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August 1, 2025

Her Excellency, Governor Kelly A. Ayotte,
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Judicial Council to enter into a Cooperative Project Agreement (CPA) with the University of New Hampshire (Vendor# 177867), Durham, NH, in an amount not to exceed $63,327 to provide training for indigent defense providers effective upon Governor and Council approval through June 1, 2026. 100% General Funds.

Funds are available in the following account in Fiscal Year 2026, with the authority to adjust budget line items within the price limitation and encumbrances between state fiscal years through the Budget Office, if needed and justified.

02-07-07-070010-10910000 Assigned Counsel

Class/Account	Class Title	FY 2026
108-500751	Training for Providers	$63,327

EXPLANATION

New Hampshire has the lowest number of attorneys per capita in New England.[1] This has contributed to a shortage of qualified attorneys to take on court appointed indigent criminal defense cases. In 2022-2023 the Judicial Council collaborated with UNH Law School to hold a criminal defense academy training program for attorneys who were either new to practice, or new to criminal law. This program was successful in adding several new attorneys to those who take criminal assigned cases from the Judicial Council, several of whom still accept cases.[2]

[1] ABA Profile of the Legal Profession 2024, https://www.americanbar.org/news/profile-legal-profession/demographics/
[2] The UNH Criminal Defense Academy Tackles the Indigent Defense Crisis, https://www.nhbar.org/the-unh-criminal-defense-academy-tackles-the-indigent-defense-crisis/

In response to the success of that earlier project, the Judicial Council's budget specifies that "$100,000 in Accounting Unit 1091 and Class 108 shall be used for the purpose of entering into a cooperative project agreement with the University of New Hampshire to provide training for indigent defense providers. The $100,000 shall not lapse until the biennium ending June 30, 2027." The intention is to enter a new CPA or amend this CPA for FY 26 to use the remaining funds. The funds will be used to recruit and train a new group of attorneys who agree to accept indigent defense cases in exchange for the training.

To this end, the Council seeks to enter into a CPA with the UNH Franklin Pierce School of Law to provide criminal defense and legal skills training to lawyers who agree to participate in the contract attorney program or assigned counsel system for at least one year. Professors Melissa Davis and Julian Jefferson, the lawyers who will be administering the program, have extensive experience representing persons in indigent criminal and juvenile delinquency cases, are knowledgeable and experienced in the instruction of lawyers (Professor Davis serves as the Director of the UNH Criminal Practice Clinic), and possess the necessary resources and facilities to develop and provide a structured, high-quality, legal skills training and mentoring program.

Pursuant to the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, the state and the University of New Hampshire may enter into a CPA for the purpose of undertaking a project of mutual interest. UNH's proposed Trial Skills Academy will provide day-long intensive training on 12 different dates over a 10 month period and offer mentoring to participating lawyers during that period. Lawyers who participate in the training agree to accept at least 30-50 cases (depending on whether they are misdemeanors or felonies) within 18 months of the course.

This program will increase the number of lawyers and law firms participating in the contract attorney program and assigned counsel system by providing training to lawyers who (1) are admitted to the New Hampshire Bar but do not have substantial experience providing criminal defense representation, (2) are recently admitted to the New Hampshire Bar and may lack substantive experience in New Hampshire courts, (3) are recent law school graduates who, with adequate training and mentoring, could provide adequate defense representation in misdemeanor and certain felony level cases, or (4) would otherwise benefit from an intensive trial skill training in the area of indigent defense representation.

Thank you for your consideration. This agency will remain at your service to answer any questions you may have regarding the proposed contract and its importance to the orderly administration of justice.

Respectfully submitted,

Jay M. Buckey
Executive Director, New Hampshire Judicial Council

COOPERATIVE PROJECT AGREEMENT
between the
STATE OF NEW HAMPSHIRE, **Judicial Council**
and the
University of New Hampshire of the UNIVERSITY SYSTEM OF NEW HAMPSHIRE

A. This Cooperative Project Agreement (hereinafter "Project Agreement") is entered into by the State of New Hampshire, **Judicial Council**, (hereinafter "State"), and the University System of New Hampshire, acting through **University of New Hampshire**, (hereinafter "Campus"), for the purpose of undertaking a project of mutual interest. This Cooperative Project shall be carried out under the terms and conditions of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, except as may be modified herein.

B. This Project Agreement and all obligations of the parties hereunder shall become effective on the date the Governor and Executive Council of the State of New Hampshire approve this Project Agreement ("Effective date") and shall end on **6/1/26**. If the provision of services by Campus precedes the Effective date, all services performed by Campus shall be performed at the sole risk of Campus and in the event that this Project Agreement does not become effective, State shall be under no obligation to pay Campus for costs incurred or services performed; however, if this Project Agreement becomes effective, all costs incurred prior to the Effective date that would otherwise be allowable shall be paid under the terms of this Project Agreement.

C. The work to be performed under the terms of this Project Agreement is described in the proposal identified below and attached to this document as Exhibit A, the content of which is incorporated herein as a part of this Project Agreement.

Project Title: **UNH Criminal Defense Academy**

D. The Following Individuals are designated as Project Administrators. These Project Administrators shall be responsible for the business aspects of this Project Agreement and all invoices, payments, project amendments and related correspondence shall be directed to the individuals so designated.

