

REPORT OF THE JUDICIAL BRANCH INNOVATION COMMISSION

January 2011

PREFACE

The report of the Judicial Branch Innovation Commission was received by the Supreme Court on January 18, 2011. When the Commission was established in March 2010, the justices agreed that the Commission's autonomy was essential for it to make independent recommendations about how the Judicial Branch should address the challenges of the future. As a result, neither the Chief Justice nor any associate justices, nor any member of the Supreme Court staff was a member of the Commission, nor did they participate in the discussions and deliberations of the Commission.¹ Prior to submission of the finished report, the Commission Chairman, Eric B. Herr, provided the court with a preview of the recommendations that the Commission had voted on and approved.

The mandate of the Innovation Commission was to make recommendations that would allow the Judicial Branch to meet an increasing demand for services while faced with shrinking financial resources. Finding ways to save money, of course is not new to state government particularly in the current economic climate. The Judicial Branch is not, and should not be excluded from the obligation to contain costs. Over the years, the court system has cut mileage reimbursements, reduced law library purchases, contracted with sole source providers for court interpreters and transcripts, and replaced court stenographers with less costly court monitors. Most recently, judges marital masters and court staff are taking up to 14 unpaid furlough days, per diem judge time has been cut by 20 percent, jury trials have been cut by a third, and a high rate of staff vacancies has been maintained. Prior to the Innovation Commission, substantial organized efforts also had been made over the years, by various groups and commissions, to assess Judicial Branch operations and initiate improvements.²

What is different about the work of the Innovation Commission is the recognition, from the outset, that it is no longer possible to maintain business as usual in the court system while hoping for more revenue each budget cycle. Not only was it unrealistic, considering the dire future of state government economies nationwide, as the Commission points out, it also was not a responsible approach to managing what resources we do have. The

¹ The Commission considered operations in the Superior, District and Probate Courts and the Administrative Office of the Courts. While the Supreme Court did not examine its operations in conjunction with the Innovation Commission, or its members, the court has proposed recommendations for inclusion with the report. **See Appendix A.**

² Supreme Court Long-Range Planning Task Force report, July 1990; National Center for State Courts operational review, March 2001; Legislative "Performance Review" audit, November 2003; Task Force report on Self-represented litigants, January 2004; Report from the Committee on Justice System Needs and Priorities, September 2004; Family Division Implementation Report, December 2004; Citizens Commission on the State Courts, June 2006.

Commission's task was to propose changes in the court system structure that would streamline our workforce and, most importantly, take greater advantages of technologies – from electronic filing to call-in centers – that will allow us to maximize efficiencies and provide the highest quality service to citizens who use the court system.

We commend the Commission, and we are particularly grateful to its chairman, Eric Herr, for the energy and focus devoted to that goal over the past nine months. From the outset, the Commission timed its work so that recommendations that required statutory changes could be considered during the 2011 legislative session. Some requests for draft bills related to Commission recommendations have been submitted to the Office of Legislative Services, most notably, LSR 2011-H-0574, which would consolidate the District and Probate Courts and the Family Division and create a single Circuit Court. In addition, the Judicial Branch is submitting a request for a \$5 million capital appropriation in the FY 12-13 budget to launch a five-year plan to transform court operations into a paperless e-system.

The recommended structural changes, if supported by the Governor and legislature, will result in the most striking overhaul of the New Hampshire Judicial Branch since the early 1980s. Significantly, the Commission has determined that proposed changes, particularly those for the new Circuit Court, should be carried out incrementally, through employee attrition and retirement, over the next 10 years. The Commission's financial analysis shows that each year will bring additional savings as the workforce declines and jobs are realigned to produce permanent change in the court system.

Finally, and most importantly, we appreciate the Commission's critical message that the pace of change must be spread over time. An abrupt reduction in Judicial Branch resources would undermine the very work of the Commission, which recognizes that it takes time and effort to implement large institutional change, especially in an institution as deeply embedded in practices and procedures as the court system. Moreover, immediate additional cuts in Judicial Branch appropriations would further weaken the effectiveness of our court system which is already severely strained by judicial and staff vacancies and court closures. The administration of justice is a core function of government. That does not mean that the Judicial Branch is immune from change. In fact, it was the Judicial Branch that initiated this unprecedented effort to promote change within its own ranks. What is needed is the time to carry out that change, effectively and with stability, while continuing to meet the obligations we have to the citizens we serve.

Chief Justice Linda Stewart Dalianis
Senior Associate Justice James E. Duggan
Justice Gary E. Hicks
Justice Carol Ann Conboy
Justice Robert J. Lynn

TABLE OF CONTENTS

INTRODUCTION.....	5
COMMISSION RECOMMENDATIONS.....	12
Circuit Court Sub-Committee.....	12
Recommendation #1	14
Establish the Circuit Court by Unifying the Probate Court, District Court and Family Division	14
Recommendation #2	18
Judicial Restructuring for Circuit Court.....	18
Recommendation #3	21
Management Restructuring for Circuit Court.....	21
Recommendation #4	25
Transfer Jurisdiction over Speed and other "Plea by Mail" Cases to the Department of Safety.....	25
Recommendation #5	29
Establish a Circuit Court Call Center.....	29
Recommendation #6	33
Establish a Circuit Court Central Filing Center.....	33
Recommendation #7	35
Establish Specialized Case Processors	35
Recommendation #8	38
Implement Videoconferencing and other Practices to Reduce the Amount of Time Spent Traveling and the Cost of Travel	38
Recommendation #9	41
Virtual Information Center/Increased Use.....	41
of Web Based Information Concept	41
Recommendation #10	44
Expansion of the Family Division Dictation Center	44
Recommendation #11	48
Transfer the Adjudication of Certain Case Types to Judicial Referees	48
Recommendation #12	51
Transfer/Centralize/Private Fine Collection.....	51
Recommendation #13	53
Elimination of Certain Jurisdiction Capable of Adjudication	53
by Non-Judicial Forums.....	53
Recommendation #14	55
Create Direct Public Access to Court Records.....	55
Recommendation #15	58
Remove the Requirement of Judicial Review/Co-signature on	58
Non-Dispositive Recommendations By Marital Masters.....	58

Superior Court Working Group	60
Recommendation # 1: Consolidation of Management of Six Smaller Superior Courts and Reclassification of Clerk Compensation	62
Recommendation #2: Division of Case Processing-Customer Service Functions of Workforce	67
Recommendation # 3: New Jury Management System	71
Recommendation # 4: Increase the Use of Part Time Employees	73
IT Sub-Committee Report	77
TRANSFORMING INTO A PAPERLESS E-SYSTEM	77
Administrative Office of the Courts	84
Review and Recommendations	84
Judicial Branch Human Resources and Payroll Administrative Systems Update	86
Systematic Review and Prioritization of Auditing/Accounting Support Functions	88
Review and Recommendations of AOC IT Department	90
CONCLUSION	91
APPENDICES	93
APPENDIX A	93
SEE APPENDIX B "SUMMARY OF INNOVATION COMMISSION SAVINGS"	98
SEE APPENDIX C "NEW JURY MANAGEMENT SYSTEM"	98
SEE APPENDIX D "E-COURT BUDGET ESTIMATE"	98
SEE APPENDIX E "RETURN ON INVESTMENT"	98

Members of the Commission

INTRODUCTION

The Case for Change

In March 2010, Chief Justice John T. Broderick Jr. announced the formation of the Judicial Branch Innovation Commission, noting that “The Judicial Branch can either continue down the path of incremental reductions in service or we can seek those innovations that will permit courts to meet the needs of our Twenty-First Century constituents.”¹ Over the last decade and more, while the court case load grew with the state’s population² and its role in resolving economic and social disputes expanded, its share of public sector spending has steadily fallen.³ The economic recession of 2009-10 has only served to exacerbate those pressures. At the Commission’s opening meeting in March, Thomas Clarke, vice president for Research and Technology at the National Center for State Courts (NCSC), said that for the foreseeable future, in addition to their own budget deficits, state governments will feel increased pressure as the federal government responds to demands for services to the nation’s aging baby boomer population and for deficit reduction.⁴ The result will be chronic economic pressure on state government in New Hampshire, including the Judicial Branch.

In the face of this long term economic picture, and the resulting competition for scarce resources in the public sector, it would be imprudent to manage the Courts hoping that suddenly resource pressures will dissipate with economic recovery. Accordingly, while the Court must make the case during the budget process for resources adequate to the task, it must also manage the resources it has under its control. Like every branch of New Hampshire State government, the Judicial Branch has the obligation to be good stewards of public resources and to make both effective and efficient use of the resources at its disposal. It is to these twin ends that the Judicial Branch Innovation Commission was created and has worked.

Key Dimensions of Change

In the following pages, the details of the Commission’s recommendations are reported. While each recommendation is important, taken together, they

¹ Letter from Chief Justice John T. Broderick Jr. March 10, 2010

² See 2007-2008 Biennial Report of the State of New Hampshire Judicial Branch, pp 15-24, <http://www.courts.state.nh.us/press/2009/2007-2008-biennial-report.pdf>.

³ A 2003 audit conducted by the Office of the Legislative Budget Assistant pointed out that judicial branch spending increased by 20 percent over the six-year audit period, while overall state spending increased by 29 percent. According to the New Hampshire Comprehensive Annual Financial Report, the Judicial Branch spending increased by 24 percent from FY 2003 to FY 2009, still less than the overall 28 percent increase in general fund expenditures statewide.

⁴ Remarks by Thomas Clarke, March 29, 2010, Concord NH. Video record available from the Administrative Office of the Courts. NCSC’s work with the Innovation Commission was funded by the State Justice Institute.

suggest a fundamental shift in Judicial Branch management from an almost exclusive focus on process to a focus that balances both process and outcomes.⁵ The focus on process has produced continuity, precedent, stability, predictability and the benefits of due process, all of which strengthen public trust and confidence in the court system and in the rule of law. Underlying each of these recommendations is a test of outcomes. Will these changes produce a better future, whether by more timely justice, lower costs, or more just actions and decisions? In similar fashion, the Supreme Court in managing the Judicial Branch should assess its actions by both process and outcomes.

There is another critical dimension of change: managing the pace of change. How fast to start? When to accelerate and when do we take a breath and slow down? There is no cookie-cutter solution. The temptation, particularly in the current fiscal environment, will always be to ask, "Can't we get the savings faster?" That is an appropriate question.

It is critical, in the Commission's judgment, that the Supreme Court balance the pressure for immediate change with the need to test and learn from the early stages of implementing these recommendations. The Commission is mindful that court systems are inherently conservative institutions and that the Judicial Branch is not built around change. Quite the contrary. The day to day operation of the court system is regulated by statutes, practices and rules that are designed to guarantee the rule of law will be applied in the same way for all citizens. Dramatic change is not a part of the culture of state government, nor of the court system in particular. The importance of the rule of law, as maintained by the state court system, is too critical to risk taint for short term fiscal advantage. Still, as the Court learns and change succeeds, the Judicial Branch must be prepared to accelerate the pace of change.

The voluntary staff turnover that the Judicial Branch can expect over the next decade –through retirement and attrition--provides a "natural" trajectory for change. Today, 100 non-judicial employees are 60 years old or older; over the next 10 years an additional 200 non-judicial employees will reach that age. The report from the Circuit Court subcommittee, included in this report, also highlights how a new management model can be accomplished over time using a phasing in approach that takes into account attrition, retirements and administrative transfer.⁶ Expected retirements and other voluntary attrition will allow the Judicial Branch to establish Twenty-First century efficiencies in the administration of justice.

The final key dimension of change is equity across the various divisions of court. It will be important to manage the changes proposed here in a fashion that is equitable across the judicial branch because it is fair, because it will in part reduce risk and because if change is equitable, it will have the support of the court staff, a key to achieving the benefits of change. The proposals made in this

⁵ Outcomes refer to process results, e.g. cost per case, time to disposition, and predictability of hearing dates and times rather than case decisions.

⁶ See p. 10, Report of the Circuit Court subcommittee, "Timeframe and Timeline for Implementation."

report offer varying degrees of change across the divisions of court. There was vigorous debate among the commissioners about the equity of this distribution versus the necessity for differences because of the various jurisdiction and case types in the divisions of the court system; Supreme, Superior, Circuit (formerly District, Probate and Family). While the Commission did not reach a conclusion on this matter, it is clear that the Supreme Court and Administrative Council must be mindful of these differences when assessing the equity of change across the Judicial Branch, including the Administrative Office of the Courts.

The Commission's Work Plan

From the outset of its work, the Commission recognized that while it is an independent body, it is not a decision-making body. Rather, the Commission's role is to inform the deliberations of the Supreme Court and decisions on strategic direction. At its first meeting, the Commission elected to focus on recommendations that addressed the long term performance of the Court. While the Commission recognized the immediacy of fiscal pressures, it elected to take the long view and spend its time and energy on innovations that would produce significant long term improvement in Judicial Branch performance.

The Commission recommendations, phased in over 10 years, will achieve a new, more efficient court structure while also maintaining public confidence in the stability and accessibility of its justice system even as change is underway. The Commission believes this measured approach is the right course to take to achieve real long term modernization of the court system, to consolidate operations and to streamline the workforce, all creating lasting efficiencies.

In that vein, the Commission adopted an ambitious target--to increase productivity by 25 per cent over a 10 year period to produce long term savings. This did not represent or reflect a specific forecast of future budgets. Nor was it a statement of what the Judicial Branch should deliver. Rather, the percentage was chosen to be sufficiently large to induce the Commissioners to think outside the box, to consider significant changes to business practice, structure, management, and technology that would result in significant savings over time. The Commission looked in particular at the overall cost per case in each of the state trial courts.⁷ But, cost per case is not the only, or the most important, measure of Judicial Branch performance. Recognizing that, the Commission recommends that productivity and savings be monitored and reported as part of the broader set of metrics set out in 10 trial court performance measures designed by the National Center for State Courts. These measures, called "CourTools,"⁸ are used in state court systems around the country -- including New Hampshire-- as benchmarks for performance and efficiencies. They include cost per case, case clearance rates, time to disposition and reliability and integrity of case files. The New Hampshire court system's case management system,

⁷ See "Judicial Branch Expense Model" p. 5

⁸ Cite CourTools: http://www.ncsconline.org/D_Research/CourTools/Images/courtools_measure1.pdf

Odyssey, provides the foundation for capturing and reporting this specific data. Perhaps most importantly, however, the first measure for court performance in the tool set constructed by the National Center focuses on how users of the court system rate its performance in terms of accessibility, fairness, equality, and respect for all.

The Commission used the following principles, developed by the Administrative Council and adopted by the Supreme Court, to guide its work:

- New Hampshire courts must maintain and improve access to justice by New Hampshire citizens, families, and businesses.
- New Hampshire courts must sustain the rule of law while treating all citizens with fairness, respect, and integrity.
- New Hampshire must deliver timely, efficient, understandable, and cost-effective access to justice.

Over the last eight months, the Commission organized itself into Working Groups to facilitate its effort. Those Working Groups were: Superior Court, Circuit Court, Technology, and the Administrative Office of the Courts.⁹ Importantly, those Working Groups and the Commission have been supported throughout by the National Center for State Courts which brought to the project deep personal and institutional experience from across state courts.

Context and Framework for the Recommendations

The recommendations that follow range from significant reorganization to development of new administrative structures, application of technology to move toward a digitally based court system, shifts toward more part time staffing, and diversion of case load from adjudication to administrative and alternative dispute resolution. Some changes require legislative approval, but most can be undertaken with the authority already granted to the Judicial Branch. Some will require investments to produce significant future savings, some such investments being capital budget items and others short term operating budget relief.¹⁰ But most would provide a return on investment that is well within the state's standards for capital investment, often by wide margins. Other recommendations can be managed inside current Judicial Branch resources.

⁹ The Innovation Commission focused on the work of the trial courts, administration and information technology. The Circuit Court is a consolidation of the District and Probate Courts and the Family Division. The Commission also received recommendations, included in this report, from the Supreme Court, which because of the nature of appellate work, and the much smaller workforce, presents different issues than the trial courts.

¹⁰ A "Summary of Innovation Commission Savings" projected through 2020 as a result of proposals in the full report, and related capital budget requests for FY 12-13 can be found in appendix A.

With approximately 75% of Judicial Branch expense being employee related and a significant part of the rest being related to the size of the staff, e.g., facilities and equipment, a 25% target productivity improvement must fall primarily, but not exclusively, on reducing employee related expense. The question of “How best to trim 25% of employee related costs?” does not adequately inform Judicial Branch management’s resource stewardship. The more meaningful question is, “How can the Judicial Branch become both more effective and efficient over time, in particular in the management of its human resources?” How can the Judicial Branch do the right things, the right way?

Recognizing this and for simplicity, the drivers of Judicial Branch expense can be expressed as a relationship of:

- The number of cases,
- The efficiency of administrative staff, e.g., cases per full time equivalent non-judicial staff member
- The efficiency of judicial staff, e.g., cases per full time equivalent judicial staff member,
- Total employee related cost per year ¹¹ per non-judicial staff member,
- Total employee related cost per hearing officer¹²
- Other cost per case.

Each of the recommendations detailed below can be viewed from this perspective. Circuit Court Recommendation # 11, “Transfer the Adjudication of Certain Case Types to Judicial Referees,” diverts certain types of disputes from relatively costly adjudication in Court to lower cost refereed resolution. At the same time, the Judicial Branch has embraced and will continue to support efforts to divert cases toward lower cost resolution through its Office of Mediation and Arbitration. The creation of the Circuit Court itself, Circuit Court Recommendation # 1, is expected to increase judicial staff efficiency as location coverage improves and economies of scale are realized, e.g., a probate judge sitting in Colebrook could hear a single arraignment, avoiding the expense of calling in a District Court judge for a single hearing or transporting the defendant 52 miles round trip to Lancaster for a 10 minute arraignment. The consolidation of the Circuit Court back office into one or more shared service centers, or “Central Filing Centers,” is expected to produce efficiencies that appear both in increased cases per administrative staff member and reduced expense per administrative staff member. Prototype tests undertaken by the District and Probate Courts and Family Division have already provided evidence

¹¹ Total employee costs = compensation plus benefits

¹² Hearing officers include judges, marital masters, and non-judicial hearing officers.

that efficiencies are gained via specialization and elimination of interruptions that are so much a part of today's court locations. And it appears that in the long run total employee related costs per administrative staff member can be reduced as staff skill levels are better matched to skills requirements and increased part time staffing reduces fringe benefits. Skill level matching is enabled because today at small court sites relatively expensive staff performs some relatively simple back office tasks.

