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May 2, 2024

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu
And the Honorable Executive Council
State House
Concord, N.H. 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a, VI, authorize the Judicial Council to accept and expend, federal funds in the amount of \$150,000 from the American Rescue Plan Act of 2021 (ARPA), State Fiscal Recovery Funds (SFRF) to address indigent defense needs resulting from the pandemic through the creation of a new database, effective upon Fiscal Committee and Governor and Council approval through June 30, 2025. 100% Federal Funds. This is an allowable use of ARPA SFRF funds under Section 602 (c)(1)(A) to respond to the public health emergency or its negative economic impacts.

02-07-07-070010-XXXX0000 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION, JUDICIAL COUNCIL, INDIGENT DEFENSE DATABASE ARP

CLASS OBJ	CLASS TITLE	Current Budget	Increase Amount	Revised Budget
000-400338-16	Federal Funds	\$ 0	\$ 150,000	\$ 150,000
	Total Revenue	\$ 0	\$ 150,000	\$ 150,000
040-500800	Indirect Costs	\$ 0	\$ 15,000	\$ 15,000
041-500801	Audit Set Aside	\$ 0	\$ 150	\$ 150
103-502664	Contracts For Operational Serv	\$ 0	\$ 134,850	\$ 134,850
	Total Expenses	\$ 0	\$ 150,000	\$ 150,000

EXPLANATION

During the Covid-19 Pandemic the number of attorneys accepting cases on a contract basis diminished, and the number of bills for assigned counsel grew dramatically. This accelerated a trend towards increased numbers of individual bills as well as increasing vendor bills. Along with this rise, the agency has seen a marked rise in payments to other vendors, such as translator and experts. This has put an unsustainable strain on the current database that the Judicial Council uses.

During the pandemic, the number and amount of Judicial Council transactions grew tremendously. For example, the chart below shows the growth in two areas of the Judicial Council's responsibilities:

	Number of assigned counsel bills:	Total Amount of bills:	Number of non-counsel bills	Total Amount of Bills:
March 2020	363	\$185,079.51	191	\$215,536.95
March 2024	598	\$660,093.50	395	\$336,885.56
% increase	65%	256%	107%	56%

These two areas are just two of many that have grown substantially since the Covid-19 outbreak.

The Judicial Council requires a means to track payments, vendors, and contracts securely, efficiently, and accurately. Over one hundred defendants, including incarcerated individuals, are waiting to have an attorney appointed to their case as required by both the United States and New Hampshire Constitutions. The current database contributes to delays in processing payments to vendors and attorneys, which can discourage attorneys from taking cases, and further exacerbates the issue of defendants without attorneys.

The current system is also cumbersome and not supported by the New Hampshire Department of Information Technology (DOIT) making financial tracking and reporting difficult and time consuming. For example, the current system cannot upload required information from other stakeholders (i.e., the courts), has difficulty in tracking expenditures across multiple dockets, and requires manual re-entry of data that the Judicial Council receives.

Funds will be budgeted as follows:

- Class 040, for agency Indirect Costs, per RSA 21-I:73 through 21-I:77.
- Class 041, for Audit Set Aside, per RSA 124:16.
- Class 103, for Contracts for Operational Services, which will be used to pay for the creation of a new Judicial Council database to enter and track payments and other necessary information regarding, cases, vendors, and attorneys.

The authorization of these funds would greatly aid the Judicial Council's response to the Covid-19 pandemic, and aid in its abilities to utilize funds for indigent defense efficiently.

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

This Agency will remain at your service to provide any requested information concerning the critical importance of this additional funding to the orderly administration of justice.

Respectfully Submitted,



Jay Buckley
Executive Director