US Supreme Court Justice David H. Souter at the dedication of the state Supreme Court conference room in his honor

-July 9, 2008
Mission Statement

To preserve the rule of law and protect the rights and liberties guaranteed by the United States and New Hampshire Constitutions, the courts will provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve.
TO THE CITIZENS OF NEW HAMPSHIRE:

We are pleased to present the 2007-08 report of the State of New Hampshire Judicial Branch.

Our mission over the past two years to make justice more accessible, affordable and understandable to those who come to our courthouses received a much needed boost in June 2007 with the opening of the new Office of Mediation and Arbitration. Finding ways to resolve disputes out of court—alternative dispute resolution—is essential to efficient court operations in the 21st century, saving money and time for anxious litigants who want to get on with their lives. These past two years we have also continued to increase services for unrepresented litigants who come to our courts without lawyers.

The New Hampshire Access to Justice Commission, part of a nationwide effort to increase access to the courts for poor and low income citizens, launched a new website in 2008. It provides extensive information on free and reduced cost legal services to help citizens resolve issues involving basic human needs—housing, health care, social security benefits, and safety. Within the court system, we have continued to enhance and update our “Self-Help Center” on the Judicial Branch website and we have produced a package of short videos about mediation services and the resources available to the public through the John W. King Law Library.

Our efforts to better respond to the issues presented in our trial courts continue. The Family Division, designed to provide more focused services for families and children, is now operating in 23 locations statewide. In Grafton County, the Superior Court launched a new adult drug court program which uses a community based treatment model to address the underlying issues that cause offenders to repeat their crimes. A mental health court opened in Portsmouth, also geared toward treatment, and not jail time, as a better approach to reducing recidivism.

As we moved toward the close of 2008, we saw a time of hard choices ahead as the magnitude of the economic crisis in our state, and the nation, became clear. Our court administrators, particularly our fiscal manager Dale Trombley, have combed through our already lean budget, looking for further reductions. We asked our staff for cost-cutting suggestions and we have implemented many of their ideas. As we submit this report, we continue to grapple with the impact of the economic downturn on the court system. As we do so, we thank our judges, marital masters and staff for their ongoing support in stressful times. We also promise the citizens of New Hampshire that we will continue to do all that we can to provide equal access to justice for all we serve.

John T. Broderick Jr.
Chief Justice

Donald Goodnow
Director of the Administrative Office of the Courts
The new Office of Mediation and Arbitration (OMA) opened on July 1, 2007, with a one-time $137,500 appropriation from the NH legislature. The office, which is now self-funding through a fee system, provides centralized oversight for development of standards, qualifications and training for Alternative Dispute Resolution (ADR) providers, such as mediators and arbitrators. The office also gives parties access to information about ADR professionals registered with the court system who are ready to work with them to resolve disputes without the time and expense of formal court proceedings.

**Existing Programs:**

- **Family Division and Superior Court Marital, Parenting and Civil Union Cases:**
  The goal of the Family Division/Superior Court family ADR program is to provide mediators to assist the parties in reaching their own agreements, and reduce the adversarial nature of these already difficult court procedures. Parties either pay mediators $60.00 per hour (rate set by the court) or they apply for assistance through the fund managed by the Judicial Council.

- **District Court Small Claims Cases:**
  The OMA oversees small claims mediation in 30 of the 35 district courts throughout the state. This program provides mediation opportunities on a voluntary basis. The program helps provide docket relief for the district court in small claims, and anecdotal data suggests that of those parties who elect to bring their cases through voluntary mediation, the settlement rate averages around 80%.

- **Probate:**
  Probate disputes are often the most difficult to address because they so often impact family relationships. In those case types over which the Probate Court has jurisdiction, the Court annexed mediation program, established in 2003, has proven that providing an “off ramp” to litigation can and often does permit these parties to resolve their dispute and preserve their family relationships.

- **Voluntarily Mediated Adoptions and Minor Guardianships**
  The goal of VMAs and minor guardianship cases is to provide permanency for children who would otherwise be in limbo for some time. Permanency may be accomplished through a mediated settlement with the child’s natural parent(s), prospective adoptive parent(s) and/or their proposed guardians.

- **Superior Court Civil and Equity Cases:**
  The “new” Rule 170 program was launched on January 1, 2008. Highlights of the program’s changes include both volunteer and paid “neutrals” who are chosen by the parties, or by lawyers and their clients, to help evaluate and resolve cases. Additionally, the type of ADR proceeding, (mediation, neutral evaluation, or arbitration), the location of the ADR proceeding, and the timing of the proceeding are all decided by the parties and/or counsel.

**In the Future**

Appellate mediation is expected to begin in September 2009. This will be a voluntary program which will provide an “off ramp” for parties who would like an opportunity to resolve their dispute before transcripts are ordered and briefing occurs. The mediators in this program will consist of retired judges. The program will be funded through a fee of $200.00 per party to be paid to the OMA.
In August 2008, Portsmouth became the fourth District Court location to begin holding special court sessions designed to provide non-violent defendants suffering from mental illness an opportunity to participate in a community-based treatment program as an alternative to time in jail. Similar programs, which promote compliance with treatment alternatives as a way to reduce recidivism, are also offered in Keene, Nashua and Rochester District Courts.

Close supervision—by the courts and community based treatment providers—is key to the success of the mental health court initiatives. Each defendant is assigned a treatment team that includes a mental health care provider, defense attorney, prosecutor and representative from the county corrections department. The defendant meets regularly with the judge and is required to appear in court to ensure compliance with a treatment plan, which includes free mental health services. Participants sign an agreement with the court to participate in a two-year treatment program, during which time any action in their case would be suspended. If they succeed in the program, the criminal case against them will be closed.