Implementing change in response to reduced resources

There is no silver bullet here, but rather an accumulation of effects, large and small. In part these recommendations grow from the experience of the Court's own staff. In part, these recommendations reflect learning from the experiences of other states, in particular in organizing and applying technology to activities. In part, the Commission's thinking was shaped by new models of business processing and new concepts of judicial practice, e.g., the growth of shared service centers and viewing a court not as a single place but a combination of front and back office activities and court room hearings that need not be co-located. Finally, the Commission's thinking was impacted by analyzing the cost of operations compared to the size of some courts and more generally comparing the performance of individual courts.

Closing remarks and a view to the future

The effect of these studies and deliberations is detailed in the recommendations that follow in attached appendices which cover recommendations of: the Circuit Court, the Superior Court, the Supreme Court, Information Technology, the Administrative Office of the Courts, and Management of the Judicial Branch. The Commission submits them for the consideration of the Supreme Court.

Regarding ongoing management of the Judicial Branch, the Commission strongly recommends that the Governor establish an independent commission—similar to those established for military base closings—to identify court buildings that can be closed down to produce savings. The Department of Administrative Services, which has authority over all judicial buildings, has begun preparation of a master plan for the court system, which could make recommendations for closing buildings. While the legislature in the 2009 session declined to act on a proposal to close some courts, the Commission believes the issue deserves further examination by an independent body with authority to close down buildings based on usage, age, cost of operation and other factual criteria.

By creating the Judicial Branch Innovation Commission, New Hampshire's Judiciary took an important first step toward change and thereby being ever better stewards of the resources entrusted to it by the citizens of New Hampshire to execute its critical, constitutional role. It is an important first step because the Commission has generated clear, actionable recommendations that,

taken together, will produce significant savings over time while preserving the quality of justice in New Hampshire.

If this vision is to be fully realized, the Judicial Branch must doggedly and persistently focus on the effectiveness and efficiency of its operations from big ideas like the consolidation of the Circuit Court to the everyday management of individual performance. It must recognize performance management as a critical leadership role. It must also recognize that such change is not without risks, particularly in an institution not known for or comfortable with rapid, continuing change.

Accordingly, we urge the Judicial Branch and by extension the Legislature and Executive Branch to adopt a prudent but deliberate pace of change, one that starts small, enables learning and confidence building and accelerates with experience.

Respectfully submitted,
Judicial Branch Innovation Commission
Eric B. Herr, Chair

COMMISSION RECOMMENDATIONS

Judicial Branch Innovation Commission Report **Circuit Court Sub-Committee**

After the original committees of the Innovation Commission met several times, common themes arose. The Chair then re-grouped the members into a new committee structure, by court jurisdiction. This report is submitted by the Circuit Court Subcommittee.

As the initial committees looked at the current structure of the New Hampshire Judicial Branch, which has a 75+ million dollar budget, more than 75% of which is employee payroll and benefits, with 70+ courts in 40 locations, 63 clerks, and 8 administrators it was clear that restructuring these courts could result in significant efficiencies. Ultimately, the commission agreed to focus restructuring proposals on the limited jurisdiction trial courts, district, probate and family, which handle some 95% of the cases filed in the state.

What follows are the recommendations of this subcommittee, the centerpiece of which is a legislatively created limited jurisdiction court to be known as the Circuit Court which would be responsible for adjudicating all cases currently handled by the district, probate and family division courts. The new court would be organized with three divisions based upon the types of cases currently heard in these three separate courts. Two major principles guide the efficiencies of this reorganization: the collapsing of management and staff positions, and the ability to certify judges to hear cases arising in multiple divisions of the court. Judges currently serving would initially be assigned to the division matching the court to which they were appointed, with a certification process to handle other cases, similar to the manner in which judges are presently assigned to the family division. New judicial appointments would be made by Governor and Council to the Circuit Court.

In addition to restructuring these courts, the committee is making numerous other recommendations to create efficiencies in this new court. In general, these involve increased use of technology, cross training of court assistants and identifying more efficient ways of adjudicating the cases arising in these courts, to include transferring certain types of cases to non-judicial officers or out of the judicial branch altogether.

While much work remains to be done to make this concept a reality, we are confident that the citizens of New Hampshire will be well served by the creation

of the Circuit Court and that within this new court, the mission of the judicial branch can be met, resulting in significant financial savings over time while at the same time providing better access to the courts by the citizens who need to use our services.

Edwin W. Kelly
Administrative Judge, District Court and Family
Division

David D. King
Administrative Judge, Probate Court

Recommendation #1

Establish the Circuit Court by Unifying the Probate Court, District Court and Family Division

A. *Description of the Concept*

The New Hampshire court system is comprised of four trial courts and one appellate court. The Superior Court, the Probate Court, the District Court and the Judicial Branch Family Division are the four trial courts and the New Hampshire Supreme Court is the sole appellate court. Both the Supreme and Superior Courts are created in the constitution; however, the District Court and the Family Division are legislatively created. The Probate Court, on the other hand, is referenced in the New Hampshire Constitution as are Registers of Probate; however, its existence does not appear to be constitutionally mandated.

The four trial courts share jurisdiction in some areas and in others jurisdiction is exclusive. In many locations the four trial courts share physical space. Generally, management responsibility is not shared among the four trial courts with the exception of the District Court and Family Division in certain locations. In four locations, the clerkship of the District Court and Family Division is shared by one individual.

With respect to judicial resources, while the Superior Court has some authority to assist in the District Court and retains the jurisdiction over some areas now within the scope of the Family Division (in those places where the Family Division has not yet been implemented), there is no sharing of judicial resources between the Superior Court and the other trial courts. Family Division judges are judges of the District and Probate Courts who have been certified, beyond this however there is also no sharing of judicial resources between the Probate and District Courts. Beyond the exceptions of the shared clerks and some telephone coverage in very small locations, there is no commingling of the staff at any of the trial courts.

The concept proposed would unify the Probate and District Courts and Judicial Branch Family Division into one multi-jurisdiction trial court hereafter referred to as the Circuit Court of New Hampshire (or Circuit Court). The statutory jurisdictions of the three trial courts would be combined as would the judicial officers, management and staff. It is believed that significant gains in efficiency, as well as considerable cost savings will be achieved with such unification.

Efficiency

As noted above, at present there is little sharing of judicial resources and staff among the three trial courts which are the subject of this concept. The effect is that, especially in co-located sites, there are occasions when some judicial officers and staff may be available while another trial court at the same location may not have the time on a particular day to complete the necessary work of the court. Unification of the three trial courts will permit the sharing of both judicial and staff resources and permit the allocation of those resources where needed.

Cost Savings

Cost savings will also result from the consolidation of management. ¹³With a unification of the three trial courts, it will become unnecessary to have a clerk/manager of each division at each location. In some locations there are three managers at present and that number will be reduced to one. The management structure must necessarily vary from place to place as a result of size and geography; however the concept is simple: unification results in constricted management. This is true not only at the local court level but with regard to upper management as well.

The clearest method of explaining judicial cost savings may be by way of example. At present, in some part time courts there is not a judge on site each day; however there are emergencies which arise and which require judicial intervention. The arraignment of detained defendants is a good example. If a person is arrested and detained, the court must conduct an arraignment within 24 hours; however in many courts there is no judge on site. In that instance, a judge must be called in, and paid, to hold the arraignment. However, it is possible, if not probable, that there is another judge in the building who is both capable and available to handle the arraignment but, because that judge is in a different trial court, has no authority to conduct it. Through unification, that judge would now be able to conduct the arraignment thereby saving the court system the funds which would have been expended by calling in the off duty judge to conduct what amounts to a simple proceeding.

The concept would not result in the closure of court locations or a realignment of the current structure of the judicial districts. It would also not involve the immediate assignment of judges from one trial court to another. The concept calls for three divisions within the Circuit Court: a Probate Division, a District Division and a Family Division. Judges currently assigned to one or more trial courts would be initially assigned to the division within the Circuit Court which most closely matches the current appointment/assignment. The case types falling within the scope of each division would also track current practice. A

¹³ A "Summary of Innovation Commission Savings" projected through 2020 as a result of proposals in the full report, and related capital budget requests for FY 12-13 can be found in appendix A.

process will be developed by which judicial officers are certified to sit in the division assigned to ensure that both the legislature and court users are satisfied that the judicial officer hearing cases within the court are competent in the area of jurisdiction involved.

In many ways the concept of the Circuit Court will appear to those outside of the system very similar to what is currently in place. For example, someone filing for a divorce will still go to a judicial officer within the Family Division and will also likely go to the same court location; however the name of the court will change as will the staffing. To others new conveniences may be apparent. For example, someone appearing currently for an adult guardianship case may have to travel a distance to appear for a hearing and may in fact drive by another trial court location. Through unification the hearings may be conducted at locations more convenient to the litigants which is not possible at present.

The concept will result in a major change to the New Hampshire Court system but is a change which will result in both significant efficiencies and sizeable cost savings as well as greater convenience to the citizens of New Hampshire.

B. *Principles and Issues Addressed*

- An expanded jurisdiction trial court would permit a greater use of judicial resources and staff thereby improving the efficiency of the newly created trial court.
- Significant cost savings may be achieved by the consolidation of current management.
- A certification process will be developed to assure subject matter competence for each judge sitting in a division which has jurisdiction over cases other than those handled by the judge's first court of appointment.
- Significant training of staff will be necessary to ensure that staff is competent in all areas of the newly expanded jurisdiction.
- Significant changes may be necessary to the courts' case processing and accounting systems to combine the three trial courts into one.
- An expanded jurisdiction trial court will improve the public's access to justice in terms of ability of the court to conduct hearings as well as the locations at which those hearings may be conducted.

C. *Costs of the Concept*

It is anticipated that the costs of this concept will be related mostly to staffing but will be offset by savings expected to be realized. No capital expenditures will be necessary to implement the Circuit Court; however other concepts which follow will require such expenditures. The greatest cost of the concept will involve staff and judicial training, IT upgrades/updates and public education.

D. Timeframe and Timeline for Implementation

Statutory change will be required to implement the concept. Once statutory change has been approved, implementation will require at least one year so that necessary staff and judicial education may occur, management restructuring may take place and public outreach can be implemented. It is anticipated that full implementation will take at least one year from date of passage.

E. Immediate Budget Impacts

This recommendation is meant to provide the infrastructure for the new court. Anticipated costs and savings will be addressed in later recommendations.

F. Long Term System Improvements

Over time and with continuing judicial and staff education and experience, it is anticipated that staff will become more efficient in the processing of work and that elimination of the barriers between the three trial courts will permit management to properly assign tasks/ work based exclusively upon need. This will result in a more efficient processing of work and greater service to the public. In addition, the public will be provided with greater and more convenient access to justice as more court locations are open to them for purposes of hearings which may previously have been conducted at some distance. With the expansion of jurisdiction and the availability of a greater pool of available judicial resources, hearings which may previously have been delayed due to a lack of judicial resources should no longer suffer such delays, again improving the public's access to justice.

G. Legislation

Legislation is necessary to implement this efficiency.

Recommendation #2 Judicial Restructuring for Circuit Court

A. Description of the Concept

There are currently 66 different court locations for the district, probate and family division courts throughout New Hampshire, many co-located within the same building. With the formation of the circuit court comes the opportunity to better utilize judicial officers by increasing the jurisdiction of cases that they can sit on. At present, the judges sitting in these three courts are appointed by the Governor and Council to either the district court or the probate court; district and probate court judges are then certified to sit in the family division. There are presently 10 probate judges authorized, one for each county; of those, 7 are full time and 3 are part time. There is currently one full time vacancy. In the district court, there are 25 full time authorized positions, with 5 present vacancies and 30 authorized part time positions, with 4 vacancies. In addition, there appear to be a number of judges who will retire in the next several years. For example, of the 9 judges currently on the probate bench, it is anticipated that all but 1 will retire over the next 8 years; there are similarly a number of expected retirements coming in the district court.

Today there are many inefficiencies which exist in judicial staffing due to the limited appointments. For example, in Coos County there is a courthouse in Lancaster where the district court, probate court and family division are all co-located. Often there is only one judge in the building. When a probate judge is the only judicial officer in the building and a criminal arraignment or bail hearing is required, it requires a district court judge to travel to that location which takes time and costs money. By the same token, a district court judge cannot sit on an emergency guardianship which might require an immediate hearing. There is already statutory authority for a district court judge to sit in the probate court (RSA 502-A:5-a) and for a probate court judge to sit in the district court (RSA 547:38), under certain limited circumstances. While these statutes have been used very infrequently, they have proved useful in providing judicial coverage.

It is anticipated that in each of the court locations around the state, judicial officers will preside over cases arising in each of the three divisions, district, family and probate. In order to gain the maximum efficiency from the judicial officers presiding in these locations, judicial officers should not be limited to hearing only cases arising out of one division. Expansion of judicial authority will greatly enhance the ability to schedule cases more efficiently, will reduce wait time for emergent type cases to be heard and will reduce mileage expenditures for the Judicial Branch.

B. *Principles and Issues Addressed*

- Giving judges the jurisdiction to sit in multiple divisions will allow clerks more flexibility in scheduling cases for hearings, both in terms of **when** the cases are heard, and **where** the hearings take place. This will result in more efficient scheduling and more efficient use of judicial officers, with less “down time.”
- Having judges who can sit on multiple case types will be of significant benefit to the parties who may presently have to travel to a central location for certain types of hearings.
- With a large number of judges leaving the system in the next few years, the Governor and Council will have an opportunity to make appointments specifically to the circuit court bench.
- Creating a certification process for existing judges to sit on other case types, similar to that used presently in the family division, will ensure competency of judges to hear other types of cases, as well as an interest on the judge’s part to handle these new matters.

C. *Costs of Concept*

It is anticipated that with all of the full time authorized judicial positions filled in the district and probate courts, plus the marital master positions, there will be sufficient full time judicial officers to hear 80% of the cases arising in the circuit court. Over time the need for per diem and part time judges may decrease, depending on other proposed jurisdictional changes. Although it is difficult to attach a specific dollar amount to expected savings, it seems clear that by allowing judges to sit on multiple case types across the circuit court’s jurisdiction, judges will be able to spend more time on the bench in full day sessions, with less travel expense to the judicial branch.

D. *Timeframe and Timeline for Implementation*

As a practical matter, due to the limitations imposed by the current statutes, legislative action will be necessary to fully implement this change. If included as part of the circuit court legislation, judges could be cross trained and ready to sit where needed upon the effective date of the legislation. Any further appointments to fill existing vacancies in the district or probate courts could be made with the circuit court in mind.

E. *Immediate Budget Impacts*

The changes to the budget will not come until such time as the statutory changes have been made and judges have been certified to sit in multiple divisions of the circuit court.

F. Long Term System Improvements

More efficient judicial staffing.

As mentioned in earlier sections of this summary, once implemented, judges will be able to hear multiple case types from one location. This will improve the clerks' ability to schedule timely hearings and get more emergent cases heard promptly (bail hearings, domestic violence, expedited guardianships etc.).

Better access to the public.

At present all case types are not heard in all locations. In more rural counties, this results in the public and bar having to travel for hearings. If the circuit court is implemented with judges allowed to hear all case types, the small volume cases will be able to be transferred to locations in which they arise. For example, at present all adult guardianships arising in Coos County are heard in Lancaster. This would allow judges sitting in Colebrook and Berlin to hear those cases, locations in close proximity to nursing homes, where many of these cases arise.

Less reliance on part time/per diem judges.

With more efficient use of full time judges, coupled with other proposed changes, more cases will be heard by full time judges. This will alleviate many scheduling challenges caused by part time judges' conflicts created by having active law practices, conflicts caused by not only the individual judge's law practice schedule but conflicts with individual lawyers and parties involved in cases coming before the judge.

Lower burnout rates for judges.

By allowing judges to move from one division to another, they will be exposed to different case types. This will keep the job more interesting and prevent burnout from hearing the same types of cases day in and day out, creating more job satisfaction, lower turnover and better efficiencies.

G. Legislation

Legislation is required for the implementation of this recommendation.

Recommendation #3

Management Restructuring for Circuit Court

A. Description of the Concept

There are 51 clerks and registers currently supervising the 66 different court locations for the District, Probate and Family Division Courts throughout New Hampshire. With the formation of the circuit court comes the opportunity to better utilize management staff overall, by reducing the number of clerks that will be at any one court building or close vicinity, and also by reducing the number of court administrators who supervise those clerks. This recommendation envisions management reductions of approximately 50% statewide phased in over time.

For instance, in several of our current locations, there may be a clerk for District Court, one for Family Division and a Register for the Probate Court, resulting in three managers in one building, sometimes for a relatively few number of people. When the three current trial courts reorganize to become one circuit court, having one clerk becomes the obvious next step in that process. This approach will provide a broader, more cost effective span of control for each clerk, greater consistency in case processing, better overall use of case processing staff, and an important leader and focal point as the three courts start to operate as one.

This concept, while never applied this broadly before, is not new to the court system. The Family Division has successfully used 'regional' clerks since its inception in 1995; clerks are generally responsible for more than one Family Division location. More recently, the concept was expanded further in several locations to have a single clerk over Family Division and District Court sites that share a physical location.

B. Principles and Issues Addressed

- Having clerks who will focus on nothing but management functions will eliminate the problems many clerks/registers currently face of having to serve as managers and case processors, with many conflicting priorities.
- Having clerks who supervise more employees will give them the opportunity to better assign staff as the workload changes. They will have greater resources to access as the needs arise.
- Having clerks who are responsible for multiple locations will necessitate having effective deputy clerks at each court location.
- Nearly 50% of the current clerical workforce will be eligible to retire in the next 10 years. In light of this, this recommendation is based upon the use of attrition as the means by which management reductions will occur.

- Circuit Court clerks will be expected to be well-versed in the work currently done by the three different trial courts. Of equal or greater importance will be the need for them to have excellent management skills.
- To be well positioned for the Circuit Court managerial restructuring, no District Court or Family Division Clerks will be hired between now and the end of the legislative session.

This will allow the legislature the opportunity to carefully review the proposed court reorganization and enable the courts to accrue position vacancies during the 6 month period prior to the end of the legislative session in anticipation of the passage of the Circuit Court legislation. In the short term, the courts will utilize existing staff to provide management where vacancies occur. In the long term, however, unless the proposed court reorganization is adopted, many of those vacancies will need to be filled since the proposal relies on the efficiencies to be gained through unification of the three trial courts in order to allow the streamlining of the current management structure.

C. Costs of Concept

Reducing the number of clerks in the targeted courts will eventually reduce the overall salary and benefit expenses associated with managing the courts that make up the Circuit Court. In some instances, there may be some moving expenses as staff is moved to a common location to be supervised by any one clerk. There may also be an initial increase in salary expenses as the Circuit Court moves through the reallocation of clerks prior to the retirement of some. In addition, many clerks and/or registers carry a caseload besides performing their management duties. Therefore, their positions will not be eliminated but eventually replaced with the appropriate Court Assistant positions.

