

From Chief Justice John T. Broderick, Jr.
TO THE CITIZENS OF NEW HAMPSHIRE:

With summer officially upon us and July 4th celebrations taking place, the long and difficult work on the state budget, which dominated public attention for so many months, may seem in the past. But many of you will feel its effects, directly or indirectly. The legislature and the Governor have made hard choices in balancing the state budget through June 30, 2011. Many state agencies and departments have been affected. The court system, a co-equal branch of state government, has been hit especially hard. Even before the Legislature's recent special session, we were not keeping pace with the public's demand for our services --59 of our 632 authorized staff positions were vacant and we had eight full-time judicial vacancies. Now, faced with even further budget difficulties, I wanted to let you know what the next twelve months will look like inside your 40 courthouses throughout the state.

You may have already heard that our courts are closed on some Fridays. Judges, marital masters and all staff take unpaid furloughs on those days and court services are available only for emergencies. We had to take this action to cover the \$3.1 million budget reduction that was enacted by the Legislature in March of this year. We determined that the greatest immediate cost savings could be best achieved by reducing expenditures for judicial and non-judicial salaries, utilities and courthouse security. That could only be accomplished by closing all courts on a single day. Since April, we have taken three furlough days and six more are scheduled through December. We expect to close the courts for four additional unpaid furlough days in 2011.

Earlier this month the legislature required the judicial branch to find another \$1 million in savings. To do so, we had to make hard choices of our own. First, we decided to dramatically reduce our use of "per diem" judges in the district and family courts where more than 80 percent of judicial branch services are provided. These judges are paid by the day and do not receive any benefits. They travel to courthouses where the need is greatest and are a vital part of our effort to provide timely service to the public. The slowdown will be felt by court users. Needed judge time in those courts, already down by 12 percent, will be down by 20 percent. By law, certain cases such as criminal arraignments, domestic violence, and child abuse take priority. Other cases will be delayed.

We have virtually eliminated the use of senior status retired judges in the superior court, who help move cases along so delays are lessened. There will be four fulltime judicial vacancies on the Superior Court by August, but, we have asked Gov. Lynch not to fill any judgeships (including another four vacancies in District Court and one in Probate)

because we need that financial flexibility to meet current funding reductions. More delays are inevitable.

In the superior court, jury trials will be reduced by one-third. Since preference must be given to criminal trials under our Constitution, civil jury trials will be rare over the next twelve months. But even criminal trials could be jeopardized. Just two weeks ago, the Rockingham County attorney expressed concern that without guaranteed criminal trials in all cases, prosecutors will be pressured to make plea deals with defendants and some accused of crime may go free because their trials will be delayed too long. I share the county attorney's concerns. But to make \$1 million in additional savings, we had few good options.

We have also decided that in our ongoing effort to meet budget reductions, we will not fill any full-time staff vacancies when they occur, unless absolutely necessary. We are maintaining 62 full-time staff vacancies now. More vacancies will result in further delays in processing cases and issuing orders, but we have no better choices.

In another development that impacts our budget, the legislature approved a well-deserved pay raise for our court security officers (who have received only \$65 a day and have not received a pay raise for ten years) and granted a similar increase to sheriffs' bailiffs, who provide security in the superior courts. But, the legislature elected not to give the judicial branch the money to pay the increases. Lawmakers also instructed us to cover security costs at four district courts, funding that the state had previously provided. Together, these unfunded security cost increases total \$1.2 million. The expectation that we will absorb these additional costs will aggravate the consequences of the earlier mentioned budget cuts. There is no margin for error when it comes to keeping our courthouses safe so we will do all that our diminished resources will prudently allow. But with no additional funds to cover the pay increase for security officers, we may be forced to schedule fewer court sessions because we cannot provide adequate security.

Be assured, throughout the upcoming fiscal year, we will monitor our budget closely, as we always do, and we hope the burden of some of these reductions in judicial service may be lessened as the year proceeds. But, to families in crisis, prosecutors trying to protect communities and civil litigants trying to protect their rights and property, the budget resources we have now will not be enough. Please know that we are doing all we can to keep the system from failing further.

Chief Justice John T.
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New Hampshire Supreme
Court