the Supreme Court has jurisdiction over the examination and admission of attorneys to the State Bar. Under the rules of the Court, the New Hampshire Bar Examination must be taken by all persons seeking admission to practice law in the state.

A 13-member Board of Bar Examiners is appointed by the Court (one chairman and 12 members) to prepare and administer two examinations a year to those applying for admission to the Bar. After examinations are graded, the board reports the results to the Supreme Court. All members of the Board are lawyers appointed for three-year terms. In fiscal year 1980, 209 applicants were tested and estimates are that approximately the same number will be tested in fiscal years 1981 through 1983. Of those tested in 1980, 153 were recommended for admission.

The Board annually collects about \$18,000 from the \$85.00 non-refundable Bar exam fee while its expenses average about the same. The two-day test consists of a standardized Multi-State Bar Examination, prepared and corrected under the guidelines of the National Conference of Bar Examiners. The second part is an essay type exam, prepared, administered and corrected by the Board. As of the beginning of 1981, all applicants for admission to the Bar will also have to take the Multi-State Professional Responsibility Examination, on which the Board establishes the passing level of performance for the test.



Character and Fitness Committee — (l-r) Willard G. Martin, Robert H. Reno, Robert L. Chiesa, Wesley Miller, Ralph H. Wood, Robert A. Raulerson, Gregory H. Smith

Committee on Character and Fitness

The Committee on Character and Fitness of the Supreme Court was established by court order in the Spring of 1978, to consider answers given by applicants to the Bar to questions submitted by the Court prior to their taking the Bar examination. It also considers responses to reference reports supplied by employers and personal acquaintances of the applicants and determines whether or not the applicant has established his or her moral character and fitness to be admitted to the Bar. The six-member committee is composed of one member of the Board of Bar Examiners, one member of the Committee on Professional Conduct, the Attorney General of New Hampshire, the Clerk of the Supreme Court and two members of the New Hampshire Bar Association, one of whom shall be made chairman.

Law Library

The Law Library, a part of the Division of Law and Legislative Reference Service of the New Hampshire State Library is located in the Supreme Court building. Containing over 70,000 volumes, it began in 1716 with a collection of law books belonging to the provincial government located in Portsmouth. Over the years, the library was moved to a separate room in the State House. In 1895, it was transferred into the State Library where it remained until the construction of the Supreme Court building in 1970. Open to the public, the library is staffed by two librarians and an assistant. Its many volumes cover all law except international and patent law.

Law Library —
Librarians (l-r) Norma
Jane Lyman, Constance T. Rinden



Superior Court Justices — (l-r) Top Row: Hon. William R. Johnson; Hon. Joseph A. Diclerico, Jr.; Hon. Charles I. Flynn; Hon. Wayne I. Mullavey. Middle Row: Hon. Charles J. Contas; Hon. Frederick D. Goode; Hon. Arthur E. Bean, Jr.; Hon. George S. Pappagianis. Bottom Row: Hon. Robert H. Temple; Hon. Richard P. Dunfey, Chief Justice; Hon. Linda S. Dalianis; Hon. William F. Cann; Hon. William F. Batchelder. Not Pictured: Hon. David H. Souter; Hon. Louis C. Wyman

SUPERIOR COURT

Under the State Constitution, the Superior Court is a trial court of general jurisdiction. The Court hears a variety of cases, both criminal and civil. It also acts as an appellate court for cases referred from the municipal and district courts. The Superior Court is the only state court that provides jury trials in civil and criminal cases. The Superior Court has original jurisdiction over all felony cases and original and exclusive jurisdiction in civil cases where the amount in controversy exceeds \$5,000.

The Court has a chief justice and fourteen associate justices. The justices hear cases in all 10 counties. Larger counties, such as Hillsborough and Rockingham have multiple judges sitting continuously.

The Administrative Center of the Superior Court is located in Laconia, New Hampshire. It is there that the Chief Justice has his principal office consisting of the administrative assistant, an account clerk and a part-time stenographer trainee. The Chief Justice is responsible for overseeing the administrative center's functions as well as those of all the Superior Courts in the ten counties.