However, even with these associated costs, this change will result in an overall cost savings to the NH Judicial Branch budget over the next 10 years.

D. Timeframe and Timeline for Implementation

Given our inability to fully test the dramatically new management model that is being recommended, the circuit court subcommittee urges the adoption of this recommendation through a careful phasing approach using naturally occurring attrition or administrative transfer as the means by which these major changes are implemented over time. At the same time the subcommittee recommends that current clerk vacancies and vacancies that will occur before June 30, 2011 not be filled until the end of this legislative session.

It is anticipated, and believed prudent, to realize the savings in management costs via the attrition of management staff rather than through a more drastic and immediate reduction. Implementation of the circuit court will entail very dramatic changes to the functioning of the clerks' offices in every location and will require significant cross training for both management and staff. Current managerial staff in the probate and district courts and the family division are

possessed with a vast base of knowledge incapable of replication. In addition, current court managers also perform case processing tasks necessary to the continued functioning of the courts. Removal of these individuals prior to or during implementation will result in significant difficulties, and perhaps delays, occasioned by the need for additional training of persons not possessed of the same knowledge as well as the loss of those managers who are also case processors. In addition, other endeavors are contemplated which will impact the implementation of the circuit court. Those include the creation of a call center, fine collection center and a case processing center and the institution of a system of specialized part time case processors. An immediate removal of individuals who would be instrumental in the effective and successful implementation of the circuit court as well as the other endeavors listed above, as opposed to a more measured approach, would be inadvisable and arguably imprudent.

E. Immediate Budget Impacts

The changes to the budget will be directly related to the rate of attrition among clerks and registers. Savings should be about 5% per year, or about \$150,000 in the first year.

F. Long Term System Improvements

Eliminate management redundancies.

As mentioned in earlier sections of this summary, we have many court buildings or areas where there are multiple clerks doing the same or similar functions, often with each one supervising only a few, or sometimes no, employees. This recommendation essentially 'flattens' the organizational pyramid, thus making it more effective for better communication among courts and improving the overall utilization and assignment of staff.

Uniformity in processing.

It is inevitable that with 51 different clerks and registers currently managing the courts that there would be differences in case processing, as well as differences in interpretation of personnel policies and practices. The case processing differences raise issues of consistency in attorneys' and the public's access to justice. The differences in the application of personnel rules raise similar concerns of treating all our employees fairly, giving all the same opportunities and treatment.

By reducing the number of clerks, the number of differences in case processing and handling of personnel matters should also be significantly reduced.

Better utilization of staff resources.

Each of the new clerks will have a greater span of control, thus making more staff available to them as they manage the caseload. More staff often means greater flexibility and options in addressing workload issues, such as backlog, court day coverage, etc. In the current system where there may be 3 clerks and separate staffs in one building, one court may be behind but not have access to staff who report to another clerk in another trial court and who may be more current in their work.

Create expert management staff.

We have many excellent managers and registers currently working in our courts. We also have some who are constantly pulled in multiple directions of having to do case processing, customer service, and court work with the judge while also managing the workload and personnel needs of the court. Clerks in the new circuit court will not be expected to do case processing, customer service at 'the counter,' or court work on a daily basis. Their focus will be the effective running of the court using excellent management skills of workload analysis, workload distribution and resource (staff, judge, courtroom and facility) management. With this change in focus, all circuit court clerks will become expert managers, as opposed to expert case processors.

G. *Legislation*

Legislation will be required to implement a portion of the restructuring envisioned by this recommendation.

Recommendation #4

Transfer Jurisdiction over Speed and other "Plea by Mail" Cases to the Department of Safety

A. *Description of the Concept*

Historically, the district court has had jurisdiction over all motor vehicle cases, including such violation level offenses as speeding, stop sign, yellow line, etc. In 1993, the New Hampshire Supreme Court ruled in the case of, State v. Fitzgerald, 137 N.H.23 (1993), that traffic violations subject to the plea by mail statute, RSA 262:44, are "civil in nature." Additionally, the Court found that, "...the penalties imposed in these traffic violations are not criminal sanctions or punishment, but are essentially remedial in nature, designed to compensate the government for its enforcement and administration of the State's motor vehicle laws in its efforts to regulate the safety of the driving public."

The Bureau of Hearings at the Department of Safety currently has jurisdiction to conduct hearings on issues related to loss of license, Administrative License Suspension resulting from DWI arrests, permitting for highway use etc. The Bureau is staffed by legally trained hearing officers who conduct hearings using the rules of evidence and make findings and rulings impacting licensure and other matters and impose fines and fees in appropriate cases. For all intents and purposes the Bureau of Hearings is an Administrative Court.

Approximately ten years ago, the legislature created the "Plea by Mail" statute which had the effect of establishing a centralized filing center for minor motor vehicle cases. Prior to the passage of this new law, all minor motor vehicle complaints were filed in the local courts. The vast majority of people charged with these offenses pled guilty and paid their fine. The new statute provided that, from the effective date of the statute forward, all complaints for these offenses were to be filed at the Division of Motor Vehicles. Defendants were instructed to pay their fines to the Division if they entered pleas of guilty. All those matters in which defendants entered pleas of not guilty and requested trials, are then transferred by DMV to the local court having jurisdiction over the area in which the stop took place. The trial was scheduled and heard in that court.

In the intervening years since passage of the Plea by Mail statute, the amount of duplicated effort between the courts and the Division has become staggering and counter-productive for both the courts and the Division. The Division takes in the complaints, establishes a case for each and then has to forward the matter to a court, which also sets up a case file, schedules the matter, hears the case and then sends an "abstract" of the court's action back to the Division. The Division must, of course, then process the abstract into its data base.

It is particularly noteworthy to point out that, of the cases that are forwarded to the courts for trial at the request of the defendant, most end either in the defendant's failure to appear (default), a plea of guilty or a finding of guilty. The delay from the issuance of the ticket to the final resolution of the matter can sometimes be several months due to the delay in the transfer of information, scheduling issues, etc. Additionally, the officer who issued the traffic ticket must be summoned to court and either receives overtime, if the officer is appearing on a day off or, at the least, is taken off patrol if it is a regularly scheduled work day for the officer.

Even those cases that result in trials are among the simplest of actions heard in the district courts, normally taking no more than between 5 and 15 minutes to adjudicate. The Fitzgerald case referred to earlier, makes it clear that these matters are not criminal in nature. Furthermore, given that driver's licenses in New Hampshire have always been considered a privilege and not a right, converting the process to an administrative process is reasonable.

Speeding cases alone accounted for at least 20,000 cases filed in district court around the state during 2009. Roughly 16 clerical full time equivalent positions are assigned to the processing of these matters and about 1.5 judicial full time equivalent positions adjudicate these cases. It is estimated that more than \$1 million dollars of the court's budget is devoted to these cases.

We have engaged in discussions with the Department of Safety and the Attorney General's Office about this proposal and both agencies are enthusiastically supportive. The Department is currently in the process of developing the administrative traffic court model in order to be able to estimate expenses. Preliminarily, it is their intention to simply add this jurisdiction to the Bureau of Hearings.

B. *Principles and Issues Addressed*

- This concept would remove cases from the court's jurisdiction that, because of their administrative nature, do not require a judge.
- Court staff would be freed to perform functions that are currently delayed because of the case processing demands of these cases, which amount to roughly 10% of the district court's jurisdiction. Those functions include the entry of case disposition information into the case management system which is delayed, at some courts, for 2-3 months from the date of the disposition.
- Judges would be assigned to court dockets which appropriately require judicial attention.
- The dockets of the courts would be less backlogged because plea by mail dockets most often "collapse" but require, because of their numbers, a full

half day to whole day of sessions to be scheduled, thus preventing that judge from having available time to handle other case types.

- Duplication of effort between the courts and the DMV would be significantly curtailed.

C. Cost of Concept

There would be no additional cost to the judicial branch to implement this Recommendation. However, not all costs presently associated with the trial of speeding cases will be able to be reduced from the court's budget since some of the work currently associated with these cases will continue to have to be performed by the court. Many times a speed or plea by mail charge results in the filing of a Class A or B misdemeanor against a criminal defendant and those charges would need to be heard in the courts. For example, an officer may stop a car because it is speeding or has run a stop sign. On further investigation the driver may exhibit signs of impairment that result in a DWI arrest. The speed or stop sign charge, in that example, would necessarily have to be heard with the DWI charge in the court.

It is very difficult, if not impossible, to assign a frequency rate to the occurrence of how many DWI charges begin as stops for other violations. Additionally, the legislation that is being considered by the Department of Safety which would transfer the jurisdiction of these matters, will likely include an appellate provision. In other words, if a person receives a hearing in the Bureau of Hearings and wants to appeal a finding of guilty, the statute would allow an appeal that is based upon the current statutory scheme for the appeal of Administrative License Suspensions except that it would be an appeal to the Circuit Court. The appeal would be a "paper appeal", however the court would have the discretion, as in ALS appeals, to allow the introduction of new evidence under very limited circumstances. There is no accurate way to estimate the number of such appeals, however, it is unlikely to result in a significant number.

With costs of the current system over \$1million, it is conservatively estimated that savings to the judicial branch will be at least \$500,000 a year. Additionally, the Department of Safety has indicated its current budget for overtime payment to troopers required to appear as witnesses in courts for these cases is \$500,000 a year. It is not expected that the entire budget line could be saved, however, a significant portion of it is anticipated to be unnecessary. Preliminary conversations with representatives of the Police Chiefs Association, confirm that their departments also pay out significant overtime expenses for court appearances.

The plan of the Department depends heavily on approval of the use of video for officers and parties to appear and the admission of hearsay evidence. The latter

requirement would eliminate the need of any appearance by the officer that issued the ticket.

D. Timeframe and Timeline for Implementation

Discussions with the Department of Safety which have been underway for almost two months show a good deal of promise for this Recommendation. The Department, however, does not yet have a business model formulated so no cost estimates are available at this time.

It is anticipated that it will take the Department about 24 months from now to be able to fully implement this new system due to computer upgrades that are currently underway etc. However, we have had discussions about starting a pilot project during the interim which will help to inform the plan for the rest of the state. It is estimated that a pilot project could be started within 6 months of the effective date of the statute.

E. Immediate Budget Impacts

Budget impact will be felt once the pilot is begun. However, significant impacts will not be felt until the Recommendation is fully implemented.

F. Long Term System Improvement

The long term improvement to the system would include:

- Elimination of case processing redundancies that currently exist between the courts and DMV;
- Streamlining an administrative/trial process that is currently complicated, cumbersome and slow;
- A decrease in costs to the state General Fund since the Department of Safety could utilize Highway Funds for this work; and
- A decrease in the overall cost of adjudicating these cases due to the anticipated savings noted above.

G. Legislation

Legislation would be required to implement this recommendation.

Recommendation #5
Establish a Circuit Court Call Center

A. Description of the Concept

At present the trial courts that comprise the jurisdiction of the future Circuit Court accept telephone inquiries at 66 different locations. While some may be housed in the same building, all telephone inquiries are received separately. In addition, there is no mechanism by which a call may be transferred from one court to another, even if the courts are co-located. This means that a member of the public, attorney, or police officer who wants to call one court but mistakenly reaches another, or perhaps needs to make an inquiry of another court, must terminate the call and initiate another to speak with another court, even one in the same building.

It is believed that the majority of telephone inquiries may be appropriately and completely addressed at a "centralized" location, particularly when the probate and district courts and family division are joined together as the Circuit Court. Most inquiries received telephonically are of a general nature which, while requiring some basic court knowledge and access to the courts' case management system, do not require a specific review of the court's physical file.

"Centralizing" all incoming calls would alleviate the burden of having to stop a particular task, often one requiring the staff member's undivided attention, to answer the telephone and address general inquiries at each individual court location. Removing those telephone inquiries from the local courts would permit court staff to focus upon case processing as well as "live" customer service, thus increasing productivity.

Implementation of a "centralized" call center will require the acquisition of the equipment needed to establish the center. In addition, the staffing model for a centralized call center would require consideration of the knowledge (court related) and skills of those who would operate the center as well as the appropriate number of persons necessary to adequately and efficiently carry out the functions of the center. Implementation of the call center will also require the consideration of a location(s) for the center and its staff.

B. Principles and Issues Addressed

- The call center would permit the staff at the local court sites the ability to process cases without the interruption of approximately 70% of the incoming calls thereby reducing both backlogs of work and errors in processing.
- The call center would permit the staff to focus upon, not only case processing, but "live" customer service, particularly on court days.

- A call center would be staffed by persons who are both interested and skilled in performing the function resulting in better customer service and a more satisfied workforce.
- With the anticipated call center efficiencies, the Circuit Court will be able to reduce its current staffing levels.

C. Costs of the Concept

The court system does not currently possess the necessary equipment to initiate a call center. It is anticipated that the call center will be staffed partly with existing staff, partly with part time new hires and with some full time new hires using existing or projected vacancies within the system as a funding source. At the same time, the expenses for any part time or full time new hires will be offset by staff reductions at the local level made possible by the increased efficiencies experienced due to the implementation of a call center model. In addition, as the public, attorneys, police officers and other users of the court system become acclimated to the use of the call center, the needs of local courts with regard to telephone equipment and lines is likely to diminish.

D. Timeframe and Timeline for Implementation

No statutory change is necessary for implementation of a call center. However, implementation will require a capital appropriation to obtain the necessary equipment. In addition, the selection and training of staff will require significant pre-planning, particularly if existing staff is chosen (as is anticipated) to operate the call center and is thereby transferred from local courts.

E. Immediate Budget Impacts

Though there may not be an immediate savings, the estimated cost savings over a relatively brief period of time are substantial. Currently approximately 25 employees answer the calls that will be answered by the call center. The studies that we have conducted indicate needing 22 full time equivalents some of which will be part time. Part time employees would be projected to work during "peak" calling periods.

Therefore we anticipate that the call center will permit the elimination of three judicial branch positions in a brief time frame. By removal of approximately 70% of the calls received at each local court, staff "allocated" statewide to handle those calls will no longer be necessary locally but those positions may be assigned to the call center. The elimination of three full time positions will result in a savings of approximately \$150,000 annually.

In addition to the direct savings resulting from the implementation of a call center, the effect upon staffing at the local courts will reveal itself in greater productivity occasioned by the elimination, or at least reduction, in the number of interruptions caused by telephone calls. Not only must one consider the

length of a telephone call, but also the length of time it takes a staff person to get back on task. If one estimates that it requires only one minute for a staff person to be able to effectively return to task following a telephone interruption, when multiplied by the number of calls estimated to be removed, it is anticipated that staff at local court sites may be made 14% more productive as a result.

While this number seems small, when translated into full time positions statewide the result is the elimination of 3.6 positions at an estimated cost of \$180,000. As with the savings resulting from the implementation of the call center, while not necessarily immediate, it would be realized in a short period of time. Therefore, it is estimated that approximately \$330,000 may be saved annually by the implementation of a call center.

F. Long Term System Improvements

Improved Customer Service – persons staffing the call center will be selected based largely upon customer service skills. In addition, it is presumed that those who apply for the call center positions will be inclined toward the work. Those working the call center will be relieved of the added pressures of a clerk’s office. For example, the demands of case processing, judicial requests, live customer service, etc. will be removed. The result should be a more satisfied staff performing the type of work that they enjoy. Further, those calling the center should encounter a staff person who will be pleasant and interested in helping, not necessarily as constrained by other outside pressures leaving the caller more satisfied as well and, it is hoped, ending the call with a positive view of the court system.

In addition, those remaining in the clerk’s office will have a large percentage of incoming calls removed (perhaps 70% +) leaving them better able to perform the “on the ground” functions which include case processing, live customer service, etc. This should result in a more satisfied workforce in our clerks’ offices as well.

As our call center staff gain experience through both time and training, their ability to appropriately and completely address the needs of callers should improve as well.

Greater Efficiency

Case Processing – the staff remaining in the clerks’ offices will have approximately 70% of incoming call volume removed. This should result in a measurably increased ability to process. In addition, the ability to process without the level of interruption currently experienced should result in both greater efficiency and greater accuracy.

Call Handling – as call center staff gain experience over time and are provided with advanced training, their ability to address telephone inquiries

properly and quickly should be improved leading ultimately to an ability to handle more calls.

Reduction in Processing Backlogs – for a call center to succeed, the staff at the center must be provided with current information in the case processing system, otherwise more calls will require transfer to the local court. This in turn leads to the local court having to field those calls thereby reducing processing time, interrupting current work, etc. It is presumed that court staff will want to reap the benefits offered by the call center and, with the ability to process without interruption, should be better able to keep case processing more current. Should call center staff continually encounter a location(s) which is not current in processing, it will become easier for management to identify that/those location(s) and take appropriate steps.

Uniformity – while total uniformity in case processing has long been envisioned, there has never been a mechanism by which it could realistically be obtained. However, for a call center to be effective, its staff must be able to determine the status of a case based upon entries into the case management system. Such a determination could only be made if those entries are consistent from location to location. Processing nuances currently encountered must be minimized or eliminated. It is again presumed that, given the benefits that court staff will/should experience as a result of the call center, they too will have a vested interest in seeing to its success. Also, through experience the call center staff will be able to identify to management those locations which still maintain processing nuances so that appropriate steps may be taken to address them.

G. Legislation

Legislation would not be required to implement a centralized call center; however a capital appropriation will be necessary to fund the equipment needs of a call center.

Recommendation #6
Establish a Circuit Court Central Filing Center

A. Description of the Concept

The trial courts that comprise the jurisdiction of the future Circuit Court accept filings at 66 different locations. It is believed that some of those filings may be more efficiently processed at a “centralized” location by staff members whose sole function is case processing.

Some case initiation filings require little or no judicial intervention. Staff processes the paperwork as it comes in and does the same as it goes out. The handling of the case is practically entirely within the hands of staff located at a court location. At the same time, that staff is processing paperwork which *does* require judicial intervention or is answering telephone inquiries, providing customer service at the counter or addressing matters emerging from court hearings. It is anticipated that removing certain case initiation filings from the local courts and centralizing them will permit court staff at the local courthouse to focus upon those filings which require judicial intervention, allow time for greater attention to customer service duties, and provide courtroom support. In addition, the staff processing case initiation documents will do so more efficiently and quickly if free of telephone and counter duties.

In 2009 for example, the District Court accepted 17,646 small claims filings. Of those, it is estimated that 50% of the defendants, or 8,800, defaulted by not participating in the process, thereby requiring no hearing on the merits and reduced judicial intervention. While these cases do not “go away,” the staff required to process them may be reduced because of the efficiencies which result from that specialization.

In addition, with the implementation of a centralized filing center it is anticipated that certain other functions, beyond the acceptance of certain case initiation filings, may be appropriately handled at such a center. The centralized processing of record check requests is an example.