The adult and juvenile drug court programs in New Hampshire also use the community based treatment model as an alternative to prison for non-violent offenders with a demonstrated history of substance abuse and repeat offenses. Strafford and Grafton Counties have adult drug court programs; juvenile drug courts are also now in operation in six locations throughout the state:

“We can make a difference in a lot of lives,” said retired Superior Court Judge Jean K. Burling, who sentenced the first participant in the Grafton County drug court in May 2007. The program is a start toward “stopping the revolving door for drug users who are repeatedly arrested because they are addicts,” Judge Burling said. Superior Court Judge Timothy J. Vaughan is now supervising the drug court program, with assistance from Judge Peter H. Bornstein.

There are about 2,300 drug courts nationwide. A 2003 study by the National Justice Institute, based on a sample of 17,000 drug court graduates nationwide, found that within one year of arrest only 16.5 percent had been rearrested and charged with a felony, and 27.5 after two years. That study found 38 drug courts with lower than a 10 percent recidivism rate one year after graduation.

Bob Gasser, a former prosecutor who is the coordinator for the Grafton County Drug Court sentencing program, received the Community Service Award in May 2008 from Headrest which, along with Dartmouth Hitchcock Medical Center, provides services to substance abusers through the Grafton County Drug Court program. A facilitator for the National Drug Court Institute, Gasser has extensive experience in a New Jersey-based drug court program, and has trained teams to operate drug courts around the country, including the Grafton County team.

Reducing Juvenile Detention

In 2008, under the leadership of District Court and Family Division Judge Paul H. Lawrence, New Hampshire completed statewide implementation of a national initiative designed to reduce the number of children who are unnecessarily held in secure juvenile detention facilities before any finding of delinquency. Studies have shown that children who are unnecessarily placed in secure facilities are more likely to have further contact with the juvenile and adult criminal justice system.

The “Juvenile Detention Alternative Initiative,” developed by the Annie E. Casey Foundation, provides courts with a “risk assessment” formula that they can use to measure whether a child needs to be in a detention facility or whether they could safely be placed in a less secure setting until their case is heard.
Better Staff Training Means Improved Access to Justice

The District Court in 2007-08 significantly increased staff access to training sessions and materials, responding in particular to longstanding requests from staff for more case processing guidelines. Improved training for court staff is essential to providing more efficient access to justice for our citizens. It allows cases to move efficiently through the court system, from filing to disposition, which benefits all court users.

From how to enter a small claim to how to handle violations of probation, there are now instruction manuals for staff that outline both how a case moves through the justice system and how data is entered in Odyssey, the court system’s up-to-date case management system. Proper data entry is essential so that court managers can have an accurate measure of the time it takes to process a case and identify backlogs. Copies of the instruction manuals are available to staff at every District Court location and are also posted on the court system’s internal website.

In the fall of 2008, the District Court and Family Division jointly undertook a two-week period of on-site trainings regarding case dispositions—another step which helps improve service to court customers. Staff remained at their own court locations while a team of trainers (all court employees) presented the information. This was cost efficient—there were no reimbursement costs for staff travel to a central training site, leaving their home courts shorthanded in the meantime. Employees were more comfortable learning at their own work site, asking questions that directly pertained to the particular cases they work on everyday.

Technology has played a very important role in opening up more training opportunities. In October 2008, the District Courts began holding online meetings connecting a staff presenter with participating employees through the Internet and conference calls.

Involving Court Staff in Decision-Making

In March 2008, court staff throughout the state were surveyed about compensation, training and court facilities. They were asked to identify issues that were most important to them in terms of how Judicial Branch funds should be spent. The results of the electronic survey, which were compiled by the Court Communications Office, were used during budget planning as judges and court administrators decided on spending priorities for the FY 2010-11 biennium.

The Staff Advisory Committee, which meets three times a year with Chief Justice Broderick, helped identify the issues included in the survey. The SAC members are: Sherry Bisson, chair; Michelle Pushee: Kelly Parry; Gloria Moriarty; Linda Bolduc; Theresa McCafferty; Elaine Lowe; Michelle Goodwin; Julia Lamson; Michelle Bunnemeyer; Sherri Kluesener; Lance Walton; Sara Beaulieu; Diane Caron; Patrick Ryan; Barbara Hogan; Bunny Clark; JoAnn Lemay; and Michele Walker.

Accountability

In 2008, attorneys, judges and law professors were asked for the first time to participate in an electronic survey developed to evaluate the performance of the justices of the Supreme Court. This confidential survey tool was developed with guidance from the Denver-based Institute for the Advancement of the American Legal System, which has led a nationwide effort to improve judicial accountability. Pro se litigants, who brought their cases to the Supreme Court without legal assistance, also participated. Responses were automatically compiled by the survey program, under the supervision of a research data analyst at the Administrative Office of the Courts.

The Judicial Performance Evaluation (JPE) program was instituted by the Supreme Court for the entire Judicial Branch in 2001 and each year, the results are reported to the Governor and legislative leadership in June. The new program at the Supreme Court is intended to make the process more useful to the judges being evaluated and to the other branches of government and the public.
**Business Court**

In June 2008, Gov. John Lynch signed legislation to establish a new business and commercial dispute docket in the Superior Court for cases involving more than $50,000 in potential damages. The law provides that the governor will appoint a presiding justice of the business court who has experience in business and commercial law matters. New Hampshire now joins 18 other states in establishing a business court docket.

Chief Justice John T. Broderick Jr., joined by Associate Supreme Court Justice Gary E. Hicks, sees the new business court as an important effort to provide a designated forum within the state court system for resolution of complex business litigation. The Chief Justice, in addressing business and community leaders around the state, frequently expressed his concern that more and more business disputes were being resolved through private mediation and arbitration instead of in public courtrooms before juries. The efficiency and expertise provided by the new business court docket should bring those cases back into the state court system. A new business court judge is expected to be appointed in 2009.