In addition to the administrative center, there is the Law Clerk Division in Manchester and Concord and the Sentence Review Division in Concord, both of which come under the category of administrative operations of the Court.

The administrative arm of the Superior Court provides administrative services for justices, clerks of court, stenographers and other personnel and general supervision of the 171 superior court employees located in the 10 counties.

The justices are assisted by six law clerks who, like the judges, travel throughout the state helping to research legal matters. The clerks are supervised by a senior law clerk and are employed for one-year terms. In addition, each superior court location has one clerk of court and a general office staff. The average superior court office has seven employees, while the largest has 21. There are 17 stenographers who maintain a record of all trial proceedings.

The Superior Court is financed by a combination of state and county funds. The state funds are used for judicial salaries, retirement costs, the salary of the administrative assistant to the chief justice, current expenses, equipment and travel. County funds finance local operations and costs of maintaining each location. Other revenue comes from court receipts for filing fees and fines levied in criminal cases.

In fiscal 1980, the Superior Court disposed of approximately 32,000 cases: about 7,700 criminal; 8,600, civil; and 14,000 equity (including divorces).

An experimental Compulsory Arbitration Program was begun in Merrimack County Superior Court in the September 1978 term. It was expanded to include both Merrimack and Rockingham County courts in the April 1978 term. Retired Superior Court Justice Francis E. Perkins volunteered his time to serve as the arbitrator. While the system has been used in only two counties, it has helped expedite case processing. The main purpose of arbitration is to speed up the resolution of legal disputes, reduce delay in decision-making and costs to litigants.

Divorces and reciprocal support cases also are heard by the superior court. Frequently marital masters rather than justices hear these cases. There are six marital masters who sit regularly in the state. The court must approve the master's reports, whether they be temporary orders or final decrees.

The 15 justices of the Superior Court are members of various standing committees, such as the Sentence Review Division, the Incarceration Facilities Committee, the Marital Masters Committee, the Rules Committee and the Budget Committee.



Superior Court Clerks — (l-r) Seated: Robert E. Murphy, Commissioner, Hillsborough County; John M. Safford, Commissioner, Merrimack County; Unwar J. Samaha, Clerk, Rockingham County; Standing: Henry Shaheen, Clerk, Sullivan County; Robert C. Rich, Clerk, Coos County; Robert P. Tilton, Clerk, Belknap County; Stillman D. Rogers, Clerk, Cheshire County; Paul A. Gruber, Clerk, Grafton County; John D. McLaughlin, Clerk, Carroll County; Richard H. Keefe, Clerk, Strafford County

Superior Court Clerks Association

The Superior Court Clerks Association was founded in 1960 to foster cooperation between the offices of the 10 superior court clerks. The membership of the Association consists of the clerks of the superior court, commissioners to perform duties of clerk, and the deputy clerks of court appointed by the justices of the superior court. It serves a valued role in the formulation of coordinated administrative procedures, problem resolution, and it is increasingly becoming a vehicle for continuing education on court management techniques.

Matters which have been, or which are currently being discussed are varied and include standardization of forms, jury utilization, personnel management, data processing, records management, fee schedule revision and administrative implementation of legislatively mandated programs. In cooperation with the Court and the Bar, the Association anticipates continued efforts to improve the administration of the courts and to speed the administration of justice.

Superior Court Clerks Association Meeting — (l-r) Richard H. Keefe, Clerk, Strafford County; Robert C. Rich, Clerk, Coos County; Paul A. Gruber, Clerk, Grafton County; Donald D. Goodnow, Deputy Clerk, Cheshire County; John M. Safford, Commissioner, Merrimack County; Marshall A. Buttrick, Deputy Clerk, Hillsborough County; William S. McGraw, Deputy Clerk, Hillsborough County; James R. Starr, Deputy Clerk, Merrimack County; Henry Shaheen, Clerk, Sullivan County; Raymond W. Taylor, Deputy Clerk, Rockingham County; Stillman D. Rogers, Clerk, Cheshire County; John D. McLaughlin, Clerk, Carroll County; Robert P. Tilton, Clerk, Belknap County; Robert E. Murphy, Commissioner, Hillsborough County; Unwar J. Samaha, Clerk, Rockingham County