B. Principles and Issues Addressed

- The processing of certain case initiation filings at a centralized location will promote a more efficient and timely manner of processing those filings.
- Removal of some ministerial filing and processing duties from local clerks’ offices will enable staff at those locations to provide greater customer service and attention to more complicated processing tasks.
- For those case types found to be appropriate for centralized filing, determination of where to file will become easier for those members of the public and/or bar. It will be one location.

- With time, those staff processing cases at the centralized filing center will develop expertise in that area and become more efficient and accurate at processing those cases. This will result in speedier turn around time for litigants.
- While the filing of case types will be central, the hearing, if one is necessary, will be local thereby limiting any inconvenience to the parties.

C. *Costs of the Concept*

It is anticipated that the court would utilize existing staff and existing space to establish the centralized filing center. While staff and judicial training would be necessary, as would public outreach, it is anticipated that the greatest cost of implementation would result from the installation of appropriate computer and scanning hardware at whichever location is selected.

D. *Timeframe and Timeline for Implementation*

A timeframe for implementation of this recommendation has yet to be established.

E. *Immediate Budget Impacts*

There would be no immediate budget impact. With time however, the efficiency anticipated may result in the ability of the court system to engage in staff reductions.

F. *Long Term System Improvements*

Staff at the centralized processing center will become adept at processing those case initiation filings which are deemed appropriate for centralized filing and, as a result, will become exceedingly efficient. In turn, staff at local court sites who are no longer engaged in the processing of those cases will be better able to process those matters remaining in the local court and will be able to engage in the "live" customer service expected at the local courts.

G. *Legislation*

It would not appear that legislation is required for the actual initiation of a centralized filing center; however a capital appropriation will be necessary to fund the equipment needs of such a center.

Recommendation #7
Establish Specialized Case Processors

A. *Description of the Concept*

With little exception, the staffing for the 66 probate, family, and district court locations relies upon employees who work seven and one half (7.5) hours each weekday between the hours of 8 AM and 4 PM. During these hours, the staff performs numerous critical tasks for court operation: customer service by phone and at the public counter, data entry of new petitions for each action filed, case processing of numerous interim matters as each case proceeds, and case completion when final orders are issued and the case is closed. In most court locations, all of this activity happens in the same general work space, with each staff person performing some aspect of each of these tasks every day.

The establishment of specialized case processors who perform their duties separate from the day-to-day activity of the clerk's office will increase productivity and simultaneously decrease the costs of case processing tasks. Tests of this concept show that evening and weekend hours of case processing is over twice as productive as day time work under current workplace conditions.

Evening hours of work for specialized case processors, and daytime hours of work with specialized case processors segregated from the clerk's area hold high promise for increased productivity and decreased costs.

This concept relies upon a mixed workforce of existing full-time staff and yet-to-be hired part time specialized case processors.

B. *Principles and Issues Addressed*

- Specialized case processors would create efficiency by increasing attention to specific tasks involved in case processing and eliminating/ decreasing attention to other critical court day tasks.
- Specialized case processors would create efficiency by repeatedly performing certain aspects of case processing that are both high in volume and low in vagaries thereby increasing speed and accuracy to the tasks assigned. This allows other staff with more experience to devote their time to processing the aspects of the cases that require additional judgment.
- The use of part time specialized case processors would reduce the salary and benefit expenditure for the circuit court workforce.

C. Costs of the Concept

The judicial branch currently possesses the necessary equipment at existing workstations for evening specialized case processors. Minimal additional equipment may be necessary for day time specialized case processors. Minimal increased costs are anticipated for evening shifts due to the extra hours that heat or air conditioning would have to be operational within the selected facilities.

D. Timeframe and Timeline for Implementation

No statutory change is necessary for the hiring of specialized case processors. Part time employees will be hired as full time vacancies occur.

E. Immediate Budget Impacts

Immediate savings are recognized each time a full time position is converted to a part time position. The estimated salary costs¹⁴ for each part time employee who works up to 19 hours per week would be approximately \$250.00 per week, or \$13,000 per year. A full time entry level employee with a full benefit/retirement package costs the judicial branch approximately \$50,000¹⁵. Generally speaking, two part time employees would work a combined total of hours which equals those of a full time employee. However, given the efficiencies¹⁶ of specialized case processing during hours/locations away from the traditional clerk's office activities, hiring two part time employees for each full time position is not necessary. Rather, the plan for the circuit court is to initially take 12 full time vacant positions from across the state, and eliminate four of them given the productivity increases of case specialization. With the remaining eight positions, 16 part time specialized case processors will be hired. These 16 part time case processors will be deployed across the circuits as case volume and geography dictates. The savings to be realized will be the salaries/benefits of four eliminated full time positions (\$200,000), and the benefits no longer necessary for the eight converted positions ($8 \times \$20,000 = \$160,000$). This will result in a savings of approximately \$360,000.

¹⁴ The part time positions have been posted at an hourly rate of \$12.05. Payroll taxes are 7.65%, making the total hourly cost per position \$12.97.

¹⁵ A full time Court Assistant II, assuming Step 6, has a salary of \$29,962 and health, dental, life insurance, retirement benefits and employment taxes of \$20,004, for a total of \$49,966.

¹⁶ Evening/weekend part time hours in three pilot project court sites show more than twice the productivity of day time case processing. The pilot projects were undertaken by experienced/motivated staff. Although we anticipate a productivity increase by task segregation and specialization, twice the productivity would not be initially expected by less experienced staff.

F. Long Term System Improvements

Reduction in Processing Backlogs - By segregating specific case processing tasks to be accomplished away from other core services provided at court, and by deploying the specialized case processors where backlogs exist, these processors will reduce case processing backlogs.

Uniformity - The specialized case processors for the circuit court will be employees of the court, not employees of a particular division or location. They will be trained and supervised to enhance uniformity statewide, thereby reducing divergent local case processing practices.

G. Legislation

No legislation is required for the judicial branch to modify its staffing pattern.

Recommendation #8

Implement Videoconferencing and other Practices to Reduce the Amount of Time Spent Traveling and the Cost of Travel

A. Description of the Concept

Expand the use of videoconferencing or other interactive technology to conduct hearings in lieu of travel by a judge. This may require statutory changes to eliminate the requirement for consent of the parties to use videoconferencing in certain instances, and to allow video trials in minor cases.

Efficiencies can be achieved by pooling certain judicial functions including many that could be provided through videoconferencing, such as arraignment of detained individuals, issuance of protection orders, arrest and search warrants, traffic and other minor trials, involuntary emergency admissions and similar functions.

B. Principles and Issues Addressed

- Statutes allow the limited use of videoconferencing in cases involving laboratory analysts in DWI cases. Case law supports the use of video for arraignments of detained individuals.
- Some proceedings, particularly those that are relatively simple, could be conducted over a videoconferencing link from a central location by one specially assigned judge.
- The time that is used to conduct such hearings as criminal arraignments, temporary protective orders, involuntary admissions to the state hospital removes judges in each court in the state from the courtroom for other scheduled trials. Those hearings, when conducted by personal appearance of the defendant or petitioner typically involve the expense of travel that is incurred by another governmental entity such as the sheriff's expense in transporting the defendant from a distant county jail to a courthouse for a 5 minute arraignment.
- Other governmental offices could likewise be connected to video from their offices, thus eliminating their need to travel as well. For example, the public defender, county jails, county attorneys and prosecutors, police departments, mental health agencies, domestic violence shelters, schools, etc.

C. Costs of the Concept

Videoconferencing is a relatively inexpensive technology that can be implemented quickly and requires minimal maintenance. There is a wide range of video systems available on the market today. In some circumstances relatively low cost systems may be adequate. There would also be a cost associated with

the lines over which the video system would operate.¹⁷ The cost per court location for equipment, installation and training is \$12,000. In addition there is an annual expense of \$1200 for a dedicated internet connection. There are about 20 district courts that would require video equipment and internet connections for a total capital expenditure of \$240,000 and a combined annual internet fee of \$24,000. At least four of our county jails already have video equipment and connections (Coos, Strafford, Rockingham and Merrimack). The remaining six would need to purchase and maintain equipment. Offsetting that expense would be the decrease in cost for the transportation and custody of criminal defendants for off site arraignments and other minor non-evidentiary hearings which would no longer have to take place at the local courthouses.

The Department of Administrative Services is responsible for reimbursing the county sheriffs for what is known as custody and control of prisoners. In other words, any time a prisoner is taken from the jail to a courthouse, the sheriff is responsible for transporting and maintaining the person in secure custody. This includes the transportation of criminal defendants to local courthouses for arraignments which typically last no more than 10 minutes. In a county like Grafton, a prisoner might be transported a round trip total of 90 minutes for a 10 minute hearing. The state pays for the sheriff's time performing that function. The current budget of the Department for this work is \$1,177,520. It is impossible to segregate how much of that amount is attributable to arraignment and "minor" hearing costs and how much for hearings that would still require the physical presence of the defendant, however, even estimating very conservatively that one-quarter to one-third is spent on custody and control for arraignments and other hearings not requiring the physical presence of the defendant, the cost would be between \$294,000 and \$400,000 a year. The total cost for equipping 20 courts and 6 jails with video is about \$310,000 in year one and \$38,000 a year thereafter. Of that amount, about \$45,000 would be an expense that should be borne by the counties in year one and \$7,200 per year thereafter.

D. Timeframe and Timeline for Implementation

Clear statutory language and/or court rules to allow the conduct of certain hearings and trials by videoconferencing will need to be passed before the purchase of equipment is begun. The court should begin the process of rule change immediately.

Videoconferencing locations also must be identified and partners in the process enlisted. For example, the 10 counties will need to be fully supportive for the concept of videoconferencing to be effective at producing the savings and efficiencies that could result from this recommendation. Every courthouse in the state should have videoconferencing capabilities and use equipment that allows

¹⁷ The Judicial Branch capital appropriation request for video conferencing is \$541,085. See Attached "Summary of Innovation Commission Savings."

it to connect with every other courthouse and other governmental entity necessary to assure the success of this proposal.

Centralization or regionalization of judicial functions can begin immediately in those counties where video is already available and can expand as other video sites are added.

E. Immediate Budget Impacts

As noted above, there would be a capital expenditure of \$240,000 to purchase and install the video hardware at 20 court sites and an annual expense of \$24,000 to pay for a dedicated internet line. The savings in custody and control expense would be conservatively \$270,000 per year until such time as the equipment needs to be replaced.

F. Long-term System Improvements

Using videoconferencing equipment will enable judges and staff to be more productive. Allowing judges in areas that are not as busy as others to take care of emergency matters filed in other counties could relieve some of the strain on busier courts. Specialization by some judges in these centralized functions will increase the quality of decisions. County government would experience an immediate savings by not having to transport large numbers of prisoners to local courthouses for arraignments and other pre-trial hearings that do not require the physical presence of the defendant. Finally, court security would be enhanced by not having multiple criminal defendants transported around the state and by conducting certain hearings from secure locations where appropriate.

G. Legislation

Legislation may be required to implement this recommendation; however a capital appropriation will be necessary to fund equipment needs.

Recommendation #9
Virtual Information Center/Increased Use
of Web Based Information Concept

A. Description of the Concept

The district court and family division, in response to a call for the institution of information centers within each of the trial courts, opted to create a “virtual” information center. This concept was developed since these two trial courts have 56 locations therefore it was not feasible to create a physical information center at each location. Additionally, many of our courts are staffed by fewer than three people, thus the introduction of a staff member to courts that size did not seem fiscally possible.

However, building on the expressed need to provide the public with more useful information as they try to navigate through a very complex system in an attempt to resolve whatever legal issue they might have, the district and family courts opted to expand the availability of this service by telephone, email and through our web page. A single individual was hired to staff the center at the courts’ administrative office in Concord.

The availability of this service was not widely marketed in order to give us the opportunity to assess its usefulness and practicality. Members of the public learned of its existence only by visiting the court’s web page. Inquiries are received either through a toll free number or by email. Since the inception of the Center, we have consistently received between 300 and 350 inquiries per month. Roughly one-third comes via e-mail and two-thirds by phone. The number of contacts with the public is roughly equal to the number a medium sized court would receive on a monthly basis. Our tests of calls received at the local court level associated with the Call Center Recommendation suggest that calls average 5 minutes in length. The work of our Virtual Information Center, including as it does, response to written inquiries and more detailed questions than normally are presented to the local courts, equates to the work of a full time equivalent. Our experience has been that people using the Center receive very complete and personalized service. It is not uncommon that our Information Center staff person will call the inquiring person one or more times to gather and give information on a particular question. Many calls are received from people who live out of state.

This proposal would anticipate the adoption of many of our virtual information center’s methods by the Call Center. In other words, staff of the call center would likewise answer email and other general inquiries. It would also involve a further development of our online presence to perhaps allow live “live chats” online with public members. We believe all of the work currently being performed at our Information Center will be performed at the Call Center using

the staff indicated in that recommendation. In other words, this staff position may be eliminated upon the opening of the call center.

B. *Principles and Issues Addressed*

- The typical person filing a case in the Circuit Court will be self represented and not have had previous experience with our legal system. They require a good deal of procedural information in order to navigate the process.
- Providing information about the process and procedure to people who are self represented assists not only the individuals but the court. The more a person understands about what is required of them as their case moves through the court, the more smoothly the system can operate.
- Staff of our clerks' offices currently spend a significant portion of their day with parties to cases as well as people who are contemplating filing matters in court. Due to the amount of other tasks that must be performed by the staff, they are often unable to spend the time they would like or the person on the phone or at the counter would like, in order to fully explain the system.
- Creation of other opportunities to receive information utilizing the court's web page, accepting email inquiries at a central information center, engaging in live electronic question and answer sessions, etc. will help to relieve the number of calls being made to local courts and provide more complete and helpful information to the public.
- Removing these contacts from the local courts will also allow the staff to spend more available time on case specific work.

C. *Costs of the Concept*

It is anticipated that the function referred to in this Recommendation will fit well into the Call Center Recommendation. It is also anticipated that the existing Virtual Information Center will no longer be needed.

D. *Timeframe and Timeline for Implementation*

Implementation of this concept can occur as soon as the Call Center is implemented.

E. *Immediate Budget Impacts*

The current Virtual Information Center position will be transferred to the Call Center.

F. *Long Term System Improvements*

- Easy one-stop access to information about the court system will be made available by a smaller number of people than currently are used.

- Centralization of this function will allow greater ability to control quality and consistency.
- Removing the calls and inquiries from the local courts will increase efficiencies at that level since staff will have fewer occasions when their attention becomes divided between responding to inquiries from the public and carrying out their other functions

G. *Legislation*

No legislation is necessary for this recommendation.

Recommendation #10
Expansion of the Family Division Dictation Center

A. *Description of the Concept*

Judges and masters create orders in every case that is presented to them on a daily basis. Many of those orders are capable of being captured on preprinted forms. However, a significant number are narrative orders that may contain multiple pages of legal and factual analysis and are necessary to give the parties to the litigation a clear understanding of the Court's thinking and to create a permanent record for purposes of later appeal or enforcement.

Historically, in the district court and probate court, orders created by the judges were either transcribed by members of the clerks' staff or typed by the judge or master themselves. This task, obviously, took the staff from other duties in the clerk's sphere of responsibilities such as case processing and customer service or resulted in very expensive time being spent by the judicial officer typing the document. Several years ago the Family Division, which probably produces the largest number of lengthy orders of all the trial courts, created a centralized dictation center. It is located in the court's administrative office in Concord and staffed by roughly 2.8 FTE's.

Each judge or master of the family division is given a telephone number and code to connect to the center's recording system. Orders are dictated, using a system that is part of the desktop computer of the center's transcriptionists. The system includes the ability to perform all the dictation functions available in typical systems including the ability to review the dictation, change it, etc. Staff is notified of pending dictation by way of an icon on their desktop, access the dictation through headsets at their workstation and email the finished product to the judicial officer, most often within 24 - 48 hours of the dictation. The judge or master is then able to revise the document at their courthouse office and send the final order to the clerk's office for distribution to the parties.

In 2009, 6304 orders were transcribed by the dictation center. Between January and October of this year, the center is on track to transcribe roughly the same number of orders. It has been our experience that this system has created great efficiencies in getting the orders delivered to the public and has saved our clerks' staff many hours of time typing the orders. Staff in the clerks' offices is, of course, required to be able to type; however, that is not their primary responsibility. The dictation center staff, on the other hand, is chosen specifically for their typing skills and abilities.

This Recommendation is to expand the availability of the dictation center to the full circuit court.

B. *Principles and Issues Addressed*

- Staff in our clerks' offices needs to be able to devote their work day to case processing, customer service and courtroom support. They are specifically chosen for their positions because of their skill at performing those tasks and not necessarily their word processing skill and speed.
- Assigning transcription duties to members of the clerks' staff creates inefficiencies in the operations of the clerk's office and slows down the delivery of orders to parties involved in litigation since the transcription must take a back seat to other pressing priorities in the office.
- Orders dictated through an electronic centralized system will be completed more quickly and accurately if done through a dictation center.

C. *Cost of the Concept*

It appears that each transcriptionist is able to produce roughly 200-250 orders per month working full time. The addition of the district and probate divisions to the call center may add at least that many orders and perhaps twice that many, given the increased caseload. Thus, this recommendation would require the employment of two additional FTE's when fully implemented. However, the nature of the work involved does not require people who are full time employees. Frankly, it is not even necessary that the individuals performing the transcriptions work from a court location.

We would expect to hire part time people for these positions at a rate that matches the increased caseload. In other words, hirings would be made only after the caseload increased to the level calling for an additional person. The staff members would be hired as part time employees at a Secretary I level at roughly \$13.00 per hour. The cost of 1 FTE working part time is \$25,012 per year. The cost for 1.5 FTE's working part time is \$37,856. The cost for one full time person at the same labor grade, with benefits, is \$47,086 per year.

The \$27,040 annual expense for these positions would be offset by the savings in time at the local courthouses that would be realized by the staff not having to type orders. This proposal, along with others coming from the Circuit Court Subcommittee, will ultimately result in a decrease in the number of staff required at the local courts.

D. *Timeframe and Timeline for Implementation*

This recommendation can be implemented immediately upon the decision to add the other trial divisions of the circuit court or the existing trial courts and as soon as funds are identified or appropriated for the part time employees.

E. Immediate Budget Impacts

The immediate budget impact will be the cost to hire part time employees for this work (See section D above). Offsetting this expense will be the increased productivity gains in the trial courts which will result from staff in the clerks' offices not having to perform transcription of orders.

F. Long Term System Improvements

When the family division decided to move to a centralized dictation center we made the intentional decision to reject the model that had been in place in the superior court for this work. The old model required the assignment of court monitors to individual judges. In fact, more monitors than judges are employed in that system in order to cover for vacations, illnesses etc. The budget of the family division could not sustain that model.