“It is not in the long-term interests of the state courts or the people of New Hampshire to have more and more cases settled behind closed doors, and a system of justice develop without public input.”

- Chief Justice John T. Broderick Jr.
The Portsmouth Herald, June 3, 2008

**Equal Access to Justice for All**

New Hampshire’s Access to Justice Commission, established by the Supreme Court in 2007, coordinates existing legal service delivery programs and works on developing new initiatives to help low-income citizens in civil cases who need a lawyer’s assistance to protect their rights.

In March 2008, the AJC launched a new website, [www.courts.state.nh.us/access](http://www.courts.state.nh.us/access), designed to provide users with quick links to legal service providers, a self-help center and easy to read information about the state courts. The new website is also a resource center for legal professionals who want to learn more about what other states are doing around the country to make the justice system accessible and affordable for all citizens and how they can contribute to the effort. The 42-member AJC is chaired by Supreme Court Justice James E. Duggan and Chief Justice Steven J. McAuliffe of the U.S. District Court in Concord. New Hampshire is one of 26 states that have established similar commissions.

In July 2008, Justice Duggan was appointed to the American Bar Association’s Standing Committee on Legal Aid and Indigent Defendants, which for decades has led the ABA’s nationwide effort to develop policies and initiatives that increase access to justice for the poor.
Progress on Improvements to Court Facilities

With appropriations from the Legislature and the approval of the Governor and Executive Council, important improvements in court facilities were completed, or underway, across the state during the biennium. A new administrator of the Bureau of Court Facilities, Stephen Lorentzen, began work in June 2007, overseeing all courthouse construction, renovation and lease renewal. The Bureau of Court Facilities, which is part of the state Department of Administrative Services, works closely with judges and the Administrative Office of the Courts on facilities management issues.

At the close of 2008, a site had been secured and plans were finalized for a new Merrimack Courthouse, which will house the District Court and the Family Division. The new building, now under construction and scheduled for completion by the spring of 2010, is located behind the town hall, where the district court had operated in rented space on the second floor for many years.

The new Candia Courthouse opened in the summer of 2008, replacing the Auburn District Court. The Candia building, which the state is leasing from the owner, includes two courtrooms, a large clerical area and two prisoner holding cells.

Also in 2008, renovation was completed for the new home of the Goffstown Courthouse, which had for years been located in rented space in the basement of the Goffstown Town Hall. The new space on the second floor of the Hillsborough County Administrative building in Goffstown will be leased to the state by the county. The new court space, which houses the district court and family division, opened in early 2009.

Work was completed in 2008 on the renovation of the old Laconia High School, which is now home to the Laconia District Court and Family Division. The building, constructed in the 1800s, is now a state-owned facility.

In the north country, the Governor and Council in 2008 approved plans to renovate space for a combined facility that will house the Berlin District Court and Family Division, and offices for the state Department of Health and Human Services and the Department of Education. Renovation of the new facility, which is just a few blocks north of the current court location on Main Street, is now underway.

Planning for Temporary Relocation of the Hillsborough North Superior Court

At the close of 2008, judges, staff and court administrators were working with state lawmakers and the Department of Administrative Services on plans for the temporary relocation of Hillsborough North Superior Court operations from Manchester to the Superior Court building in Nashua. The 18-month temporary move is necessary to allow for asbestos abatement in the Manchester facility, followed by renovation. The move is contingent on legislative approval in 2009 of $17 million in capital funds for the project. Meanwhile, plans for renovations at the current site of the Manchester District Court were underway to house the new Family Division.
Preparing for an Aging Generation

A task force was formed in June 2008 to focus on the current and future need for professional guardians as New Hampshire’s aging population grows. Chaired by retired Hillsborough County Probate Court Judge Raymond A. Cloutier, the task force has drafted criteria for certification of private professional guardians and legislation was proposed that would make the certification process part of state code. Members will also look at ways that the Probate Courts can better assist family members who have agreed to serve as guardians.

“As a court system, we need to prepare for this dramatic change in our state’s population and the demands that will come with it,” said David D. King the Administrative Judge of the Probate Court. “We need to make more resources available to assist family guardians who have undertaken tremendous responsibility by becoming the guardian of a loved one,” he said.

In addition to Judge Cloutier, who served for 27 years on the Probate Court, the task force members include:

- Linda Mallon, director of the Office of Public Guardian and a member of the board of directors of the National Guardianship Association
- Donna Keddy, executive director of Tri-County CAP Inc. Guardianship Services;
- Ken Nielsen, an attorney at the state Department of Health and Human Services who works with families and guardianship agencies
- Denise McNulla, who works as a private guardian
- Patricia Quigley, who had a private probate law practice for 25 years before she was named staff attorney for the Probate Court
- Roberta Woods, a summer extern in 2008 and also a member of the research staff at Pierce Law Center who has been working with the Probate Court

Courthouse Service Centers

Access to justice means providing citizens with the basic resources they need when they come to the courthouse so that they can navigate through the system—even without a lawyer. In June 2007, the state court system’s first two full-time service centers were opened in the Hillsborough and Rockingham Probate Courts to provide court users with information about court procedures, forms, rules and statutes and case calendaring. Assigning staff to work specifically with the public allows other court staff to concentrate on case processing which means greater efficiency in moving cases through the system.

Two more part-time centers were opened in Grafton and Coos County Probate Courts in 2008. A statewide service center for the District Court and Family Division was opened in 2008 staffed by a case manager whose job is to provide answers to inquiries by telephone and online. Service centers are also available to court users at Hillsborough North, Strafford and Rockingham County Superior Courts.