Civil Jury Trial In Merrimack County Superior Court — Justice David H. Souter presiding





*Misdemeanor Trial In Concord District Court —
Justice Arthur W. Robbins presiding*

DISTRICT COURTS

The district courts, established by the legislature in 1963, have exclusive original jurisdiction over juvenile matters and civil cases not involving title to real estate, where the amount in controversy is under \$500. The courts have original and concurrent jurisdiction with the superior court for violations, misdemeanors, domestic violence cases and for civil cases in which the amount in controversy is between \$500 and \$5,000. The district courts also have probable cause jurisdiction for all felony matters. Although superior courts have jurisdiction over misdemeanors, in practice, cases for which the penalty would be incarceration for not more than one year or a fine of \$1,000, or both are tried in district courts before a judge with a right of *de novo* appeal to the superior court for a jury trial.

Over 240,000 cases were handled by the district court in 1979, of which approximately 200,000 were criminal. About 65% of the criminal caseload was motor-vehicle related. Over 75% of the civil cases were small claims actions, and about 85% of the juvenile cases were delinquency matters.

Six of the 41 district courts are full-time courts, while the balance convene once or twice a week. There currently are 83 district court judges. The judges may employ a clerk and whatever staff is required to efficiently handle the court's business.

Financing the district courts, like the municipal courts, is done by the individual municipalities in which they sit. The towns bear all costs of court operations, including salaries for the judges, clerks and support staff. All receipts, except for a portion of the motor vehicle fines which are returned to the state, are kept by the towns.

MUNICIPAL COURTS

The municipal courts have original jurisdiction over offenses which happen within the boundaries of the municipality, and for which the sentence is not more than one year of incarceration or a fine of \$1,000 or both. Additionally, the municipal courts have probable cause jurisdiction in felony cases. The civil jurisdiction of the municipal courts is limited to matters under \$500 and does not include any disputes involving title to real property.

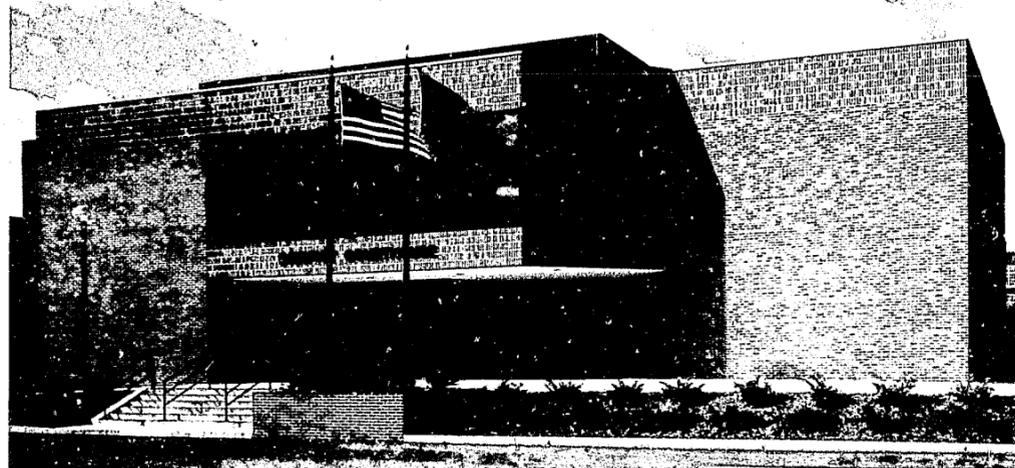
Of the approximately 10,000 court cases heard in the municipal court system during 1979, roughly 88% were criminal matters. In August of 1979, the new juvenile code eliminated juvenile jurisdiction from the municipal courts.

The 15 municipal courts operate on a part-time basis and are currently being phased out as the justices retire. Like the district courts, the municipal courts are financed entirely by the municipalities.