The current model, which is being proposed here, assigns monitors to the staff of the clerk's office as their primary responsibility. Advancements to the recording devices available in the courtrooms make it possible to record with great accuracy the entire courtroom proceeding, even without a monitor present. The family division has created a list of prioritized hearings which require the presence of a monitor. Those tend to be contested issues such as final divorce hearings. Motion hearings, temporary hearings, child support hearings etc. are typically recorded using the court's policy governing such things.

With very few exceptions, our monitors do not transcribe orders or perform secretarial work for individual judges and masters. If they are not required to be in a courtroom by court policy, they are assigned work space in the clerk's office to perform case processing tasks. This model has allowed us to effectively utilize 15 monitors to provide monitor coverage for just over 23 judicial officers. This represents a significant savings to the system and increase in productivity for the clerks' offices and is the system that will be used if this recommendation is adopted.

Currently the district court has no court monitors and utilizes CA II staff from the clerks' offices to monitor hearings when necessary. The probate court has only one monitor who travels to probate court sites around the state requiring a monitor. Most hearings in probate court are either conducted without a monitor or by using available clerks' office staff. Transcription of orders in both courts is now also done by clerk staff and/or individual judges.

Hiring staff at a central location chosen specifically for their word processing speed will increase productivity in the clerks' offices by removing that task from other staff thus allowing them to perform their primary functions of case processing, customer service and courtroom support. It also increases the speed with which orders are transcribed and delivered to litigants.

G. *Legislation*

Legislation is not necessary to expand the dictation center model; however a capital appropriation will be necessary to fund the equipment needs of an expanded dictation center.

Recommendation #11

Transfer the Adjudication of Certain Case Types to Judicial Referees

A. Description of the Concept

The Probate and District Courts and the Judicial Branch Family Division possess combined jurisdiction over a myriad number of case types. Within each case type are an even further number of hearing types. In the current scheme, the vast majority of those hearings are conducted by judges and/or marital masters, all of whom are appointed by the Governor and Executive Council and are employed by the Judicial Branch. Judges who are not "full time" or salaried are paid a per diem rate. There are a few case types/hearings which are currently heard by referees, all of whom at present are either judges or legally trained judicial branch employees.

Many cases heard by the three trial courts which may ultimately consolidate into the Circuit Court are capable of being adjudicated by referees. They are driven as much by fact as by law, are not governed by the technical rules of evidence and simply do not require the "color of judicial authority" for resolution.

Expanding the use of referees, which could include some existing staff as well as trained individuals acting as independent contractors, would reduce the cost of the case types identified as being appropriate for such adjudication, increase the speed with which such cases may be reached on the court calendar and permit judicial officers to address other case types which may be more complicated.

B. Principles and Issues Addressed

- Adjudication by referees, who may be paid on a per diem basis or at a rate determined by the number of cases heard, will result in a reduction in the cost per case for the cases identified as appropriate. Compensation for referees would be at a substantially lower rate than that paid for a judicial officer, either salaried, part time or per diem.
- Cases moving through the referee process will do so much more quickly and less expensively than under the present system requiring a judicial officer for adjudication because there would potentially be a greater number of referees.
- Removal of certain case/hearing types from judicial officers will allow them to focus upon those cases/hearings requiring a judicial officer and increase the speed with which those cases move through the judicial system.

C. Costs of the Concept

Cost savings may be realized by a reduction in the number of days that higher paid per diem judicial officers are necessary. While there would be a cost

associated with the hiring of referees, the cost could be substantially less than that currently budgeted and paid for judicial officers.

D. Timeframe and Timeline for Implementation

Statutory change may be required to permit the adjudication of certain case types or hearings by referees. In addition, as there exists only a small number of referees at present, new referees would have to be hired and trained. If they are working on a per diem basis, or as independent contractors, the word "hired" could be changed to "appointed" and/or "selected."

E. Immediate Budget Impacts

Anticipated budget impact would be determined by the case/hearing types designated as appropriate for adjudication by referees. The greater number of case/hearing types, the greater the budget impact. Impact may not be immediate; however it should not be long term either.

An example of potential cost savings which would be realized quickly, can be seen if consideration is given to transferring the hearing of involuntary emergency admissions to hearing officers instead of judges. The vast majority of these hearings are conducted at the New Hampshire State Hospital by a judge who sits at the Concord District Court. These hearings, while not unimportant, involve merely a probable cause determination by a judge. This is the lowest standard available in the law. Probable cause determinations are made each and every day by lay justices of the peace when reviewing arrest warrants. A judge is allocated to the State Hospital for this purpose at least four afternoons per week. To compensate for this time and to meet the demands of the weighted caseload, a per diem judge is hired to sit in the Concord District Court (or cover the IEA hearings) at a cost of \$500 per day. Because only the afternoon is devoted to the IEA hearings, the end result is that a per diem judge is hired to sit in the Concord District Court two days per week as a result of the need for a judge to preside over the IEA hearings at a cost of \$1000 per week or approximately \$40,000 per year taking into account vagaries in scheduling as well as the probability that entire afternoons are likely not devoted exclusively to IEA hearings. Because there would likely be no added expense with the use of hearings officers, who are already employed, the anticipated estimated savings to the judicial branch is \$40,000 per year.

F. Long Term System Improvements

The speed with which all cases proceed through the judicial process should improve. As more cases and hearings are conducted by referees, more cases and hearings may be conducted by judicial officers. The reduced cost of the services of referees should result in substantial savings to the judicial branch.

A subject of common complaint from court users is the delay involved in the court process. The use of referees should shorten the time between filing and hearing thereby improving public sentiment and confidence in the court system.

G. *Legislation*

Legislation is anticipated for this recommendation.

Recommendation #12
Transfer/Centralize/Private Fine Collection

A. Description of the Concept

Each year the district courts impose and collect approximately \$14.7 million dollars in fines. However, at any given time there are also approximately \$1.7 million dollars in fines outstanding in the district courts, \$60,000 in the probate court and \$72,000 in the family division. The power of the court to collect fines diminishes over time. Anecdotally, we find that fines that are not fully collected within 30 days of imposition will be very difficult to collect. There are many reasons for this including the criminality of the individuals against whom the fines are imposed, the size of the fines compared to the income of the defendants, the current economic condition and the lack of incentive.

While many think it is possible for a court to simply jail someone who fails to pay a fine, that is not at all true. To order any individual to jail, the court must first find the person had the present ability to pay and intentionally failed to pay. The intentional failure to pay is very rarely the reason for nonpayment. Additionally, the jailing of a nonpayer is somewhat counterproductive since the counties then incur a cost to house the defendant as he or she "works off" the fine at the rate of \$50 per day. In other words, this avenue loses money for both the state and county.

Having said that, there is little doubt that if more attention could be paid to these delinquent fines, the likelihood of collection would increase. However, for each of our 32 district courts to spend the time it takes to write, call or issue bench warrants for the arrest of people who have not paid their fines, takes them off their primary function of processing new cases as they work their way through the system, assisting members of the public and providing courtroom support. Additionally, our staff is simply not trained to perform this function professionally.

This Recommendation envisions sending these matters to an Executive Branch agency such as the Office of Cost Containment, a private collection agency as some states have done, or creating a specialized and centralized staff whose sole function is to use professional collection methods to collect the fines. All options bear costs, however, the costs for each will be offset by the savings in time and increase in productivity experienced by local courts that will no longer have to do this work.

Since the concept has not been tested, it would be wise to attempt a pilot for an initial period to develop comparison statistics. If the pilot is successful, then statewide implementation would be possible.

B. *Principles and Issues Addressed*

- The collection of overdue fines is labor intensive and is currently performed by staff at the local courts.
- The collection of fines that remain unpaid after 30 days becomes increasingly difficult.
- The court's staff is not specifically trained in professional collection techniques nor do they have the time that would be necessary to implement those techniques given their other responsibilities.
- The assumption is that employment of professional methods of collection will increase the collection of older fines. This assumption needs to be tested before this Recommendation is implemented on a statewide basis.

C. *Costs of Concept*

The cost of the concept would vary based upon the approach to be taken; however any alternative should result in a net increase in General Fund revenues.

D. *Timeframe and Timeline for Implementation*

Transfer or the privatization of fine collection could take effect immediately upon passage of enabling legislation.

E. *Immediate Budget Impacts*

The budget impact would vary based upon the approach to be taken; however any alternative should result in a net increase in General Fund revenues.

F. *Long Term System Improvements*

If the pilot proves the assumptions made above, then the long term improvements to the system will be increased collection of fines deposited to the General Fund as well as increased productivity in the local courts as these responsibilities are taken from them.

G. *Legislation*

Legislation may be necessary for this recommendation.

Recommendation #13
Elimination of Certain Jurisdiction Capable of Adjudication
by Non-Judicial Forums

A. *Description of the Concept*

The jurisdiction of the district court includes some case types that lend themselves to resolution through an administrative rather than judicial function. Most of these are town ordinance violations that, over the years, were added to the court's jurisdiction and most of them end up being uncontested and result in the imposition of a fine that is returned to the town and not the state's general fund.

Examples of the case types involve ordinance against noise, unpaid parking violations, unlicensed, unruly or barking dogs, zoning violations, etc. It seems appropriate for the legislature to decide whether it has the funding available to have these issues determined by judges and whether the issues actually require judicial intervention and oversight.

In addition to town ordinances, other non-adjudicative functions such as collection of reimbursement for appointed counsel are currently within the court's jurisdiction. Consolidation of the full responsibility for this within the Office of Cost Containment would produce significant efficiencies in the Judicial Branch.

The court staff also spends time processing the case files, scheduling hearings, reporting results, etc.

B. *Principles and Issues Addressed*

- A number of offenses created by town ordinances as opposed to state statutes, are required to be heard by a district court judge. Most of these violations are extremely minor, do not typically require a contested hearing or trial and usually result in the imposition of a fine that is deposited with the town and not the state.
- These cases do not require the expertise and expense of a judge to hear, nor should they consume time on a court docket. They are administrative in nature and could as effectively be handled by a town office.

C. *Costs of the Concept*

As of this writing, we have not received statistics indicating the number of such cases filed in our courts. We will attempt to develop that information and provide it to the Commission. However, regardless of the number, the principle of state support for the adjudication of these issues is still outstanding.

D. Timeframe and Timeline for Implementation

A repeal of any statute requiring the district courts to hear these matters could take effect on a schedule to be determined by the legislature. From the court's perspective, there would be no obstacle to immediate implementation.

E. Immediate Budget Impacts

As soon as we have case numbers, we can apply the weighted caseload to them and determine the number of judicial and clerical equivalents performing these tasks today. That will form the basis of our estimate of savings.

F. Long Term System Improvements

The removal of these matters from the dockets of the district court will enhance efficiency by allowing the judges and clerks' staffs to focus on those matters that truly require judicial involvement. It will also alleviate expenses to local police and prosecutors who spend time prosecuting these matters.

G. Legislation

Some legislation may be necessary to implement this recommendation.

Recommendation #14

Create Direct Public Access to Court Records

A. *Description of the Concept*

The trial courts, particularly the district and probate courts, receive thousands of requests each year for “record checks” and other file research, such as determining if an estate file has been opened. These requests for information come from a variety of sources: employment agencies, credit companies, companies in the business of providing information, public entities, police agencies, and private citizens, for information about specific individuals or businesses contained in court records. Court records are “public” unless rendered confidential by statute, and court staff is compelled to respond to these requests regardless of the reason or motive behind same. Because there exists no statutory time frame for completion of such requests, they are generally assigned a low priority in comparison to other time mandated functions within the clerk’s office.

The person or entity requesting a “record” is charged a fee for this service. The fee was increased somewhat substantially in 2009. There are however some who are not charged a fee. For example, news agencies, public defenders and other “public” entities are generally provided with the requested information at no charge. Although a fee is charged to some and, again a fee which is relatively substantial, the time necessary to complete this function is also substantial. Some checks do not require a large expenditure of time but others require significant time to complete. Because of the amount of staff time necessary to complete a record checks is substantial, it is unlikely that the amount of the fee covers the “staff cost” for the process.

While termed a “record check,” the service provided by the court could not be considered as a formal record check. The court examines only its own files, it does not have access to the files of any other state agency. In addition, one trial court will not provide information from another trial court, even a trial court within the same jurisdiction. In addition, if the person/entity making the request does not have identifying information such as a date of birth, court staff is unable to confirm that the information being provided relates to the information being requested rendering it of very questionable value.

Lastly, because of time constraints and volume, court staff may possibly release information which should not be provided as part of a public record check. This may include information regarding a criminal record which has been the subject of an annulment, information relating to a crime victim contained in a file, specific identifying information of a case party contained in a file, etc.

While not resolving all potential issues related to access to public records, permitting direct access to court records, either via a terminal located in the court lobby or via the internet, would alleviate a substantial burden upon court staff required to perform this duty thus permitting staff to focus upon case processing and other forms of customer service.

It should be noted that the Circuit Court Subcommittee has serious question about the appropriateness of the court providing a "criminal record check."

B. *Principles and Issues Addressed*

- Allow the public to have direct access to court records in one of two (or perhaps both) ways:
 - Locate computer terminals in court lobbies which permit the public to have specified access to court files and/or
 - Permit direct internet access, by use of a "server farm" or other means, to members of the public.
- Removal of this task will permit court staff, highly trained in customer service and case processing, to focus upon those trained functions rather than the somewhat menial task of researching party names.
- Security of court files, and the court computer system, will be a significant issue. Permitting the public access to files runs a significant risk of hacking and improper access.
- It will be necessary to determine how to "filter" direct access to court files. In other words, it will be necessary to determine what information contained in the court's file will be accessible and what information will not be accessible, consistent with the Supreme Court's policy on public access.

C. *Costs of the Concept*

The cost to establish a form of direct public access at first glance would be one of staff time more than equipment. The court system currently possesses computer hardware likely sufficient to set up public access terminals in courthouses. It is unknown at present what additional software may be necessary to ensure that the terminals are secure. Likewise, it is unknown what the cost of ensuring the security of the court's case management system would be were remote access permitted. As stated, the greatest cost will be generated by the staff time, specifically highly trained and compensated IT staff, necessary to implement either type of remote access. It should be noted however that the probate court at present utilizes public access terminals. While the implementation of such terminals for use with district court and family division information would pose different issues, the concept is partially in place at present.

D. *Timeframe and Timeline for Implementation*

It is not believed that statutory change is necessary to implement direct access. In fact, the probate courts currently have public access terminals available. Beyond that issue, the timeframe for implementation would be driven in large part by the availability of IT staff. In addition, court records may require certain maintenance before access to them is permitted without the intervention and filtering of court staff.

E. *Immediate Budget Impact*

The revenue currently generated and forwarded to the general fund would no longer be generated. Copying fees would still exist; however someone accessing the court's file remotely will likely print anything they wish using their own hardware. It is difficult to measure the staff time from location to location devoted to the processing of record checks given the vagaries with which they are processed from location to location. It is anticipated however that there would be some savings in staffing as a result.

F. *Long Term System Improvements*

Removal of the record check function and similar research by court staff will permit them to focus upon tasks for which they have been specifically trained: case processing and customer service. It is an inefficient use of the staff time to perform what is arguably a menial task capable of being performed by the general public.

Because the performance of record checks and research is a lower priority item, those making requests may sometimes become frustrated with the delay involved. Permitting direct access will eliminate this delay. In addition, presumably the fee associated with record checks will likewise be eliminated thereby removing the public cost. As an aside, there may be those who believe that the court records are inappropriately filtered by court staff. Removal of court staff from the "middle" of the process should minimize that concern.

Lastly, court staff who are aware that the information being entered is directly accessible by the public are likely to become exceedingly cautious in their data entry function thereby improving the quality of data. Staff are also likely to ensure that case processing is current to minimize the public demand for the most up to date information. For management it may become easier to identify locations which are not current in data processing by virtue of the issues raised by the general public and others with regard to the status of information available.

G. *Legislation*

Legislation is not necessary for this recommendation.

Recommendation #15

Remove the Requirement of Judicial Review/Co-signature on Non-Dispositive Recommendations By Marital Masters

A. Description of the Concept

Each year across the family division, tens of thousands of orders are generated by family division judges and masters, only a small fraction of which are dispositive in nature. The rest are often procedural or administrative in nature. The current statutory scheme requires that all orders, whether dispositive or whether having a legal standard to be applied to the facts, include a judicial review and signature. This process often requires court staff to hold cases that could otherwise be processed and disseminated, or to locate a judge if one is not on site and then fax the documents to that remote court. This process is inefficient and results in a loss of productivity in the both courts, as well as a loss of judicial time to be spent more appropriately on adjudicative functions.

This recommendation is for the removal of the requirement of judicial review and co-signature on non-dispositive issues. Examples of such non-dispositive issues are motions to continue, motions for discovery and motions for a guardian ad litem/mediator.

B. Principles and Issues Addressed

- Legally trained and experienced marital masters have the ability to determine non-dispositive orders without judicial review and co-signature.
- Cases could be more efficiently processed if not for a co-signature requirement on non-dispositive matters.
- Judges would be more available to focus on the courtroom matters before them if they were not repeatedly interrupted for review and co-signature of non-dispositive matters.

C. Cost of Concept

The cost of this concept is zero, and in fact it is anticipated that this will increase efficiency and productivity and thus save money.

D. Timeframe and Timeline for Implementation

This recommendation could be implemented immediately upon passage.

E. Immediate Budget Impacts

The budget impacts will be related to the judicial and clerical savings to be achieved by this recommendation. We intend to conduct a pilot study for this concept at several courts to determine the clerical and judicial time to be saved.

F. Long Term System Improvement

Removal of the judicial co-signature on non-dispositive matters will allow for speedier processing of cases. Delays caused by waiting for a judge to be on site, or locating one off site and faxing to that judge will be eliminated.

Judges will be able to focus on their adjudicative functions within the courtroom on the cases before them, without the repeated interruption of review and co-signature of non-dispositive matters.

G. Legislation

Legislation would be required to implement this recommendation.

Judicial Branch Innovation Commission Report
Superior Court Working Group

The superior court is New Hampshire's general jurisdiction trial court. The superior court hears all felony criminal cases, both originally-filed and district court appeals in misdemeanor criminal cases, and civil and equity cases. It is the court that conducts all jury trials.

Approximately 29,000 new cases per year are filed in the superior courts. Excluding marital cases, which have been gradually transitioning to the family division and which will be completely removed from the superior court's jurisdiction within the next year, superior court case filings have increased by 42.6% over the period from 1996 to 2009. While civil and equity case have remained relatively flat over this period, criminal case filings have increased 69.2%. In most court locations, more than 50% of the cases are criminal cases. State and federal constitutional law to a great extent mandate the procedures that must be followed in such cases, and thus narrowly circumscribe our flexibility to experiment.