“The pro se litigants maneuvering their way through the court system often find it to be a very stressful time. We are able to reduce that stress by making sure their questions are answered fully and that they receive plenty of one-on-one time with the case manager.” - Strafford County Superior Court Clerk Julie W. Howard
The Judicial Branch relies upon funds appropriated by the legislature for the operations of its courts. For FY 2007, the state legislature appropriated $66,516,475 Total expenditures for FY 2007 were $65,950,793. For FY 2008, the state legislature appropriated $70,573,869 Total expenditures for FY 2008 were $69,646,166. Most of the revenue generated by the court system is returned to the general fund or designated to help finance other state agencies and programs, such as the Police Standards and Training Council and the Victim’s Assistance Fund.

### Judicial Branch Expenditure Summary
*FY 2007 and FY 2008*

<table>
<thead>
<tr>
<th>Category</th>
<th>FY 2007</th>
<th>% of Total</th>
<th>FY 2008</th>
<th>% of Total</th>
<th>% Change '07-'08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior Court</td>
<td>$17,095,947</td>
<td>26.1%</td>
<td>$16,862,710</td>
<td>24.2%</td>
<td>-1%</td>
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<tr>
<td>District Court</td>
<td>16,663,482</td>
<td>25.4%</td>
<td>16,944,255</td>
<td>24.4%</td>
<td>2%</td>
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<td>Facilities &amp; Facility Escrow</td>
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<td>8,600,007</td>
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<td>8%</td>
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<td>Supreme Court</td>
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<td>9,277,097</td>
<td>13.3%</td>
<td>14%</td>
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<td>Probate Court</td>
<td>4,874,709</td>
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<td>5,173,788</td>
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<tr>
<td>Court Security</td>
<td>3,126,591</td>
<td>4.8%</td>
<td>3,132,636</td>
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<tr>
<td>Family Division</td>
<td>6,142,693</td>
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<td>8,523,428</td>
<td>12.3%</td>
<td>39%</td>
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<td>Statewide Expenditures</td>
<td>124,467</td>
<td>0.2%</td>
<td>228,765</td>
<td>0.3%</td>
<td>84%</td>
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<tr>
<td>Other *</td>
<td>1,388,988</td>
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<td>807,865</td>
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<td>-42%</td>
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<td>Total Expenditures</td>
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<td>100%</td>
<td>$69,550,551</td>
<td>100%</td>
<td>6%</td>
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<td>Capital Budget Funds</td>
<td>439,502</td>
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<td>95,615</td>
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<tr>
<td>GRAND TOTAL</td>
<td>$65,950,793</td>
<td></td>
<td>$69,646,166</td>
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</tr>
</tbody>
</table>

* Other includes workers compensation, default fees, transcription paid by private parties and grant expenditures

### Judicial Branch Revenue Distribution Summary
*FY 2007 and FY 2008*

<table>
<thead>
<tr>
<th>Distributions</th>
<th>FY 2007</th>
<th>Percentage</th>
<th>FY 2008</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$19,935,668</td>
<td>78.2%</td>
<td>$20,758,179</td>
<td>78.9%</td>
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<tr>
<td>Police Standards &amp; Training (RSA 188-F:31)</td>
<td>1,893,400</td>
<td>7.4%</td>
<td>1,810,437</td>
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<tr>
<td>Grants</td>
<td>1,080,557</td>
<td>4.2%</td>
<td>479,452</td>
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<td>IV D Reimbursement</td>
<td>840,677</td>
<td>3.3%</td>
<td>1,182,410</td>
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<td>Victims’ Assistance Fund (RSA 188-F:31)</td>
<td>579,459</td>
<td>2.3%</td>
<td>617,423</td>
<td>2.4%</td>
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<tr>
<td>Guardian ad Litem fund (RSA 458:17-b)</td>
<td>265,968</td>
<td>1.0%</td>
<td>264,039</td>
<td>1.0%</td>
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<tr>
<td>Revolving Funds</td>
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<td>1.4%</td>
<td>479,533</td>
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<tr>
<td>Facility Escrow Fund (RSA 490:26-c)</td>
<td>181,759</td>
<td>0.7%</td>
<td>346,633</td>
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<tr>
<td>Fish &amp; Game Fund</td>
<td>176,865</td>
<td>0.7%</td>
<td>158,980</td>
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<tr>
<td>Default Fees (RSA 597:38-a)</td>
<td>101,903</td>
<td>0.4%</td>
<td>96,604</td>
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<td>Default Bench Warrant Fund (RSA 597:38-b)</td>
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<td>0.3%</td>
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<td>Highway Fund</td>
<td>26,905</td>
<td>0.1%</td>
<td>45,909</td>
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<td>Total</td>
<td>$25,503,058</td>
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<td>$26,299,861</td>
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**Grant Funding**

FY 2007 and FY 2008

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<tr>
<th>Funding Agency</th>
<th>FY 2007</th>
<th>FY 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.H. Department of Justice</td>
<td>$211,481</td>
<td>$77,816</td>
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<tr>
<td>Robert Wood Johnson Foundation</td>
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<td>U.S. Department of Justice</td>
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<td>N.H. Department of Health &amp; Human Services, Juvenile Justice</td>
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<tr>
<td>U.S. Department of Health &amp; Human Services</td>
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<td>N.H. Highway Safety Agency</td>
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<td>N.H. Bar Foundation</td>
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<td>State Justice Institute</td>
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<tr>
<td>Conference of State Court Administrators</td>
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<td>$0</td>
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<td>Total Funds from Grants</td>
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<td>$419,209</td>
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**State of New Hampshire Operating Budget**

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<thead>
<tr>
<th></th>
<th>FY 2007</th>
<th>FY 2008</th>
</tr>
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<tbody>
<tr>
<td>Judicial Branch</td>
<td>$65,950,793</td>
<td>$69,646,166</td>
</tr>
<tr>
<td></td>
<td>1.1%</td>
<td>1.1%</td>
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<tr>
<td>Total State Expenditures</td>
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Systemwide Expenditures FY 2007