The District and Municipal Court judges may employ a clerk and such staff as required for efficient operations of the court. The majority of the clerks work full-time. While both courts are financed by the municipalities or towns in which they sit, it is interesting to note that in some part-time courts, revenues often exceed expenses.

Laconia District Court





Nashua District Court

New Hampshire Judges Association

The New Hampshire Judges' Association was created in 1972 in recognition by district and municipal court judges of the need to improve the uniform application of the law and to establish a forum to discuss and resolve common problems. Since its creation, the Association has been a leader in judicial reform: first, requesting the supreme court to require mandatory continuing judicial education for all district and municipal court judges annually; second, establishing an extensive in-state continuing education program; third, developing a benchbook and orientation program for judges; and fourth, providing a cohesive and effective organization to initiate necessary reforms.

District and Municipal Court Clerks of New Hampshire Association

The Association of the District and Municipal Court Clerks of New Hampshire is comprised of clerks of the two lower courts and convenes semi-annually. The objectives of the Association are: to assist the members to provide the best service possible and to foster harmonious relations among the courts.

Primary emphasis of the meetings in recent years has been placed on education with guest lecturers from the judiciary, state agencies, the Bar and private concerns. Current emphasis is being devoted to the area of legislative review and forms evaluation.

PROBATE COURT

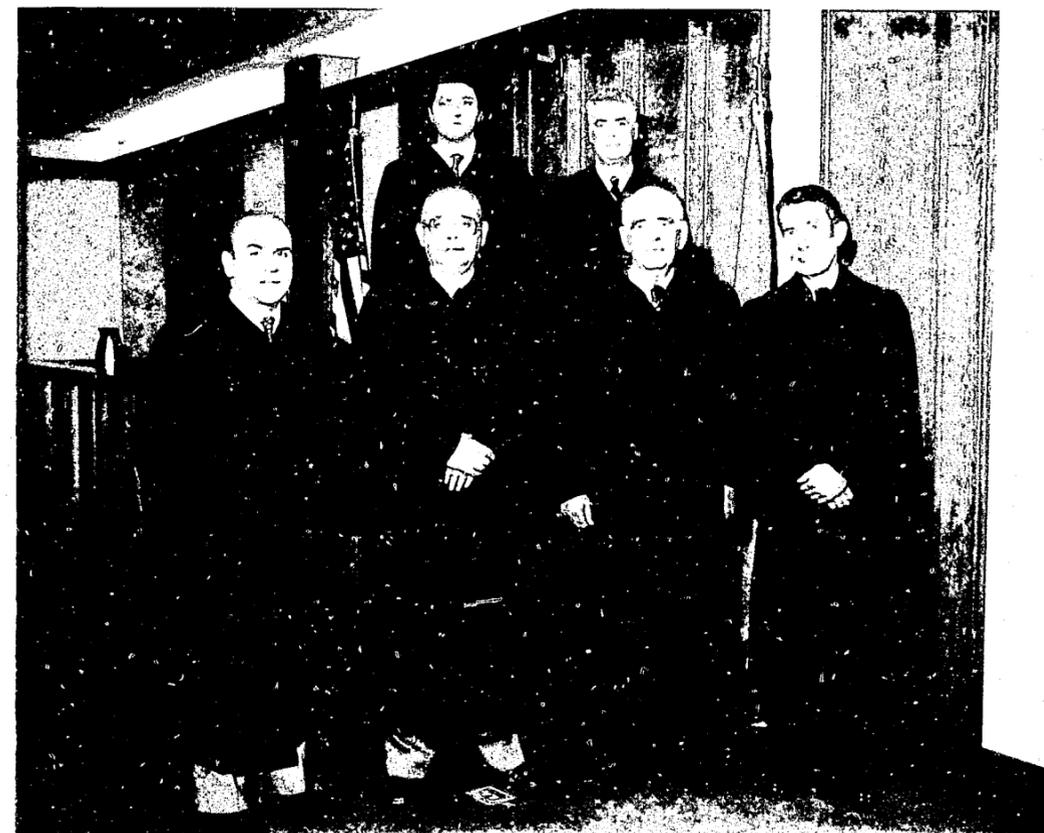
The Probate Court is a separate constitutional entity with authority over all matters relating to estates, wills, trusts, adoptions, guardianships, commitments, etc. Petitions for probate may be heard either at the general sessions or at special sessions held upon the request of a petitioner.