The superior court operates from eleven court locations, one for each county except for Hillsborough County, which has courts in Manchester and Nashua (although at the present time the superior court in Manchester is being reconstructed and operations for both the northern and southern districts of Hillsborough County are being conducted from the Nashua courthouse). In the current fiscal year, the budget of the superior court is \$16.8 million, representing approximately 22.3% of the total budget for the judicial branch of state government.

By statute, the superior court at present consists of 22 authorized judgeships, including the chief justice. Five of the authorized positions, including the position of chief justice, are vacant at this time, due to retirements and the appointment of Chief Justice Lynn to the supreme court.

In addition, the court has an authorized staff of 165 non-judicial employees, which includes legally-trained clerks (10) and (in larger courts) deputy clerks (7.5), a legally-trained court clerk coordinator (1), court systems clerk (1), administrative staff (4), court monitors (25), case managers (4), court assistants (97.5), and law clerks (15). There are presently 17.9 vacancies in the superior court staff.

The average age of the non-judicial staff is 48. Assuming a normal retirement age of 65, 45 members of our current staff will be eligible to retire within the next ten years. The superior court presently has 5 part time employees, representing approximately 2% of its workforce.

The current budget situation has placed significant strains on the superior court's ability to provide prompt and efficient handling of the cases which come before it. For example, in the current fiscal year (FY 2011) jury trials have been reduced by one-third throughout the state. This reduction raises the specter of potential speedy trial violations in criminal cases and has made it difficult to schedule civil jury cases as expeditiously as litigants have come to expect. In addition, particularly in the larger superior courts located in the State's southern tier, staff shortages have resulted in significant case processing backlogs, meaning delays in opening new cases, appointing counsel for indigent criminal defendants, scheduling hearings, and mailing out orders after a judge has made a decision. In an effort to address the case processing backlog, a number of courts have reduced the hours when they accept telephone calls or provide counter service, so that staff can have uninterrupted time to do case processing tasks. There also is the very real possibility that our reduced security budget may necessitate a further reduction in trial/hearing days in order not to either exceed the budget or conduct proceedings without adequate security.

Despite these difficulties, the superior courts are open and are providing access to justice of a daily basis to the citizens and businesses of our state. Even when telephone or counter service is not available for routine matters, our clerk's offices have made special procedures available so as to be able to handle emergency situations. Moreover, closing of non-emergency phone or counter service has no effect on the conduct of scheduled trials and hearings; these proceedings go forward whether or not the clerk's office is open for telephone or counter service.

Because it appears unlikely that the judicial branch will receive significant increases in its operating budget in the foreseeable future, the superior court working group considered a number of proposals that would permit the court to improve the efficiency and productivity of its operations. Although some proposals, such as those involving the physical consolidation of the judicial branch's 78 courts in 40 locations into a smaller number of sites appeared to carry the potential for achieving significant savings, the Committee as a whole felt that these proposals should not be recommended in light of the legislature's refusal to approve the very modest district court consolidations recommended by the Governor in the current budget.

The measures which the working group recommends ¹⁸are as follows:

Recommendation # 1: Consolidation of Management of Six Smaller Superior Courts and Reclassification of Clerk Compensation

Concept

The traditional superior court management structure was for each court to have a separate legally trained clerk of court. However, the superior court working group believes that there are three sets of relatively low case volume superior courts which serve contiguous counties that can be consolidated for management purposes, with each set being headed by a regional clerk of court. These three sets of courts are Cheshire County-Sullivan County, Grafton County -Coos County, and Belknap County-Carroll County.

In addition, because of the superior court's loss of jurisdiction over domestic relations cases, its caseload has been reduced from what it was before the creation of the family division. In light of this reduction, the compensation of newly hired superior court clerks should be adjusted downward to reflect the removal of the court's domestic relations docket.

¹⁸ A "Summary of Innovation Commission Savings" projected through 2020 as a result of proposals in the full report, and related capital budget requests for FY 12-13 can be found in **Appendix B**.

Principles and Issues Addressed

The filings as well as the judicial and clerical weighted caseload full-time equivalents (FTE) for the three sets of courts for 2009 are as follows:

Filings (excluding marital)

Cheshire 1192	Sullivan 623	Combined 1815
Grafton 1439	Coos 587	Combined 2026
Belknap 1229	Carroll 747	Combined 1976

Judicial FTEs (excluding marital)

Cheshire 1.25	Sullivan .59	Combined 1.84
Grafton 1.68	Coos .62	Combined 2.30
Belknap 1.46	Carroll 1.05	Combined 2.51

Clerical FTEs (excluding marital)

Cheshire 7.64	Sullivan 3.76	Combined 11.40
Grafton 9.78	Coos 3.92	Combined 13.70
Belknap 8.27	Carroll 6.07	Combined 14.34

The above numbers demonstrate that, even as combined, each of the three sets of courts is slightly smaller than the next smallest single superior court location (Strafford). Therefore, it seems realistic that these three sets of courts can each be managed by a single lawyer clerk.

In fact, the Cheshire and Sullivan courts have been under management by the superior court's first regional clerk, Barbara Hogan, since October 2009. Although there were some initial start-up glitches, regional management of these courts now appears to be working well. Based on the results from Cheshire-Sullivan, the superior court will convert Grafton-Coos to regional management by clerk David Carlson in January 2011, when current Grafton County Superior Court Clerk Robert Muh retires.

The transition for Belknap and Carroll Counties is expected to be more challenging because those courts both currently have a judge assigned full-time and tend to try more cases than the other combined courts. The working group nonetheless believes that placing these courts under the management of a single regional should at least be tested on a pilot basis when the opportunity to do so arises.

The working group also recommends that the following salary schedule be implemented for newly hired superior court clerks:

<u>Court</u>	<u>LG</u>	<u>Step 1</u>	<u>Step 6</u>	<u>Mx.+1</u>	<u>Mx.+2</u>
Hills-N	53	\$70,878	\$90,160	\$94,614	\$99,290
Rock.	53	\$70,878	\$90,160	\$94,614	\$99,290
Hills-S	50	\$65,895	\$83,800	\$87,936	\$92,279
Merrimack	50	\$65,895	\$83,800	\$87,936	\$92,279
Strafford	48	\$62,722	\$79,815	\$83,751	\$87,884
Ches/Sull	48	\$62,722	\$79,815	\$83,751	\$87,884
Graft/Coos	48	\$62,722	\$79,815	\$83,751	\$87,884
Belk/Carr	48	\$62,722	\$79,815	\$83,751	\$87,884

Costs

The costs to implement the regional clerk system consists primarily of three factors: (1) The IT resources to obtain Centrex telephone service at each of the affected courts (so that the staff of each court can transfer calls between the courts without requiring a customer to hang up and call back) is about 20 hours per court. Eighty hours of IT resources costs \$3,709. Approximately \$1,300 in telecom services should also be budgeted per site for each of the four new sites, or \$5,200. (2) The IT resources to reconfigure computer service between the affected courts so that the entire docket of each court is available for review by the staff of both courts is very minimal (a few minutes). (3) Approximately \$2,600 to upgrade one staff member in the two affected courts to assume some level of management responsibility. (Note \$2,549 is the cost of a 5% upgrade for a CA IV LG 22/6 to be reclassified to a LG 30 Admin. Court Assistant). Total costs are \$14,109.

There will be no cost to implement, through attrition, the new compensation schedule.

Timeframe/Timeline

The Cheshire-Sullivan Regional Clerk has already been implemented. The Grafton-Coos Regional Clerk will be implemented as of January 1, 2011. The Belknap-Carroll Regional Clerk, as well as the new salary schedule for all clerks, will be implemented through attrition and will depend on when a vacancy occurs in one of the affected clerk positions.

Short Term Budget Impact

The primary savings to be achieved through the establishment of three regional clerk positions is the elimination of three legally trained clerks. The projected yearly savings based on the salaries and benefits to be established for the regional clerk positions when they next become vacant versus the salary and benefits of the six clerks who now or most recently occupied the individual single court clerk positions will be approximately \$303,000. Since the Cheshire-Sullivan Regional Clerk was implemented more than a year ago, we have already achieved the savings of approximately \$80,940 per year. With the implementation of the Grafton-Coos Regional Clerk on January 1, 2011, we will achieve a savings of \$116,248 per year.

Long Term Budget Impact

Through attrition, we will create a Regional Clerk Position for Belknap-Carroll, which may save as much as \$106,015 [the cost of the Carroll clerk's position.] However, because of the size of these two courts, it may be necessary to have a part time legally trained clerk in Carroll County to adequately manage the caseload of that court. If this does become necessary, the savings would be reduced by \$35,000.

The new salary schedule for all clerks, when fully implemented, will result in an additional annual savings of \$287,812 assuming newly hired clerks are hired at step 3 of the labor grade; as the replacement clerks advance through the salary matrix, the yearly savings would be reduced.

Long Term Improvements

We believe the use of regional clerks for the above six small superior court locations can provide satisfactory services to the constituencies of those courts. However, we must state candidly that we propose this step as a cost savings measure only; we cannot honestly state that the absence of a full time, legally trained clerk in each superior court location will result in a long term improvement of the services provided to the public by such courts.

Challenges/Problems

As noted above, we believe there is a question as to whether adequate service will be able to be provided if Belknap and Carroll courts are managed by a single clerk. The function of the clerk in the superior court is significantly different than it is in the limited jurisdiction courts. The need to deal with juror scheduling, attendance, isolation, etc. issues are just a few examples of the differences. Because superior court cases are, in general, significantly more complex than cases in the limited jurisdiction courts, the judges of the superior court believe it essential that all clerks of superior court be lawyers. Lawyer clerks are able to “screen out” many issues that would otherwise have to be dealt with by the judge. In order to be able to do this effectively, clerks must be familiar with relevant laws and legal principles. The working group recommends implementing a regional clerk for Belknap-Carroll on an experimental basis as soon as circumstances permit. At the same time, we acknowledge that the experiment may not be successful.

Recommendation #2: Division of Case Processing-Customer Service Functions of Workforce

Concept

At the present time, clerks' offices in the superior court are divided into departments (criminal, civil/equity, marital) with personnel within each department performing tasks which can be divided into two basic functions: case processing and customer service. Customer service, in turn, can be further broken down into two major categories - telephone service and counter service.

Although some of the larger courts do assign "counter duty" among departmental staff on a rotating basis, in general the staff is organized so that all persons in the department perform both case processing and customer service duties. The difficulty with this system is that staff attempting to do case processing are frequently interrupted by the need to answer the telephone or deal with persons who come to the counter for service.

We believe that greater efficiency and productivity can be obtained if clerks' offices in the larger superior courts are reorganized into what we refer to as "back room" and "front room" functions.

Principles and Issues Addressed

Those staff members assigned to the "back room" would be responsible solely for case processing, while those assigned to the "front room" would be responsible solely for answering the telephone and servicing people at the counter. That this will increase productivity is demonstrated by several recent instances where staff members at various courts have worked after hours or on weekends, or when personnel have been temporarily assigned from other courts to do exclusively case processing, in an effort to catch-up on case processing backlogs. These efforts have shown that it is possible to clear up even very significant case processing backlogs (amounting to hundreds of pieces of mail to be opened, orders to be processed, cases to be closed, etc.) in a week or two. We are convinced that transformation of our larger clerks' offices in this fashion will, over time, increase overall productivity and reduce the need for some staff (although the exact number of positions that can be eliminated cannot be predicted at this time).

We also anticipate savings resulting from the implementation of the Judicial Branch Public Access Policy. This Policy will be implemented in two stages. First, public access computers will be installed in the lobbies of all superior court clerks' offices. These computers will allow lawyers, litigants and members of the public to access appropriate information from our case management system on their own, thus reducing the need for service to be provided by our staff.

Second, our plan is to eventually make the same information available on the judicial branch website, so that it may be accessed remotely.

It has been suggested that the customer service function of the superior court should be centralized at one or more particular locations rather than, as at present, being carried out at each court. We have considered this proposal, but are not prepared to recommend it at the present time. The difficulty is that, based on survey of our staffs, it appears that a high percentage of both telephone and counter traffic requires the staff member to have access to the files. While we have the ability to configure the Odyssey case management system so that employees at a central location would be able to access each court's Odyssey data base, this would not give the remote employees access to the actual filings in the case, which is what is often required to respond to telephone or counter inquiries. Thus, the call center would end up having to transfer a significant percentage of calls to the local court where the case is pending. Not only would such a procedure take more time and thus decrease efficiency, it also could generate the kind of negative reaction that frequently results when a caller is transferred from one person to another before reaching someone who has the ability to provide the necessary information.

While we do not recommend the establishment of a centralized call center at this time, we do endorse the immediate establishment in each superior court of one or more public access computers that will allow members of the public to access appropriate Odyssey-stored information not only for cases filed in that court but for cases filed in all courts throughout the state. Providing such electronic access, even if at present it will not include (because of the absence of electronic filing) the ability to review actual filings in cases, will reduce the demand for staff counter service and thus free up staff to attend to other duties.

If and when we are able to implement electronic filing, it will then make sense to revisit whether to establish a centralized call center (and perhaps also a centralized case intake center) for the superior court.

We also have considered the idea of having some or all of our case processing staff work off-hours. The purpose of doing this would be to eliminate any possible pressure on case processors to "help out" with customer service when the court gets busy. (This could not happen if the processors were working when the court was not open to the public.) We think this proposal has merit but we recognize that assigning staff to work off hours is a matter that must be negotiated with the unions representing judicial branch staff. We recommend that the judicial branch include the flexibility to establish off-hour work schedules among management's proposals in the current contracting negotiations with our unions.

Costs

Older PCs and monitors are available for installation for public access in courthouse lobbies. The public access module of Odyssey has already been purchased. The programmer time required to adapt the public access module for the superior court is estimated at one week or \$2,277. The network technician time to install the terminals in the eleven court locations is estimated at 11 days or \$3,381. No ongoing costs are anticipated. As these PCs and monitors become inoperable, we assume that refurbished units will be available. The estimated cost to install a network connection to each superior court lobby is \$650, or \$7,150 in total.

Internet-based public access is estimated to cost between \$2,400 and \$50,000 annually plus a one-time set up cost of \$7,164 depending on whether we host the site ourselves, or use an outside host.¹⁹

Timeframe/Timeline

The court coordinator for the superior court is working with the staffs of the southern tier court clerks' offices to implement the system of a specialized function workforce as expeditiously as possible. We anticipate that, aside from any off-hours component, this proposal should be able to be implemented by the beginning of fiscal year (FY) 2012.

A public access terminal will be piloted in Rockingham County to determine whether the savings of court staff time is achievable. Beyond that, the schedule of the IT Department will dictate how quickly the remaining ten public access terminals can be installed.

Short Term Budget Impact

Although we feel quite certain that the installation of public access computers will produce some immediate efficiencies through reduction of "counter" time of our staffs, we are unable to predict the amount of such savings.

Long Term Budget Impact

This cannot be predicted with certainty at the present time. However, we conservatively estimate that this recommendation could create sufficient increased productivity so as to be able to eliminate six (6) clerical positions on a system wide basis within the next five years. At \$50,000 per position, this would save about \$300,000 annually.

Long Term System Improvements

By eliminating the practice whereby employees are routinely "pulled off" one task to turn to something completely different, we envision staff will be able to

¹⁹ See **Appendix B**, "Summary of Innovation Commission Savings."

concentrate better and pay more attention to detail. This in turn will reduce errors, result in filings and orders being processed more quickly, and provide better overall service to the public.

The public access computers and eventual internet availability of case information will represent a great improvement in the "user-friendliness" of the judicial branch.

Challenges/Problems

The realignment of the work force into case processors and customer service workers could raise issues under the collective bargaining agreement with judicial branch employees.

Also, there is some risk that narrowing the scope of each workers task through specialization will decrease overall worker job satisfaction, which in turn could result in some increase in personnel turnover.

Recommendation # 3: New Jury Management System

Concept

Our current jury management system is de-centralized and involves each court summoning jurors from lists of registered voters and holders of driver licenses. The lists are sent to the eleven superior courts, which then mail summonses and juror questionnaires to the number of jurors that it anticipates needing during the term in question (generally a period of 4-6 weeks).

A committee of the superior court has previously examined this issue and is aware that one or more companies offer jury management systems that would allow for centralized mailing of summonses and questionnaires with improved address verification and the ability for jurors to complete questionnaires, request excusal, etc. online.

The superior court working group recommends the establishment of a new, more centralized jury management system to replace the currently existing system.

Principles and Issues Addressed

The IT working group has prepared an analysis of various ways in which such a new system could be purchased or "leased" and has computed costs and savings, including personnel savings, over a period of ten years. Refer to **Appenix C "New Jury Management System."** Although none of the options offer large returns on investment (they range from \$9,300 to \$43,000), we recommend the lease with 6 year purchase option as the one that seems most suitable.

Costs

Start-up costs total \$136,950. Start up costs include a one time set up fee to the vendor of \$25,000, \$10,000 for the purchase of a server, \$5,750 for the development of a jury fee payment interface into the State's financial system, \$96,200 for a project manager to work with the superior court team for one year to implement the system. Annual maintenance for the application is \$36,735 the first year and \$39,535 each year thereafter. With the lease option, we would be obligated to mail jury summonses through the vendor for a cost of \$1.50 per summonses. We estimate that 23,000 summonses are mailed, for an annual cost of \$34,500.

The software purchase in year six would cost \$125,000. We would no longer be obligated to use the mailing service from that point forward, but the annual maintenance cost would continue with an estimated 20% increase or \$47,442 annually.

Timeframe/Timeline

We anticipate that complete implementation of a new jury management system will take one to two years.

Short Term Budget Impact

There will be no short terms savings realized from this recommendation.

Long Term Budget Impact

Refer to **Appendix C**.

Long term System Improvements

1. Projected savings of 2 FTE's system wide.
2. Paper and postage savings.
3. Centralize and make more uniform criteria for juror excusals.
4. Greatly reduce summons returns through use of National Change of Address system.
5. Allow jurors to complete questionnaires online.

Challenges/Problems

The biggest challenge for this recommendation appears to be the limited number of vendors who offer web based jury management software.

Recommendation # 4: Increase the Use of Part Time Employees

Concept

The working group recognizes that personnel costs make up by far the largest portion of the budget of the judicial branch. The cost of fringe benefits (particularly health insurance) has risen sharply over the past few years and is expected to continue to do so. This has led some members of the Innovation Commission to propose that the judicial branch re-configure its workforce to make much greater use of part time employees (who do not receive fringe benefits).

The working group agrees that there is a place for part time employees in the judicial branch workforce, including in the superior court, and we also agree that it may be appropriate to increase the number of such employees above the de minimis levels that now are employed in superior court. However, we believe that this should be done incrementally so that the impact of this change can be accessed with great care.