<table>
<thead>
<tr>
<th>Category</th>
<th>FY 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerical Salaries &amp; Benefits</td>
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<tr>
<td>Jury Fees</td>
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<td>Judicial Salaries &amp; Benefits</td>
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<td>Security</td>
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<tr>
<td>Other Operating Expense</td>
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<td>$65,950,793</td>
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Systemwide Expenditures FY 2008

<table>
<thead>
<tr>
<th>Category</th>
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</thead>
<tbody>
<tr>
<td>Clerical Salaries &amp; Benefits</td>
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<tr>
<td>Jury Fees</td>
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<td>$3,253,760</td>
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<tr>
<td>Facilities Expense</td>
<td>8,600,007</td>
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<tr>
<td>Other Operating Expense</td>
<td>7,045,720</td>
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<tr>
<td>Total</td>
<td>$69,646,166</td>
</tr>
</tbody>
</table>
Financials

COURT FINES & FEES

FISCAL YEAR

REVENUE (IN THOUSANDS)

$0

$5,000

$10,000

$15,000

$20,000

$25,000

$30,000

$35,000

2002 2003 2004 2005 2006 2007 2008
Caseload Statistics

Introduction

The charts that follow provide an overview of case filings for the Supreme Court, the Superior, Probate and District Courts and the Family Division. For this biennial report, the caseload history for 2007-08 is reported for the Supreme Court; at the trial court level, an examination of filings over the 10-year period from 1998 to 2008 is presented.

The long-term charts for the trial courts clearly show the result of the most significant event in the court system during that 10-year period—the statewide expansion of the Family Division, which began in 2005. Jurisdiction for family matters—divorce, child support, domestic violence, juvenile delinquency—is being transferred statewide from the Superior, Probate and District Courts into the Family Division. As a result, the trend charts for the trial courts from 2005 forward indicate a significant increase in the case filings in the Family Division, with the resulting decrease in filings in the Superior, District and Probate Courts. By early 2009, the Family Division was located at 23 locations in nine counties.

Note: Case filings are reported by calendar year

Supreme Court Caseload Summary

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases pending on Jan 1</td>
<td>745</td>
<td>575</td>
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<tr>
<td>New filings</td>
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<td>948</td>
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<tr>
<td>Total</td>
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<td>1523</td>
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<td>Dispositions</td>
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<td>983</td>
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<td>Cases pending on Dec 31</td>
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<td>540</td>
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<td>Cases accepted for appellate review</td>
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<td>623</td>
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<tr>
<td>Oral Arguments - TOTAL</td>
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<td>3JX</td>
<td>99</td>
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<td>156</td>
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<tr>
<td>Opinions Issued</td>
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<td>140</td>
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<tr>
<td>3JX Orders</td>
<td>103</td>
<td>78</td>
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</table>

Note: Case filings are reported by calendar year
Note: The trend line on some of the graphs on the following pages shows the trend in the number of case filings for the reporting period. In these graphs, the $R^2$ statistic ranges from 0 to 1: 0 indicates no trend, .5 indicates a moderate increasing trend and 1 indicates a strong increasing trend.

**Superior Court Filings from 1998 through 2008 - All Cases**

**Superior Court Civil Filings from 1998 through 2008**
Superior Court Equity Filings from 1998 through 2008

Superior Court Criminal Filings from 1998 through 2008
District Court Small Claims Filings from 1998 through 2008

R^2 = 0.0737

District Court Landlord and Tenant Filings from 1998 through 2008

R^2 = 0.8014
District Court Criminal Filings from 1998 through 2008

![Graph showing District Court Criminal Filings from 1998 through 2008 with data points for each year and a linear trend line with R² = 0.8207.](image-url)
Family Division Filings from 1998 through 2008 - All Cases

Increase in filings since 2005 reflects statewide expansion of Family Division

Family Division and Superior Court Domestic Filings from 1998 through 2008

Since 2005, filings reflect ongoing transfer of marital cases from Superior Court to Family Division
Family Division and District Court Juvenile Petition Filings from 1998 through 2008
Since 2005, filings reflect ongoing transfer of juvenile cases from District Court to Family Division

Family Division and Probate Court Guardianship of a Minor Filings from 1998 through 2008
Since 2005, filings reflect ongoing transfer of guardianship cases from Probate Court to Family Division
Family Division and Probate Court: Adoption, Surrender and Termination of Parental Rights

Graph showing the trend of adoption, surrender, and termination of parental rights from 1998 to 2008 for the Family Division and Probate Court.
Probate Court Filings from 1998 through 2008 - All Cases

Probate Court Estates and Trusts Filings from 1998 through 2008
Probate Court Equity Filings from 1998 through 2008

Probate Court Involuntary Admissions and District Court Involuntary Emergency Admissions 1998 through 2008
Information Technology

Peter D. Croteau, the court system’s new Chief Technology Officer, came to the court system in April 2008 from the executive branch Office of Information Technology, where he was director of the agency software division. In that job he supervised 180 computer programmers and system analysts who provide software services to the 15 largest executive branch agencies.

Prior to his work in the state information technology office, Croteau worked as the director of information technology at the Department of Safety, where he directed all of that agency’s activities related to information technology, including development of an IT plan and management of a $5.1 million annual budget. Croteau was the project manager for the $12 million state-wide integrated criminal justice information system (J-ONE) which allows law enforcement agencies and the courts to share information vital to maintaining public safety.

The completion of statewide installation of the Odyssey case management system— replacing the long outdated Sustain system—is the IT department’s top priority. Concord District Court was the first location to use Odyssey, starting in January 2006. Since then, 26 District Courts and 20 Family Division locations have begun using Odyssey; four Probate Court locations (Hillsborough, Grafton, Coos and Belknap) launched Odyssey between November 2008 and April 2009. In early December, Strafford County became the first Superior Court location to begin conversion to Odyssey, launching in March 2009. Carroll County Superior and Probate Courts, as well as other trial court locations, are scheduled to begin using Odyssey in the summer of 2009.

