

A Brief History of the New Hampshire Court System¹

The history of New Hampshire's court system dates back to 1630, when three of New Hampshire's four original towns, Dover, Portsmouth and Exeter had their own courts. In the years that followed, various local and county courts, and justices of the peace, heard trials in minor criminal and civil cases.

1776 – New Hampshire establishes its first appellate court

Shortly after the Colony of New Hampshire adopts a temporary constitution, the newly formed New Hampshire legislature establishes a "Superior Court of Judicature" with 4 justices, to hear appeals, which until then had been heard by the Governor and Executive Council. Probate and civil cases were handled in a court of common pleas and criminal cases were tried by justices of the peace.

1876 – State Supreme Court is established

An act is passed creating a "Supreme Court" as New Hampshire's highest court. These justices hear trials and appeals around the state. Police courts had been established in larger towns with judges who had powers similar to justices of the peace. The authority of these local magistrates was expanded following an increase in litigation after the Civil War that made it difficult for higher courts to clear their dockets.

1901 – Superior Court is established

The Superior Court, made up of a Chief Justice and four associate justices, is established by the legislature and given general trial court responsibility. Jurisdiction over appeals remains with the Supreme Court, made up of a Chief Justice and four associates. Appellate judges no longer preside at trials, avoiding potential conflicts of interest.

1915 – Municipal Courts are created replacing Police Courts

Municipal courts are established in cities and towns with 2,000 or more residents with jurisdiction over minor crimes and offenses and minor civil cases including traffic offenses. The Municipal Courts relieve the Superior Court of thousands of cases on its docket and replaces police courts. The authority of justices of the peace is diminished.

1963 – District Courts are created replacing Municipal Courts

District Courts assume jurisdiction, powers and duties of the municipal courts. The purpose of establishing the District Court system was to provide the minimum number of courts needed to adequately serve the public. Municipal courts were phased out.

1966 – Supreme Court and the Superior Court become constitutional courts

State constitution amended to establish the Supreme Court and the Superior Court as constitutional courts, which means that they could only be changed or abolished by a constitutional amendment, not by the legislature.

1971 – State court system is unified

A unified court system was established by the legislature to “improve the administration of justice and the efficient operation of all the courts.”

1978 – Constitutional Amendment makes Chief Justice head of court system

Voters amended the constitution to make the Chief Justice of the Supreme Court the administrative head of the court system. That amendment said that rules regarding the administration of the courts and practice and procedure in the courts would be approved by the Chief Justice with the concurrence of a majority of the associate justices of the Supreme Court.

1983 – Funding for court system is consolidated into biennial budget

State legislature consolidates funding for all the state courts into the state's biennial budget. Legislation also established what is now known as the Administrative Office of the Courts, consolidating personnel, accounting, technology and budgeting into one central office. Later, Administrative Judges are appointed for each division of court to form a council that advises the Supreme Court on court system policy and administration.

2004 – Family Division is created

Family Division statewide expansion signed into law and financed through reductions in the number of Superior Court judges from 29 to 22 following retirements and resignations.

2011 – Circuit Court System is created

Judicial Branch Innovation Commission proposes restructuring the District and Probate Courts and the Family Division into a new "Circuit Court" to consolidate operations and streamline the workforce.

¹ Compiled Judicial Branch Communications Office and the New Hampshire Law Library from “The NH Supreme Court: A History of Change” by Charles G. Douglas III and Jay Surdukowski; The Municipal Courts of New Hampshire; A Survey of Local Justice in the Granite State by the Administrative Committee on Municipal Courts (1961); Laws of the State of New Hampshire; New Hampshire Judicial Branch website.