The Probate Court sits in each of the 10 counties. The judges are assisted by a register, elected for each court for a two-year term, and deputy registers and support staff as authorized and appointed by the register.

Judges of Probate Courts may maintain private law practices, unlike the justices in the supreme and superior courts, or the full-time district court judges. All judges of the probate court have to attend a minimum of one judicial education conference biennially.

All court actions and documents are filed with the Register of Probate, who is in charge of placing the matters on the court docket. The 10 probate courts opened approximately 9,000 new cases in 1980. While the General Court appropriates funds for the salaries of the justices, registers and deputies, the cost of operations is carried by each county in which the court is located. Some \$416,000 is budgeted for the probate courts from state sources for Fiscal 1982.

Probate Court Justices — (l-r) Top Row: Hon. Gary R. Cassavechia; Hon. Donald W. Cushing; Bottom Row: Hon. Peter S. Espiefs; Hon. Harry V. Spanos; Hon. Jarlath M. Slattery; Hon. Frederick J. Harrigan; Not Pictured: Hon. Roger C. Burlingame; Hon. Arlond C. Shea; Hon. Robert A. Jones; Hon. Raymond A. Cloutier; Hon. William W. Treat





*Judicial Council — Chairman,
Hon. William W. Treat*

Judicial Council

The Judicial Council, which is located in the State House, is composed of a justice of the Supreme Court, a justice of the Superior Court, a judge of Probate, the President of the New Hampshire Municipal and District Court Judges Association, the Attorney General, the President of the New Hampshire Bar Association, a clerk of the Superior Court and seven other members appointed by the Governor and Council, four of whom must be members of the New Hampshire Bar.

Created in 1945, the Council is to survey and study the administration of justice in the state as well as the organization, procedure, practice, rules and operation of all the courts. It is to receive and consider suggestions pertaining to the administration of the system, and to devise ways to simplify judicial procedure. It also has the power to recommend changes either upon request or upon its own motion, concerning the administration of justice.

In its latest Biennial Report, the Council states that it is the only forum in New Hampshire where citizens may appear in open session, with or without invitation and air their views of administration and the judicial system. The Council is funded solely by state funds.

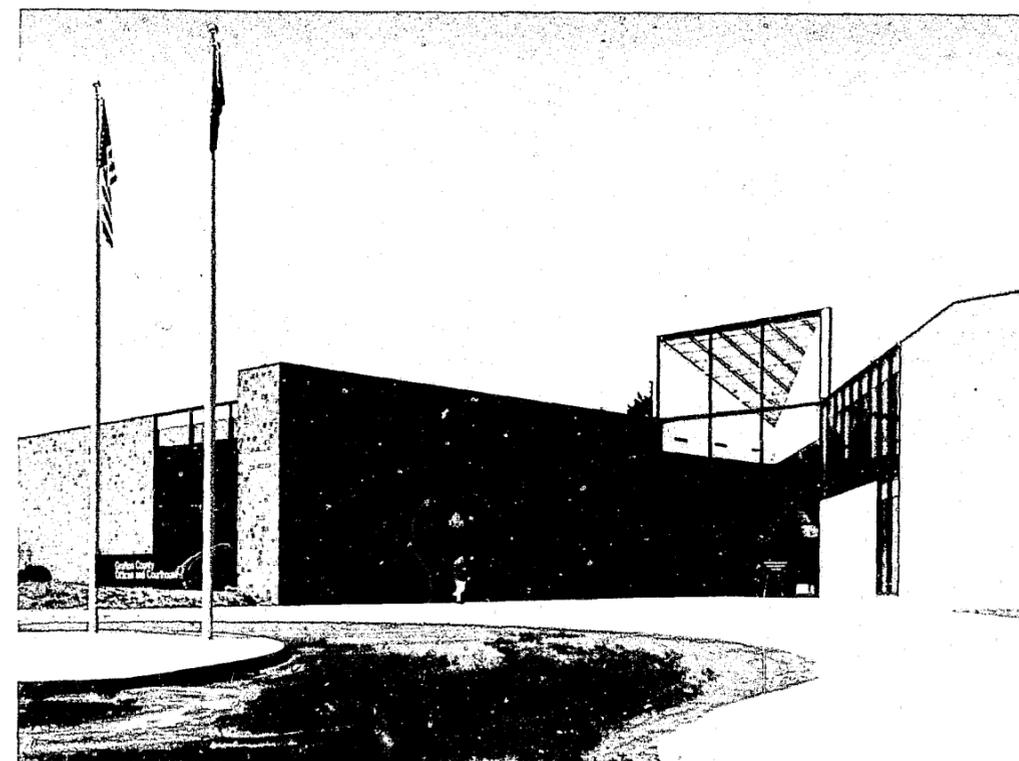
New Hampshire Court Accreditation Commission