- 66% of our courts are now on the Odyssey case management system; More than 160,000 cases are now being managed by Odyssey; more than 86,000 are still in the Sustain system.

- 62% of all cases ever recorded in Sustain have been converted to Odyssey, almost 2,564,188 cases.
Public Outreach & Education

Civic education about the New Hampshire court system continued to be the focus of the work of the Court Communications Office in 2007-08. A major development in 2008 was the production of a “Video Tour of the New Hampshire Courts” as part of a totally revamped tour program at the state Supreme Court. Each year hundreds of New Hampshire 4th graders come to the court building in Concord with their teachers to visit the courtroom, law library and the Souter conference room. The tour program now includes the 12-minute video which provides a student-friendly overview of each level of the state court system and includes interviews with Chief Justice John T. Broderick Jr., Superior Court Judge Tina L. Nadeau, District Court Judge Edward M. Gordon and Administrative Judge David D. King of the Probate Court.

The video tour of the court system is also posted on the Judicial Branch website at www.courts.state.nh.us. Materials for teachers, developed as part of the revamped tour project, are also available on the court website’s “Student Center.”

Short videos have been posted on the website about the electronic Self-Help Center, the Office of Mediation and Arbitration and the John W. King Law Library.

In an unprecedented effort to improve public access to court records, the Court Communications Office, working closely with trial court staff, also began posting documents frequently requested by the public and the media on the Judicial Branch website. In 2008, in two cases involving death penalty charges, every document in the case file was posted on the Judicial Branch website the same day it was filed with the clerk’s office. Making frequently requested documents readily available on the court system website reduced the demand on court staff to make copies of pleadings and provided the media and the public with 24-7 access to the court record.

The New Hampshire Committee on the Judiciary and the Media, which since 2002 has proved provided a forum for discussion of issues of mutual interest to the courts and the media, hosted its second Law School for Journalists in December 2008 at Pierce Law Center. The guest speaker was Mark Obbie, director of the Carnegie Legal Reporting Program at the Newhouse School of Public Communications at Syracuse University.

A comprehensive handbook for citizens, “Your Guide to the New Hampshire Courts,” was published in 2008 and posted on the Judicial Branch website. The guide, funded by a grant from the NH Bar Foundation, was produced by the Judicial Branch in cooperation with the NH Bar Association.

A milestone for “On the Road”

The highly successful Supreme Court “On the Road” program, launched in 2002, held its 10th session at Souhegan High School in October 2008. A packed auditorium of high school students from around the region heard two real oral arguments and had an opportunity to talk with the justices about their work.

In 2007, the Supreme Court held an “On the Road” session at Bow High School for more than 400 students.

Members of the Supreme Court take questions from the student audience at Souhegan High School in 2008. Seated (l-r): Associate Justice Richard E. Galway; Senior Associate Linda S. Dalianis; Chief Justice John T. Broderick Jr.; Associate Justice James E. Duggan; Associate Justice Gary E. Hicks.

Attorney James Tenn (left) and members of student audience during 2007’s On the Road at Bow High School.
Public Outreach & Education (Continued)

“Thanks for the wealth of information. I am not a law student, so my experience in researching this type of information is very limited. I will share this with my classmates so their research efforts will be made easier!”

– Student at Southern New Hampshire University.

John W. King Memorial Lecture

Elena Kagan (fourth from the left), then the dean of the Harvard Law School, delivered the John W. King Memorial lecture at the New Hampshire Supreme Court in October 2008. Kagan, who was later named Solicitor General of the United States by President Obama, spoke about 21st century legal education. The lecture is co-sponsored by the NH Bar Foundation and the NH Supreme Court Society. Pictured left are (l-r) David Snyder, executive director of the Bar Foundation; Attorney Mary Susan Leahy, president of the Supreme Court Society; John Hutson, dean, Pierce Law Center; Kagan; Chief Justice Broderick; and Attorney Susan V. Duprey, a trustee of the Supreme Court Society.
On April 30, 2008 Judicial Branch Administrator Gina B. Apicelli, was awarded the Caroline L. Gross Fellowship, established in memory of the late House Majority leader to honor dedication to public service.

2008

• Hampton District Court Judge Francis J. Fraiser was chosen by the New Hampshire Bar Foundation to receive the 2008 Frank Rowe Kenison Award.
• The Manchester Bar Association honored Superior Court Judge Kenneth McHugh with the Bar’s annual achievement award.
• Hillsborough County Probate Court Judge Raymond A. Cloutier received the 2008 Justice William A. Grimes Judicial Professionalism Award.
• Supreme Court Justice Gary E. Hicks was appointed to the Board of Trustees of the American Inns of Court, a nationwide organization of judges, lawyers and law students who meet regularly in small groups around the country, for discussion and programs designed to enhance professionalism, ethics, and legal skills.

2007

• Chief Justice John T. Broderick Jr. received an honorary Doctor of Laws degree from Vermont Law School for his effort to focus attention on providing more volunteer and low cost legal services. The Chief Justice also received the pro bono service award from the New Hampshire Bar Association’s Pro Bono Referral Program in recognition of his efforts to encourage lawyers to offer their services without charge, or at low cost, to help meet the legal needs of the poor.
• District Court Judge Paul S. Moore was awarded the “Spirit of New Hampshire” Award in the Volunteer Service category.

Judge Conboy Honored….