Principles and Issues Considered

The superior court's conscientious, stable and highly professional workforce is our greatest asset in meeting our responsibility to serve the public. However, we recognize that substantial savings can be achieved through the increased utilization of part time employees, which results largely from the fact that such employees do not receive benefits.

In pursuance of the incremental approach discussed above, we recommend that, through attrition, we replace the equivalent of 2 full time employees with part time employees per year for the next ten years.

Costs

There will be no increase in costs associated with this recommendation.

Timeframe/Timeline

See the discussion above regarding the rate of incremental implementation of this recommendation.

Short Term Budget Impact

We estimate that through normal attrition approximately two full-time positions could be replaced with an equal number of part-time hourly employees. The estimated cost savings is \$25,000 per position for a maximum savings of \$500,000 ten year after implementation.

Long Term Budget Impact

Replacing 20 full-time employees with 26 part-time employees would save \$25,000 for each of the 20 positions as those positions are converted to part-time, or \$500,000 in year ten.

Long Term System Improvements

We regard this recommendation as warranted solely for its cost savings effect. We do not believe that it will increase the level or quality of service provided by the courts to lawyers, litigants or the public by the courts.

Challenges Problems

We have some concerns that increasing the use of part time employees will result in greater turnover in what, until this point, has been an extraordinarily stable superior court workforce. We also have concerns as to a reduction in staff loyalty and commitment to the goals of the judicial branch. We emphasize that, by noting these concerns, we do not mean to suggest that we should not proceed with the plan to hire more part time employees. Rather, our point is simply that this recommendation should be implemented gradually over time and that we should carefully monitor the ratio of full time to part time employees as we move forward.

Proposals Considered But Rejected

In the last budget cycle, the governor proposed closing several district courts and consolidating them with other nearby courts. The judicial branch supported this proposal because we believed it carried the potential for significant cost savings. However, the legislature in large measure rejected this proposal (although it did eliminate funding for space rental for several of the courts proposed for closing), with the result that only one very small district court (New London) was actually closed. In light of this history, the Commission decided against proposing any court closings and consolidations. Accordingly, despite its belief that a realignment of the superior court into districts rather than along county lines would be feasible and could potentially reduce the number of superior court locations from the current 11 down to 8 or 9, the superior court working group did not pursue this proposal further.

Initially the circuit court working group had suggested the possibility of transferring sole authority for the handling of all felony criminal cases to the superior court. This would have meant that the current work of the district courts in handling most felony cases from initial intake through bind-over to superior court would be transferred to superior court. This proposal likely would result in the elimination of some duplication of effort between the district courts and superior court, but it also would require the transfer to superior court of the resources now devoted to felony cases by the district courts. Thus, the actual savings to the judicial branch as a whole from this proposal would be

minimal. While this proposal may well have merit aside from any cost savings potential - and for this reason should be further examined by the judicial branch - the Innovation Commission determined not to include the proposal among its recommendations.

Report of the Information Technology Sub-Committee

Introduction

Innovation Commission: In March 2010, the Judicial Branch Innovation Commission was formed to examine the effectiveness and efficiency of the courts' current operations and to recommend longer term changes that would enable the court system to meet increasing demands for service with limited resources while honoring the mission of the Judicial Branch to enforce the Rule of Law, while providing timely and efficient access to justice.

Subcommittee Formation: The Judicial Branch Innovation Commission created an Information Technology subcommittee. Members were assigned to this subcommittee by the Innovation Commission Chairman Eric Herr. The members are as follows:

Peter Croteau, Chief Technology Officer, Judicial Branch (Chair)

Daryl Cady, Vice President, CFO, COO, St. Mary's Bank*

Paul Embly/Tom Clarke*, National Center of State Courts

Karen Grondin, Budget & Policy Administrator, Administrative Services*

Judge Richard McNamara, Business Court Judge*

Dan Morin, Senior Development Manager, Judicial Branch

Dale Trombley, Financial Manager, Judicial Branch

These members made up the original Committee. Members showing an asterisk next to their name were, intentionally or due to other factors, unable to participate for the full term of the subcommittee, but made significant contributions.

The IT subcommittee's primary strategic proposal focuses on a five year "e-File" project to move the court system from a paper based business into a digitized format that will include electronic filing of documents, use of electronic signatures and electronic payment of fines and fees. This would be the most complex and risk oriented project the Judicial Branch has ever undertaken. As such it will require a full commitment from each of the trial courts, judges and staff; redesign of business processes; changes to legislation and court rules; selection of software options and vendors. A financial commitment from the legislature and the Governor will be required to launch the project. The need to move the Judicial Branch into the 21st century paperless world is obvious; the challenge it presents should not be underestimated.

The details of this plan are included in this report.

Peter D. Croteau, Chief
Technology Officer
New Hampshire Judicial Branch

IT Sub-Committee Report
TRANSFORMING INTO A PAPERLESS E-SYSTEM
A five year plan for the New Hampshire Courts

A. *Description of the Concept*

The courts' constituents have integrated the Internet and other modern technologies into their business and personal lives and they expect to be able to conduct their court business with the same 21st Century tools. The public and the Legislature expect New Hampshire Courts to use those tools to improve access to justice, increase efficiency, and reduce costs. In short, the courts must embrace the technologies that are increasingly used by the people and businesses we serve. This project envisions the use of information management tools that the private sector has designed, developed, and perfected in many industries.

"E-file" is a larger concept that the electronic filing of documents—it is the digitization of the content of court records and the digitization of court record processing. More specifically, e-file includes:

- Electronic filing of documents from any place at any time.
- Use of electronic signatures.
- Electronic payment of fees and fines.
- Adoption of the digital record as the official record of New Hampshire courts.
- Electronic management of digital records.
- Electronic storage of digital records.
- Electronic access to court records and schedules by litigants, attorneys, and members of the public.

The creation of an "E-Court" would result in :

- Transformation of the court record from paper to a digital format.
- Automation of as many court information management processes as possible to make them efficient and timely.
- Replacing the need to visit a court to view public records with the opportunity to examine those records remotely over a secure Internet connection.

Principles and Issues

Project and Scope

The IT subcommittee recommends a five-year rollout of an “E-file” project that would include the elements described above. The Judicial Branch intends to request approximately \$5 million in the FY 12-13 capital budget to support the “E-file project.” A pilot “e-file” project would be launched in the New Hampshire courts in the first year of the project. See **Appendix D “E-Court Budget Estimate.”**

This proposal calls for a full-time project manager experienced in IT projects of this magnitude affecting multiple internal and external stakeholders. The Judicial Branch IT infrastructure will have to be expanded to support e-File. The current environment is not capable, for example, of accepting e-government style filings or payments. The AOC IT staff is working at capacity on projects identified prior to creation of the Innovation Commission. In addition to e-File, the Commission has recommended several other infrastructure projects that will require significant technical support. We must recruit the additional staff resources necessary to proceed with all the proposed projects. See **Appendix D.**

The E-file project, has the potential to:

- Make it much easier for lawyers and litigants to conduct their court business, including document exchange and access to public court records; and
- significantly reduce the costs of case processing and case management.

If we are aggressive in our pursuit of the advantages of the digitization of the court record, this project will change every facet of clerks’ office operations and will provide judges with support and efficiencies that are not possible in a paper-bound environment.

Governance

Strong and effective leadership will be essential if four trial courts (or, on creation of the circuit court, two trial courts) and the Supreme Court and the AOC are to work together to implement E-File within the five year time frame and in ways that maximize its value to users and its potential productivity gains. Given the size and scope of the E-File project, this leadership will have to be active, focused, and persistent. The number

and variety of issues that must be resolved make leadership of the project a significant undertaking.

In addition to leadership from the Supreme Court, the project will require a significant investment of time by administrative judges and their top administrators and clerks.

Trial Court Resources

The trial courts will have to allocate significant resources to:

- Re-write court rules to adapt to and take advantage of digital court records.
- Redesign court processes to accommodate electronic records and leverage the efficiencies of digital records.
- Identify statutes that will inhibit full implementation of E-File and draft amendments for consideration by the Legislature.

Standardize Processes, Rules, and Forms.

The courts must adopt uniform rules, processes, and forms. Furthermore, the costs and duration of implementation will increase in proportion to the number of variations in process and the complexity of those processes.

Information Technology Resources

The AOC IT Department will have to determine whether existing hardware, software, and network capability are adequate to support E-File and make recommendation for upgrades, as necessary.

The skills necessary to the E-File project are available but are not necessarily available in sufficient quantity in current staff. The AOC Chief Technology Officer will have to acquire the additional skills necessary to make sure this project succeeds

B. Cost of Concept

The E-Court initiative is a huge collection of projects. It is a unique initiative in the sense that something this large, complex, and radical will occur only rarely. The estimated overall investment cost is about \$4.7

million. The net savings are also significant, breaking even between three and four years from the start of the project.²⁰

C. Timeframe and Timeline for Implementation

E-file by our definition has taken 3 1/2 to five years to implement in other states.²¹ The e-payment, e-signature and Document Management functionalities are important concepts that should be part of our e-file project. These technologies add complexity to the project, which must be acknowledged and not underestimated. The business process redesign will be highly labor intensive. Changes to legislation and court rules, selection of a vendor and various user pay options, securing project funding are some of the initial tasks that must be undertaken.

PROJECT TIMELINE

This project proposes a five-year plan for the development stages described below. While that work is underway, the plan proposes that each trial court identify a “case-type” to be used in a digitization pilot project that would be launched in 2012. With information developed during the pilot project, the courts would digitize records in as many other cases types as is practical.

YEAR ONE

- Analyze and seek amendment of existing statutes and rules to permit E-Court.
- Draft new E-Filing rules.
- Purchase and begin integration of law firm e-filing software and interface.
- Purchase and begin integration of pro se e-filing software and interface.
- Purchase and begin integration of agency e-filing software and interface.
- Purchase document management software and develop internal capacity to manage and view documents electronically.
- Purchase e-payment software and begin integration with existing court softwares.

²⁰ A “Summary of Innovation Commission Savings” projected through 2020 as a result of proposals in the full report, and related capital budget requests for FY 12-13 can be found in **Appendix B**.

²¹ This estimate is based on the extensive work of the National Center for State Courts.

YEAR TWO

- Finish integration of law firm e-filing interface.
- Finish integration of pro se e-filing interface.
- Continue integration of agency e-filing interfaces.
- Continue development of document management software.
- Develop e-noticing capacity with court case management system vendors and deploy this functionality internally. E-noticing permits courts to send notices electronically. This step will be an internal test of electronic notices, prior to using e-notice with litigants and lawyers.
- Develop e-docket capacity with case management system vendors and deploy this functionality internally. E-docket permits authorized individuals to view case dockets. This step will permit court employees to view the electronic dockets of other courts before we permit litigants and lawyers to view court dockets electronically.
- Develop e-schedule capacity with court case management system vendors and deploy this feature internally. E-schedule permits authorized individuals to view scheduled court events electronically. This step will permit court employees to view other court schedules before we permit litigants and lawyers to view court dockets electronically.
- Develop self-help module for pro se litigants.

YEAR THREE

- Complete e-agency e-filing interfaces.
- Complete internal development of document management software. This will permit us to test document management prior to electronically exposing public documents to the public.
- Begin development of e-citations as part of the J-ONE project.
- Complete e-docket project by permitting litigants and lawyers to view court dockets electronically.
- Complete e-schedule project by permitting litigants and lawyers to electronically view events scheduled in courts.

YEAR FOUR

- Complete e-citations project as part of the J-ONE project (the Criminal Justice Information System {CJIS}).
- Complete document management project by permitting litigants and lawyers to electronically view public documents.

D. Immediate Budget Impacts

This project requires an investment on the front end totaling about \$4.7M over the first four years. There are significant net savings from new e-filing fees and from staff labor savings. The estimated breakeven point comes in the fourth year of the project. Thereafter, combined revenue and savings are estimated to be almost \$2 million annually. Because of the project scope and duration, we will ask that part of the necessary capital appropriation be carried over into the FY 14-15 biennium.

E. Long Term System Improvement

The long term system improvements related to E-File should not be underestimated. While it may be possible to identify savings in postage and printing, the main savings will come from staff reductions through attrition. Furthermore, although some productivity gains are certain, it is impossible to quantify total future savings until we have reengineered court processes.

See Appendix D.

F. Legislation

Legislation changes could be needed if E-file were to be mandated or requires user payment to file.

Administrative Office of the Courts Review and Recommendations

Concept

The New Hampshire Judicial Branch Administrative Office of the Courts (AOC) consists of 49 employees whose tasks are delineated by a Supreme Court Order dated January 19, 2005.

The National Center for State Courts (NCSC) has knowledge of state court AOC's and experience in working with those offices. NCSC is equipped and qualified to review the New Hampshire Judicial Branch AOC and to make recommendations for its improvement. NCSC is currently engaged in a similar review of the Maine Judicial Branch AOC. In light of the Innovation Commission charge to reduce expenditures, NCSC will be specifically charged with making recommendations to save costs in the discharge of responsibilities outlined in the Supreme Court Order

Principles and Issues Addressed

New Hampshire Judicial Branch AOC managers and staff are committed to being as efficient and effective as possible. They will fully cooperate with NCSC staff as the latter reviews AOC operations and formulates independent recommendations for improvements in the staffing, management, and organization of the New Hampshire Judicial Branch AOC.

Costs

NCSC will conduct this review with funds provided by a State Justice Institute grant. There will be no costs to the New Hampshire Judicial Branch.

Timeframe/Timeline

NCSC expects to begin this review in the spring of 2011. A final report will be delivered by September 1, 2011.

Short Term Budget Impact

This project will have no short term budget impact.

Long Term Budget Impact

The long term budget impact of this project is uncertain. NCSC will be specifically asked to make recommendations to reduce expenditures on the AOC however it is impossible to forecast savings at this time.

Long Term System Improvements

The outcome of this project will be recommendations to improve the staffing, management, and organization of the New Hampshire Judicial Branch AOC.

Challenges/Problems

There are no challenges foreseen with this project, at this time. Challenges may arise when NCSC makes its recommendations.

Judicial Branch Human Resources and Payroll Administrative Systems Update

Concept

The judicial branch human resources and payroll administrative systems are twenty years old and were written in COBOL, an outdated programming language. Data are stored in Btrieve, a database that is no longer supported by the vendor. As state and federal law changes and as judicial branch human resources and payroll rules and practices change, our human resources and payroll systems must be changed as well. The most recent major changes to these systems were made in connection with the Supreme Court decision to implement unpaid furlough for all judges, masters, and non-judicial employees. Changes will be needed in the future.

The AOC currently employs one COBOL programmer; the senior development manager used to write programs in COBOL but he has not written a program in COBOL for several years. Departure of either of these key employees will jeopardize the judicial branch's ability to send accurate and timely payroll data to the state treasurer. Likewise, the judicial branch would be unable to make changes in human resource and payroll systems that will certainly be needed in the near future.

The judicial branch must build or buy new human resources and payroll administrative systems as soon as possible.

Principles and Issues Addressed

The AOC IT System Development Methodology calls for development and documentation of system requirements immediately after project initiation. This process, already underway, will yield a clear compilation of "must haves," "should haves," and "could haves" in judicial branch human resources and payroll software, from the points of view of all stakeholders. Those stakeholders include non-judicial employees, judges and marital masters, staff in the Administrative Judges offices, AOC accounting staff, and AOC human resources staff.

Application of the AOC IT System Development Methodology, in the context of the Innovation Commission's goal of reducing costs will guide development of an automated system that will save time and money. These savings will accrue to non-judicial employees, judges and masters, and will reduce staffing in the human resources and payroll sections of the AOC.

Costs

The AOC developed a preliminary Return on Investment for this project, before requirements were compiled. See **Appendix E "Return on Investment."**

A second Return on Investment estimate will be prepared when requirements are complete.

Additional Return on Investment estimates will be prepared after completion of each phase in the functional design in the System Development Methodology.

Timeframe/Timeline

This project is now estimated to take about three years. That estimate will change for several reasons, notably:

1. On completion of requirements, the project leaders will develop a phased implementation plan identifying which requirements are needed and which requirements may be delayed or even removed from the scope of this project.
2. On completion of requirements, we will address the build/buy issue. Commercial off-the-shelf systems may allow us to shrink the timeline.
3. We will integrate judicial branch human resources and payroll systems with administrative systems being developed by the Department of Administrative Services in the New Hampshire First project. The points of integration in the data streams from the AOC to Administrative Services and vice versa will affect our timeline.

Short Term Budget Impact

This project will have little short term budget impact. Hardware purchases in the early stages of the project will be minimal. Some savings will be attributable to employee attrition during the first year of the project.

Long Term Budget Impact

See Appendix E.

Long Term System Improvements

1. Reduced risk of COBOL-based administrative systems failure on departure of COBOL programmers.
2. Reduced risk of database failure.
3. Non-judicial employees and judges and masters will appreciate the ease of:
 - a. Transmitting and processing payroll information.
 - b. Accessing and updating human resource/payroll information.

Challenges/Problems

Any IT project of this complexity and duration includes risks of delay and even of failure. These risks are more than exceeded by the risk of failure of the current COBOL-based systems.

Systematic Review and Prioritization of Auditing/Accounting Support Functions

Concept

During deployment of the Odyssey trial court case management system we redeployed our auditors to form an accounting support department to perform five critical functions:

1. They participated in configuring the Odyssey accounting module to address New Hampshire trial court needs.
2. Analyzed the historic financial data and entered adjustments to reconcile the converted financial data.
3. They assumed responsibility for the reconciliation of all depository accounts, stale dated, undeliverable and returned checks, functions previously performed by court staff.
4. They trained trial court staff in use of the Odyssey financial module.
5. They handled all support calls for the Odyssey financial module.

Principles and Issues Addressed

The AOC must reinstate its audit function in order to ensure that we continue to properly account for court revenue and continue to follow court accounting policies. As recommended by our external auditors, the reinstated auditor will work independently from the Fiscal Manager and the accounting support department.

The AOC accounting support department will continue to perform the following tasks:

1. Handle all accounting support calls (approximately 19 per day).
2. Train court staff in the Odyssey financial module, Financial Policy Manual, and stand alone financial policies.
3. Reconcile all operating accounts.
4. Implement changes in the financial module to accommodate changes in the court organizational structure.
5. Produce monthly financial reports.
6. Test new releases of Odyssey's financial functionality and resolve issues with the vendor.
7. Update accounting manuals for court staff.
8. Setup general ledger accounts for any new fees authorized through legislation or court rule.

Staff not engaged in these functions will be eliminated, through attrition.

Costs

Systematic review of our auditing and accounting support staff and their functions and tasks will be conducted by existing personnel. There will be no costs associated with this project.

Timeframe/Timeline

This project will be completed by April 2011.

Short Term Budget Impact

There will be no short term budget impact to this project.