In 1971, the New Hampshire Court Accreditation Commission was established by the legislature to be composed of five members to be appointed by the Supreme Court. The Commission was set up to use a system of standards in accrediting all courts in the state. Its members are a layman, a member of the legislature, a lawyer with trial experience in all court levels, a justice of the Superior Court and a justice of the Supreme Court.

The members of the Commission personally inspect or may delegate qualified inspectors to visit and inspect the Superior, Probate, District and Municipal courts to determine the quality and adequacy of the facilities, to advise on the planning of courthouses, administration of the courts, availability and quality of the law library and accommodations for the public, the bench and the bar, litigants and court personnel.

The work of the Commission is continuing, so that courts which do not meet the minimum standards may be upgraded while those accredited must strive to maintain that status.

Grafton County Courthouse

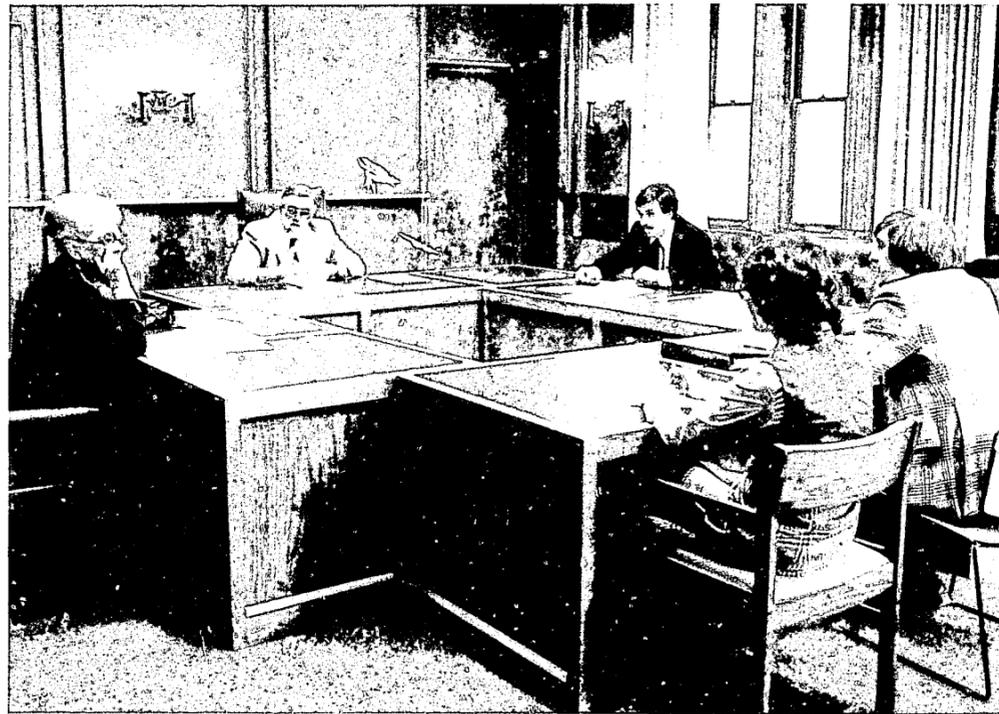


Select Commission to Examine the Unified Court System

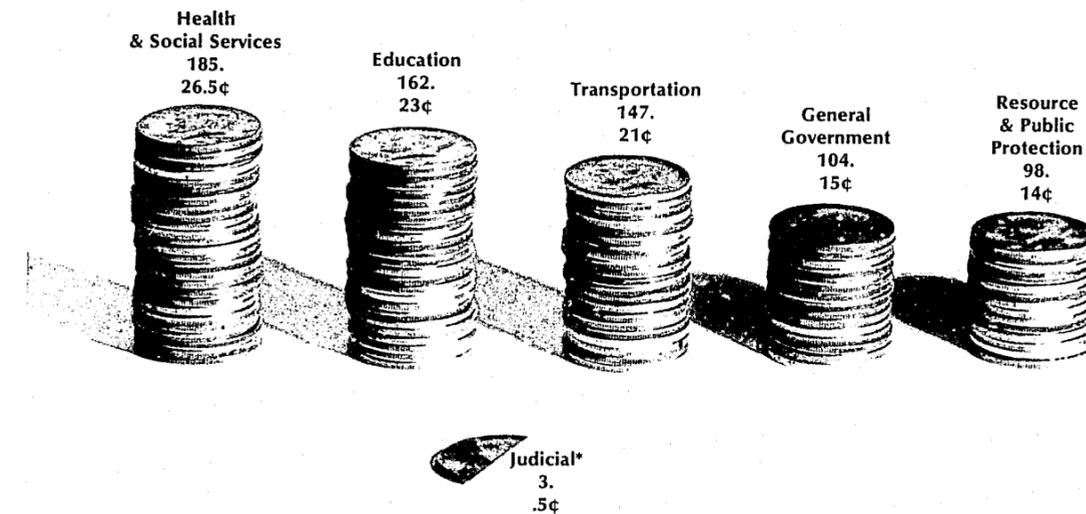
The Select Commission to examine a Unified Court System was established by the Legislature in 1979. The Commission, consisting of three members appointed by the President of the Senate and three members appointed by the Speaker of the House, reviewed various issues affecting the judicial system from 1979-1980 and issued a final report in March 1981. The report focused on court financing which the commission members felt was an appropriate area for legislative review without violating the separation of powers doctrine.