Superior Court Judge Carol Ann Conboy received the 2008 Marilla M. Ricker Achievement Award from the New Hampshire Women’s Bar Association. The achievement award is named in honor of Marilla M. Ricker, the first woman to apply for admission to the New Hampshire Bar. In making the award, the Women’s Bar said Judge Conboy had been “breaking ground for women at all stages in her career, from her role as an officer in the United States Air Force during the Vietnam War, to her service as an attorney and as a justice on the New Hampshire Superior Court.”

Judge Conboy began her legal career as a federal court law clerk and continued as an associate and then partner in McLane, Graf, Raulerson and Middleton in Manchester, where she concentrated on employment law litigation. She was appointed to the Superior Court bench by Governor Judd Gregg in 1992.

Deputy clerk Carol Belmain (second from left) retired in 2007 after 29 years of service at the Supreme Court. Carol’s mother, Helen Auclair, grandson David Weaver, and daughter Susanne Weaver attended a reception in her honor in the Souter conference room. Photo by Margaret Haskett.
### Retirements

**2007 (years of service)**

#### SUPERIOR COURT
- Hon. Robert E.K. Morrill (21 years)
- Hon. Bruce Mohl (19 years)
- Hon. Arthur Brennan (15 years)
- Hon. David Sullivan (16 years)
- Hon. Bernard Hampsey, Jr. (17 years)
- Hon. Jean Burling (17 years)

#### DISTRICT COURT
- Hon. William Prigge Jaffrey/Peterborough (30 years)
- Hon. Gerald Carney New London (26 years)
- Hon. Peter Bronstein Plaistow (22 years)
- Hon. Willard Martin, Jr. Laconia (35 years)
- Master Harriet Fishman Portsmouth Family Division (13 years)
- Pam Neville Regional Court Administrator (24 years)
- Rebecca Decato, Clerk Newport (27 years)
- Barbara Grant, Clerk Goffstown (22 years)
- Margaret Hatfield, Clerk Henniker (13 years)

**2008**

#### SUPREME COURT
- Carol Belmain, Deputy Clerk (29 years)

#### SUPERIOR COURT
- Hon. Peter Fauver (16 years)
- Hon. Edward Fitzgerald (16 years)

#### DISTRICT COURT
- Hon. Michael Sullivan Concord (27 years)
- Hon. David Huot Laconia (29 years)
- Hon. Bruce Larson Candia (26 years)
- Hon. Gerald Taube Durham (17 years)
- Hon. Francis Frasier Hampton (28 years)
- Paulette LeBlanc, clerk Nashua (31 years)

### PROBATE COURT
- Hon. Raymond Cloutier Hillsborough County (11 years)

### ADMINISTRATIVE OFFICE OF THE COURTS
- Thomas Edwards Senior Systems Analyst/Programmer (17 years)

### In Memory
- Hon. Armand Capistran, April 18, 2007
- Hon. Frederick Goode, April 22, 2007
- Hon. Peter Smith, August 5, 2008
- Elizabeth Minkler, register, Cheshire County Probate Court, March 20, 2008

### 25 Years

The following employees were honored for 25 years of service

#### 2007
- Bunny Clark Portsmouth District
- Elaine Lavoie Nashua District Court
- Jacqueline Johnson Hillsborough Superior Court North
- Susan Nye Exeter District Court

#### 2008
- Margaret Daszuta Salem District Court
- Cynthia S. Houle Strafford Probate to Strafford Family Division
- Terrena O’Connor Sullivan County Family Division
- Rebecca Wyman Grafton Probate Court
- Holly Aquizap Superior Court Center
- Taylor Downs Dover District Court
- Jayne Ruder Merrimack District Court
- Peter Croteau Administrative Office of the Courts
Recognition & Commitment (Continued)

Justice Galway Retires

Associate Supreme Court Justice Richard E. Galway (pictured left with student visitors to the Supreme Court) announced in October 2008 that he intended to retire following 14 years of service to the Judicial Branch, including nine years as trial judge on the Superior Court. Galway, a native of Manchester, was named to the Supreme Court in January 2004 by then Gov. Craig Benson. Following his retirement, Galway assumed senior judge status and is eligible to sit, as needed, on the trial and appellate courts.

In 2008, the Supreme Court honored five law firms and the NH Bar’s Pro Bono Referral Program for their efforts to provide services at no cost to New Hampshire residents who need help resolving legal issues. Chief Justice John T. Broderick Jr. (center) presented certificates to representatives from the firms and the bar during a courtroom ceremony in Concord on October 15. Standing with the Chief Justice are (l-r): Associates Justice Richard E. Galway; Attorney Philip L. Pettis of Boynton, Waldron, Doleac, Woodman & Scott; Associate Justice James E. Duggan; Attorney Alexander J. Walker Jr. of Devine Millimet & Branch; Attorney Jonathan Eck of Devine Millimet; Attorney Martha Van Oot of Orr & Reno; Chief Justice Broderick; Attorney Jack B. Middleton of McLane Graf Raulerson & Middleton; Mary Jo Herman, McLane Pro Bono Coordinator; Senior Associate Justice Linda S. Dalianis; Associate Justice Gary E. Hicks; Pro Bono Referral Program director Virginia A. Martin; Attorney L. Jonathan Ross of Wiggin & Nourie; Paralegal Linda Hammond-Lewis from Wiggin & Nourie; and Attorney Jeremy T. Walker of the McLane law firm.
THE NEW HAMPSHIRE COURT SYSTEM

SUPREME COURT

Five Justices
- Has mandatory jurisdiction, by court rule, in most cases arising from trial courts, and discretionary jurisdiction in appeals and some criminally related matters
- Issues advisory opinions for the state executive and legislative branches
- Provides a public Law Library
- Provides centralized support services to the courts in the areas of budget, finance, technology, personnel, and security through the Administrative Office of the Courts

