

**State of New Hampshire
Superior Court**

Administrative Order 2011 – 45

In accordance with the longstanding policy and practice in the courts, and consistent with the intent of RSA 604-A:2 I, clerks and deputy clerks of court are authorized to perform the ministerial act of determining eligibility for appointment of counsel. This determination will be based upon a review of a completed financial affidavit submitted by the defendant pursuant to Administrative Rule 1003.02 adopted pursuant to RSA 604-A:10 IV, and the application of the standards set forth in Administrative Rule 1004.1 adopted pursuant to the aforementioned statute.

Any adult defendant charged with a felony or class A misdemeanor, who is found to be eligible for appointed counsel shall be ordered to reimburse the state through the Office of Cost Containment pursuant to RSA 604-A:9 I and Administrative Rule 1005. In all such cases the clerk and deputy clerk are authorized to apply the judge's electronic or facsimile signature to the Notification of Eligibility and Liability form.

In the event the Office of Public Defender, to whom all appointments of counsel are to be directed, discovers a conflict of interest pursuant to the Rules of Professional Conduct, it is authorized to amend the Notification of Eligibility and Liability form to indicate the name and contact information of new counsel.

Pursuant to RSA 604-A: 2 III, in any case where the defendant is found financially ineligible for appointed counsel, the defendant may, within 7 days of notification of ineligibility, appeal that finding to a judge of the superior court.

This Administrative Order is effective September 26, 2011.

Tina L. Nadeau, Chief Justice
New Hampshire Superior Court