Long Term Budget Impact

This is uncertain. If the review team finds functions or tasks that do not add value to the Judicial Branch mission, or finds tasks that could be automated, positions will be eliminated through attrition. Note that there are only three employees in our accounting support department; savings, if any, will be small.

Long Term System Improvements

The time and talent of audit and accounting support staff will be dedicated to critical judicial branch functions of auditing and accounting support.

Challenges/Problems

There are no challenges foreseen with this project, at this time. The National Center for State Courts findings may create challenges for auditing and accounting support functions.

Review and Recommendations of AOC IT Department

Concept

The AOC IT department consists of 21 employees, some of whom are engaged in tasks that are not specifically IT-related. The National Center for State Courts (NCSC) has knowledge of and experience with judicial branch information technology departments and is prepared to review the AOC IT department and to make recommendations for improvement.

Principles and Issues Addressed

The NCSC will make recommendations concerning placement of non-IT functions, skills sets needed by the AOC IT department, and management of the department.

Costs

NCSC will conduct this review with funds provided by a State Justice Institute grant. There will be no costs to the New Hampshire Judicial Branch for this project.

Timeframe/Timeline

NCSC began a review in December 2010; the report will be delivered in January 2011.

Short Term Budget Impact

There will be no short term budget impact to this project.

Long Term Budget Impact

In light of the growing dependence on technology, IT department costs to the New Hampshire Judicial Branch will not decrease. In addition, the Innovation Commission will propose some projects that depend on the IT department staff. The Innovation Commission recommendations are likely to create a need for additional IT staff.

Long Term System Improvements

NCSC recommendations will provide the AOC with guidance in implementing Best Practice judicial branch IT staffing, skills, and management.

Challenges/Problems

No challenges are known at this time. NCSC recommendations may create challenges for the AOC and for the entire judicial branch.

CONCLUSION

The cumulative result of the proposals set out in this report will provide the citizens of New Hampshire with a state court system that reflects not only 21st Century demands for efficiency but also the new reality of shrinking government assets in the 21st century economy. The expectation that citizens are owed fair and efficient access to justice is the bedrock of our system of justice; that will not change. It is the administration of the court system that needs to adapt if it is going to meet that obligation to the citizens it serves. As we have stated before, the court system must manage the resources it currently has under its control and make the most effective and efficient use of them. How to best accomplish that goal has been the driving force behind the Innovation Commission and the changes it has put forward in this report. At the outset, we asked "Will these changes produce a better future, whether by timely justice, lower costs, or more just actions and decisions?" Our answer, now that our work is complete, is an unequivocal "Yes."

We commend the New Hampshire Supreme Court for the foresight it demonstrated in establishing the Commission and giving it a free hand to propose change. We urge the Chief Justice, and the associate justices of the Supreme Court, as the chief administrative officers of the court system, to put their full confidence in the specifics of this report which have been generated by the judges and staff who work within the system, the court's own administrative management team and experts from the National Center for State Courts, the nation's leading resource for courts seeking to improve their work. We have every reason to expect that the Chief Justice and the associate justices will take the leadership role required, both within the court system itself, and with the Governor and State legislature, to follow through on the full range of these proposals, principal among them:

- Create a new Circuit Court to condense and streamline the current operations of the District and Probate Courts and the Family Division. The 10-year plan would reduce current management structure in those courts by 50 percent, and convert 20 fulltime positions to parttime for an annual savings of \$500,000.
- Establish a new centralized Judicial Branch call center which could save more than \$300,000 annually in staff expenses by consolidating public information resources at a single site.
- A \$5 million in capital appropriation to a five-year "e-File" project that would digitize courts records, allow for e-filing of court records and electronic payment of fines and fees.

Finally, we believe that the Supreme Court must remain vigilant, not just to the execution of the proposals included in this report, but to remaining adaptable and open to the prospect of further changes in the future. We also urge the legislative branch of government to support the Judiciary in the undertaking the dramatic changes we have proposed today, and to be open minded about others that will surely be proposed in the future.

APPENDICES

APPENDIX A

Report from the Supreme Court to the Judicial Branch Innovation Commission

Introduction

The New Hampshire Supreme Court serves two principal functions on behalf of the citizens of New Hampshire. Article 72-a of the New Hampshire Constitution vests the “judicial power of the state” in the New Hampshire Supreme Court, the Superior Court, and lower courts. In Article 73-a, the Chief Justice of the Supreme Court with the concurrence of a majority of Supreme Court Justices is charged with responsibility for administration of the Judicial Branch.

Excluding the Administrative Office of the Courts, the Supreme Court’s total expenses in FY2010 were \$4.9 million, which included \$3.8 million for the Court, \$0.3 million of the Office of Legal Counsel, \$0.61 million for the Law Library, and \$0.2 million of the Office of Mediation and Arbitration. Of the total, wages and salaries accounted for \$3.1 million and benefits accounted for \$1.1 million.

The concepts discussed below are preliminary, in part because they are dependent on the actions and acceptance of others and in part because further work is necessary to determine the financial impact. The Supreme Court believes that the concepts described in the following recommendations will improve the efficiency and effectiveness of its operations and, as a result, improve the efficiency and effectiveness of the judicial branch. The Supreme Court is committed to the efforts of the commission to identify steps that will improve the effectiveness of all of the courts within the judicial branch.

Supreme Court Recommendation #1

Joining the Circuit Court Shared Service Centers for Certain Back Office Activity

A. Description of the Concept

Approximately 1200 cases are filed annually in the New Hampshire Supreme Court. Of this total, approximately 950 are appeals, and the remainder are cases related to the Supreme Court’s administrative responsibilities, such as bar administrative matters, and lawyer and judicial discipline matters.

Like other New Hampshire Courts, the back office activities associated with all types of Supreme Court cases are considerable, e.g., creating, managing, storing, and retrieving the case files, scheduling, and managing the flow of information. The Court believes that the Circuit Court’s recommendation to create a shared service center to handle back office functions will produce

significant efficiencies. Once the shared service center is established and is operating efficiently, it is the Supreme Court's intention to shift, as appropriate, back office activities to the Circuit Court's shared service center and capture the efficiencies generated.

Efficiency

Efficiencies are anticipated from economies of scale, better matching of skill sets and compensation to the requirements of the activity, specialization, improved use of technology, and multi-shift use of facilities and equipment.

B. Principles and Issues Addressed

These parallel the principles and issues discussed in Circuit Court Recommendation #6.

C. Costs of the Concept

Though some transition costs would be planned based on the experience of the Circuit Court Central Filing Center, these would be minimal and produce a rapid payback.

D. Timeframe and Timeline for Implementation

Within a year after the Circuit Court Central Filing Center is operational and ready for expansion.

E. Immediate Budget Impacts

There would be no immediate budget impact.

F. Long Term system Improvements

There would be two key benefits: efficiency improvement and hence lower costs and accelerated processing and improved customer service at the Supreme Court as in house staff could provide improved customer service freed from the diversions of case administration.

Supreme Court Recommendation #2

Develop an Interface between Odyssey and Supreme Court CMS

A. Description of the Concept

The Supreme Court has a separate case management system (CMS) from that of the trial courts. The Supreme Court's CMS was developed in 2002 specifically for the court. Odyssey, the case management system used in the trial courts, does not currently have an appellate application.

When an appeal is filed with the Supreme Court, all case information must be manually entered by Supreme Court staff into the Supreme Court's CMS,

even though in most cases the information already exists in Odyssey. The court obtains the necessary case information from the appealing party, who files a paper notice of appeal form with the information. Not infrequently, the information provided by the appealing party is incorrect, incomplete or unclear, and Supreme Court staff must contact either the trial court or the parties to request the needed information. The Supreme Court staff spends significant time trying to obtain and verify pertinent case information, such as the case name, docket number, parties, and counsel. It is usually necessary to contact the trial court for the information, which interrupts trial court personnel and detracts from case processing.

Currently an effort is underway to provide Supreme Court staff with read-only access to Odyssey, which will make it possible to obtain and verify much of the case information that is needed for appeal. It may also be possible to identify disqualifications and obtain information relating to transcript requests, which frequently require the Supreme Court to contact the trial court by telephone or email for information about the trial court proceedings. In addition, if an interface were developed between Odyssey and the Supreme Court CMS, it would be possible to import case information from Odyssey into CMS, greatly reducing the amount of time spent in entering case information into CMS.

In the future, when the trial court records become electronic, the Supreme Court should be able to review pleadings and exhibits through Odyssey, eliminating the need for the trial court to transfer documents to the Supreme Court, and for parties to file paper appendices with pertinent pleadings and exhibits.

B. Costs of the Concept

The cost of providing access for Supreme Court staff to Odyssey will be minimal. Further work would be required to determine the cost of developing an interface between Odyssey and the Supreme Court CMS.

C. Timeframe and Timeline for Implementation

It is expected that key Supreme Court staff will have access to Odyssey in the near future. It would take some time either on the part of IT or the Odyssey vendor and LT Court Tech, the developer of the Supreme Court CMS, to develop and implement an interface between Odyssey and the Supreme Court CMS.

D. Immediate Budget Impacts

There would be no significant budget impact.

C. Long Term system Improvements

The key benefit of an interface would be a reduction in the amount of time that Supreme Court personnel spend reentering case information.

Supreme Court Recommendation #3

Explore Possibility of Establishing a Single Bar Admission Operation for New Hampshire, Maine and Vermont

A. Description of the Concept

The Supreme Court is responsible for examining the qualifications and fitness of individuals seeking to practice law in New Hampshire. Each year the court receives approximately 225 applications for admission to the bar by examination, and 100 to 150 applications for admission to the bar without examination. Maine and Vermont also have offices that examine the qualifications and fitness of lawyers seeking to practice in those states. In each of the three states, the office responsible for bar admission receives an application with significant paperwork from each applicant. In addition, in each state, the office must review the character and fitness of each applicant, which usually involves contacting reference and performing credit and criminal background checks.

In addition to the fact that each state has an office performing similar functions, there is some duplication of effort for individual applicants. In each of the three states, some applicants are also seeking admission in one or both of the other states, or have already admitted in Maine and Vermont.

If the states were to agree to operate a single admission office, each state would save some of the cost that incurred in maintaining a bar admissions operation. The application process and the process of reviewing the qualifications and fitness of applicants could be streamlined and the costs shared.

B. Costs of the Concept

There would be some transition costs related to establishment of a central office. It is anticipated that most of this cost would be borne by applicants seeking admission

C. Timeframe and Timeline for Implementation

Because each state controls its own admissions, it would be necessary for the states to reach an agreement about the extent to which each state would control the final decision to admit an applicant to the bar. It would then be necessary to establish and staff a central office. This would likely take 18 months to 2 years.

D. Immediate Budget Impacts

There would be no immediate budget impacts.

E. Long Term System Improvements

The process of bar admission would be more efficient for both the court and applicants.

Supreme Court Recommendation #4

Consider Consolidation of Concord Located Law Libraries

A. Description of the Concept

There are today 3 fully functioning law libraries in Concord: the New Hampshire Law Library²² at the Supreme Court, the Franklin Pierce/UNH law library and the law library at the U.S. District Court. These law libraries provide many of the same references materials and periodicals and offer many of the same customer services to differing clienteles. Exploration among the three institutions should be undertaken to determine if benefits greater than costs could be achieved by some level of consolidation of facilities, materials, and/or staff. The expense of the state law library was \$572,256 in FY2009. Of this \$382,256 were non-staffing expenses, largely the costs of materials and online access.

Any such consolidation would incur costs which would need clarification, e.g., less timely access to information and travel costs and time. The Supreme Court intends to raise the topic for discussion with the U.S. District Court and the UNH Law School in the immediate future.

²² The NH Law Library is the only law library in the state in which all resources are fully accessible to the public, including non-lawyers.

Strategic Initiative

Implement A New Jury Management System (v1.1)

Appendix C

**PROPOSED SUBSCRIPTION PLAN FOR COURTHOUSE JMS WITH SOFTWARE PURCHASE IN YEAR 6
DATED JUNE 1, 2009**

	FY 11-Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Vendor Costs	\$	96,235	\$ 74,035	\$ 74,035	\$ 74,035	\$ 47,442	\$ 47,442	\$ 47,442	\$ 47,442	\$ 47,442
Software Purchase					\$	125,000				
Server Purchase	\$	10,000								
Summons Direct, Postage Only					\$	8,970	\$ 8,970	\$ 8,970	\$ 8,970	\$ 8,970
Project Manager, 1 year	\$	96,200								
Project Manager, 2 mths			\$	16,666	\$	16,666	\$	16,666	\$	16,666
Program Jury Payment Interface	\$	5,750								
Total Est. Cost	\$	208,185	\$ 74,035	\$ 90,701	\$ 74,035	\$ 198,078	\$ 56,412	\$ 73,078	\$ 56,412	\$ 73,078
Est. Staff Savings, 2 FTE	\$	-	\$ 118,400	\$ 118,400	\$ 118,400	\$ 118,400	\$ 118,400	\$ 118,400	\$ 118,400	\$ 118,400
Paper & postage savings	\$	3,158	\$ 3,158	\$ 3,158	\$ 3,158	\$ 3,158	\$ 3,158	\$ 3,158	\$ 3,158	\$ 3,158
Labor Savings, AOC	\$	2,349	\$ 2,349	\$ 2,349	\$ 2,349	\$ 2,349	\$ 2,349	\$ 2,349	\$ 2,349	\$ 2,349
Postage savings, calling 10% fewer jurors	\$	1,012	\$ 1,012	\$ 1,012	\$ 1,012	\$ 1,012	\$ 1,012	\$ 1,012	\$ 1,012	\$ 1,012
Total Est. Savings	\$	-	\$ 6,519	\$ 124,919	\$ 124,919	\$ 124,919	\$ 124,919	\$ 124,919	\$ 124,919	\$ 124,919
Net (Cost) Savings	\$	-	\$ (201,666)	\$ 50,884	\$ 34,218	\$ 50,884	\$ (73,159)	\$ 68,507	\$ 51,841	\$ 68,507
Cummulative (Cost) Savings	\$	(201,666)	\$ (150,782)	\$ (116,564)	\$ (65,680)	\$ (138,840)	\$ (70,333)	\$ (18,492)	\$ 50,015	\$ 101,856
Net Present Value at 5%										\$35,938

E-Court Budget Estimate
Established: January, 2011

Fiscal Year	2012	2013	2014	2015	2016	TOTAL
Statute/Rule Analysis	\$150,000					\$150,000
Model E-Everything Rule Development	\$100,000					\$100,000
Law Firm E-filing Interface	\$150,000	\$150,000				\$300,000
Pro Se E-filing Interface	\$75,000	\$75,000				\$150,000
Agency E-filing Interface	\$50,000	\$50,000	\$50,000			\$150,000
E-Casefile	\$150,000	\$100,000	\$50,000			\$300,000
Tyler Odyssey E-Noticing		\$100,000				\$100,000
Tyler Odyssey E-Dockets		\$100,000				\$100,000
Tyler Odyssey E-Scheduling		\$100,000				\$100,000
E-Payments	\$30,000					\$30,000
E-Citations				\$150,000	\$100,000	\$250,000
E-Dockets			\$100,000			\$100,000
E-Schedules			\$100,000			\$100,000
E-Case Files				\$100,000		\$100,000
Pro Se Self-help		\$100,000				\$100,000
20% Project Contingency	\$200,000	\$200,000	\$200,000	\$200,000		\$800,000
NCSC Consulting	\$100,000	\$100,000	\$100,000			\$300,000
Project Manager	\$75,000	\$150,000	\$150,000	\$75,000		\$450,000
Hardware/Software Infrastructure	\$21,000					\$21,000
Staff Travel Expenses	\$150,000	\$50,000	\$50,000			\$250,000
Total Net Costs	\$1,251,000	\$1,275,000	\$800,000	\$525,000	\$100,000	\$3,951,000
Cummulative Net Costs	\$1,251,000	\$2,526,000	\$3,326,000	\$3,851,000	\$3,951,000	
E-filing Fees	\$0	\$250,000	\$500,000	\$750,000	\$1,000,000	\$2,500,000
Online Access Fees	\$0	\$10,000	\$30,000	\$60,000	\$60,000	\$160,000
Reduced Supply Costs	\$0	\$50,000	\$100,000	\$150,000	\$150,000	\$450,000
Reduced Labor Costs	\$0	\$0	\$468,469	\$1,000,000	\$1,500,000	\$2,968,469
Total Net Savings	\$0	\$310,000	\$1,098,469	\$1,960,000	\$2,710,000	
Cumulative Net Savings	\$0	\$560,000	\$1,408,469	\$3,368,469	\$6,078,469	
Total Net	-\$1,251,000	-\$965,000	\$298,469	\$1,435,000	\$2,610,000	
Cumulative Net	-\$1,251,000	-\$2,216,000	-\$1,917,531	-\$482,531	\$2,127,469	

First Breakeven = Year 3

Cumulative Break Even Year = Year 5

Return on Investment

Exhibit E

Working Group Subcommittee: Administrative Office of the Courts

Strategic Initiative: To reorganize the Human Resources Department and the payroll staff, and related processes, and automate related systems to integrate with New Hampshire First.

Service Impact:

- 1) Provide Judicial Branch employees with electronic access to critical Judicial Branch human resources information, including leave and benefits information.
- 2) Provide supervisors and employees with electronic (paperless) processes for (a) the recording, approval, and transmission of timesheet information; (b) performance evaluation management; and (c) entry of and changes in personnel demographics and payroll information.
- 3) Judges, masters, and non-judicial employees will reduce the time they currently spend accessing human resources information. That time will be reallocated to case adjudication, customer service, case processing, and courtroom support.
- 4) Human Resources and payroll staff workload will be redistributed to court personnel, reducing error and reducing AOC staff by attrition.

(Incremental Cash Flow Implications-\$ in Thousands)

Financial Evaluation Summary	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Judicial Branch Effect										
Receipts										
Expense										
Human Resource Costs	\$177,786	\$177,786	\$133,340	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Technology - Hardware		\$10,000	\$37,000				\$10,000	\$37,000		
Facilities										
Security										
Other										
Total Expense	\$177,786	\$187,786	\$170,340	\$0	\$0	\$0	\$10,000	\$37,000	\$0	\$0
Human Resource Savings	\$0	\$62,132	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261
Total Savings	\$0	\$62,132	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261	\$107,261
Annual Net Expense	-\$177,786	-\$125,654	-\$63,079	\$107,261	\$107,261	\$107,261	\$97,261	\$70,261	\$107,261	\$107,261
Cumulative Net Expense	-\$177,786	-\$303,440	-\$366,519	-\$259,258	-\$151,997	-\$44,736	\$52,525	\$122,786	\$230,047	\$337,308
Other Executive Branch Expense										
Other Public Sector Expense										
Total Public Sector Expense										
DCF @ 5%(no terminal value)										\$166,210.94