SUPERIOR COURT

19 Justices sit in 10 counties
- Hears cases involving torts, contracts, real property rights, and other civil matters ($1,500 minimum, no maximum)
- Has jurisdiction over marriage dissolution and custody/support cases
- Has jurisdiction over felonies
- Hears misdemeanor appeals from District Court
- Holds jury trials

FAMILY DIVISION

Currently located in eight counties
- Will be expanding into Hillsborough County in FY 2009
- Has jurisdiction over all types of family law matters including divorce, child custody and visitation, child support, juvenile matters, domestic violence, guardianship of minors, and adoptions

PROBATE COURT

Currently 9 Judges sit in 10 counties
- Has jurisdiction over cases dealing with adoption, termination of parental rights, guardianships, trusts, wills, estates, and involuntary commitments

DISTRICT COURT

57 full- and part-time Justices sit in 33 District Courts
- Hears civil cases involving torts, contracts, and real property ($0-25,000)
- Hears small claims ($0-5,000)
- Has jurisdiction over misdemeanors, traffic violations
- District Court hears domestic violence petitions concurrent with Superior Court and juvenile matters

Effective October 7, 2008
New Hampshire Judges and Marital Masters

* Denotes Judges and Marital Masters who serve in the Family Division

Supreme Court
Chief Justice John T. Broderick, Jr.
Hon. Linda S. Dalianis
Hon. James E. Duggan
Hon. Gary E. Hicks

Chief Justice Bob J. Lynn
Hon. Gillian L. Abramson
Hon. John P. Arnold
Hon. James J. Barry, Jr.
Hon. Peter H. Bornstein
Hon. Kenneth C. Brown
Hon. Carol A. Conboy
Hon. William J. Groff
Hon. Steven M. Houran
Hon. John M. Lewis
Hon. Philip P. Mangones
Hon. Kathleen McGuire
Hon. Kenneth R. McHugh
Hon. Tina L. Nadeau
Hon. Diane M. Nicolosi
Hon. James D. O’Neill, III
Hon. Larry M. Smukler
Hon. Brian T. Tucker
Hon. Timothy J. Vaughan

Superior Court Judges

Chief Justice Robert J. Lynn
Hon. Gary R. Cassavechia
Hon. Richard A. Hampe
Hon. Peter G. Hurd
Hon. Christina M. O’Neill
Hon. James R. Patten *

Probate Court

Full-time Judges
Administrative Judge David D. King
Hon. Gary R. Cassavechia
Hon. Richard A. Hampe
Hon. Peter G. Hurd
Hon. Christina M. O’Neill
Hon. James R. Patten *

Part-time
Hon. Gary W. Boyle
Hon. Michael R. Feeney
Hon. Albert H. Weeks

District Court

Full-time Judges
Administrative Judge Edwin W. Kelly *
Hon. Thomas E. Bamberger
Hon. Gerard J. Boyle
Hon. Edward J. Burke
Hon. Daniel M. Cappiello
Hon. Susan B. Carbon *
Hon. Norman E. Champagne
Hon. John J. Coughlin
Hon. R. Laurence Cullen
Hon. John C. Emery
Hon. Edward M. Gordon *
Hon. Clifford R. Kinghorn, Jr.
Hon. John A. Korbey *
Hon. Paul H. Lawrence *
Hon. James H. Leary
Hon. William H. Lyons
Hon. Stephen M. Morrison
Hon. Thomas A. Rappa, Jr. *
Hon. Michael J. Ryan *
Hon. John J. Yazinski *

Part-time Judges
Hon. Wallace J. Anctil
Hon. Ellen L. Arnold *
Hon. Susan W. Ashley *
Hon. Thomas T. Barry
Hon. Jay C. Boynton
Hon. Bruce A. Cardello *
Hon. Albert J. Cironne, Jr.
Hon. Martha R. Crocker
Hon. John P. Cyr *
Hon. Paul D. Desjardins
Hon. Sharon F. DeVries *
Hon. Sawako T. Gardner
Hon. Michael E. Jones
Hon. David L. Kent
Hon. Howard B. Lane, Jr.
Hon. Robert L. LaPointe, Jr.
Hon. David G. LeFrancois *
Hon. Lawrence A. MacLeod *
Hon. Timothy J. McKenna
Hon. F. Graham McSwiney
Hon. Gregory E. Michael
Hon. James E. Michalik *
Hon. Paul S. Moore
Hon. Stephen H. Roberts *
Hon. L. Phillips Runyon, III
Hon. Lucinda V. Sadler *
Hon. Stephen U. Samaha
Hon. Jennifer B. Sargent
Hon. Brackett L. Scheffy *
Hon. Robert S. Stephen *
Hon. Edward B. Tenney
Hon. Robert C. Varney
Hon. Mark F. Weaver

Martial Masters
Anne D. Barber *
Thomas G. Cooper
Philip D. Cross *
Bruce F. Dalpra *
Robert J. Foley *
David S. Forrest
Michael H. Garner *
Nancy J. Geiger *
Leonard S. Green
Alice S. Love

State of New Hampshire Judicial Branch

2007-2008 Biennial Report

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For more information about the State of New Hampshire Judicial Branch check out our website at www.courts.state.nh.us. You’ll find detailed descriptions there that will help direct you to the right place to find answers to your questions.

Administrative Office of the Courts
Two Charles Doe Drive
Concord, NH 03301
(603) 271-2521

Supreme Court
One Charles Doe Drive
Concord, NH 03301
(603) 271-2646

Superior Court
Superior Court Center
17 Chenell Drive, Suite 1
Concord, NH 03301
(603) 271-2030

District Court
Administrative Office
107 Pleasant St. 3rd floor
Concord, NH 03301
(603) 271-6418

Probate Court
Administrative Office
107 Pleasant St. 2nd floor
Concord, NH 03301
603-271-7525

Family Division
Administrative Office
107 Pleasant St. 3rd floor
Concord, NH 03301
(603) 271-6418