As part of its examination of court financing, the Commission reviewed current court budgeting and personnel administration practices with a view toward improving accountability. The report which represented the first major effort to document court system expenditures and revenues established a firm foundation for the continued documentation, comparison and analysis of court expenditures.

Select Commission to Examine the Unified Court System — (l-r) Sen. Vesta M. Roy; Sen. Norman E. Champagne, Chairman; Daniel W. Jones, Esq.; Jeffrey W. Leiding, Director of Administrative Services; Carol A. Belmain, Acting Secretary to the Director; Not pictured: Rep. David B. Campbell; Hon. Alf E. Jacobson; Rep. James Kaklamanos.



STATE OF NEW HAMPSHIRE Appropriated funds for Fiscal 1981 — in Millions of Dollars \$699.



*The cost of administering the Judicial System is .5 of 1 per cent of the total State Budget for Fiscal Year 1981.

Conclusion

With all of the various committees, commissions and offices, the administration of justice in New Hampshire is under constant scrutiny. The acquisition of modern word-processing equipment, the revision of procedures in all of the courts to set uniform standards, the implementation of efficient practices, centralized purchasing of standardized forms and supplies, continuing education for all judicial personnel, and strict adherence to the standards set by judicial and professional codes of conduct are all methods by which the state will assure its citizens of the fairest, most efficient handling of the over 300,000 cases which are presented to the judiciary annually.

Interior of the Supreme Court of New Hampshire



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