State Project Administrator

Name: Jay Buckey
Address: New Hampshire Judicial Council
One Granite Place
Concord, NH 03301
Phone: (603) 271-3592

Campus Project Administrator

Name: Gretchen Swain
Address: University of New Hampshire
Sponsored Programs Administration
51 College Rd.
Durham, NH 03824
Phone: N/A

E. The Following Individuals are designated as Project Directors. These Project Directors shall be responsible for the technical leadership and conduct of the project. All progress reports, completion reports and related correspondence shall be directed to the individuals so designated.

State Project Director

Name: Jay Buckey
Address: New Hampshire Judicial Council
One Granite Place
Concord, NH 03301
Phone: (603) 271-3592

Campus Project Director

Name: Melissa Davis
Address: UNH School of Law
UNHL Clinic
2 White Street
Concord, NH 03301
Phone: (603) 513-5157

F. Total State funds in the amount of **$63,327.00** have been allotted and are available for payment of allowable costs incurred under this Project Agreement. State will not reimburse Campus for costs exceeding the amount specified in this paragraph.

Check if applicable

☐ Campus will cost-share % of total costs during the term of this Project Agreement.

☐ Federal funds paid to Campus under this Project Agreement are from Grant/Contract/Cooperative Agreement No. from under CFDA# . Federal regulations required to be passed through to Campus as part of this Project Agreement, and in accordance with the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002, are attached to this document as Exhibit B, the content of which is incorporated herein as a part of this Project Agreement.

G. Check if applicable

☐ Article(s) of the Master Agreement for Cooperative Projects between the State of New Hampshire and the University System of New Hampshire dated November 13, 2002 is/are hereby amended to read:

H. ☒ State has chosen **not to take** possession of equipment purchased under this Project Agreement.

☐ State has chosen **to take** possession of equipment purchased under this Project Agreement and will issue instructions for the disposition of such equipment within 90 days of the Project Agreement's end-date. Any expenses incurred by Campus in carrying out State's requested disposition will be fully reimbursed by State.

This Project Agreement and the Master Agreement constitute the entire agreement between State and Campus regarding this Cooperative Project, and supersede and replace any previously existing arrangements, oral or written; all changes herein must be made by written amendment and executed for the parties by their authorized officials.

IN WITNESS WHEREOF, the University System of New Hampshire, acting through the **University of New Hampshire** and the State of New Hampshire, **Judicial Council** have executed this Project Agreement.

By An Authorized Official of:
University of New Hampshire
Name: Dianne Hall
Title: Manager, Pre-Award Compliance
Signature and Date: Dianne Hall Digitally signed by Dianne Hall Date: 2025.08.01 10:44:05 -04'00'

By An Authorized Official of:
New Hampshire Judicial Council
Name: Jay M. Buckey
Title: Executive Director
Signature and Date: 8/1/25

By An Authorized Official of: the New Hampshire Office of the Attorney General
Name: CHRISTOPHER G BOND
Title: ASSOCIATE GENERAL COUNSEL
Signature and Date: 7/31/25

By An Authorized Official of: the New Hampshire Governor & Executive Council
Name:
Title:
Signature and Date:

EXHIBIT A

A. **Project Title:** UNH Criminal Defense Academy

B. **Project Period:** 9/26/2025-6/1/2026

C. **Objectives:** Objectives: To meet the training needs of lawyers seeking to provide constitutionally effective indigent criminal defense representation under the New Hampshire Judicial Council's Contract Attorney program and Assigned Counsel system,

D. **Scope of Work:** Scope of Work: University of New Hampshire - Criminal Defense Academy (UNH-CDA) will build and teach a course designed to educate in New Hampshire criminal practice and deliver hands on practical skills training for lawyers who (1) are admitted to the New Hampshire Bar but do not have substantial experience providing criminal defense representation, (2) are recently admitted to the New Hampshire Bar and may lack substantive experience in New Hampshire courts, (3) are recent Law school graduates who, with adequate training and mentoring, could provide adequate defense representation in misdemeanor and certain felony level cases, or (4) would otherwise benefit from an intensive trial skill training in the area of indigent defense representation.

E. **Deliverables Schedule:** N/A

F. **Budget and Invoicing Instructions:**
Campus will submit invoices to the state on regular Campus invoice forms no more frequently than monthly and no less frequently than quarterly. Invoices will be based upon actual project expenses incurred during the invoicing period and shall show current and cumulative expenses by major cost categories. The state will pay the Campus within 30 days of receipt of each invoice. The Campus will submit its final invoice no later than 60 days after the Project Period end date above.

Budget Items	State Funding
1. Salaries & Wages	$36,806
2. Fringe Benefits	$3,018
3. Travel	$0.00
4. Supplies and Services	$6,400
5. Equipment	$0.00
6. Indirect Costs	$17,103
Total	$63,327

EXHIBIT B

This Project Agreement is funded under a Grant/Contract/Cooperative Agreement to State from the Federal sponsor specified in Project Agreement article F. All applicable requirements, regulations, provisions, terms and conditions of this Federal Grant/Contract/Cooperative Agreement are hereby adopted in full force and effect to the relationship between State and Campus, except that wherever such requirements, regulations, provisions and terms and conditions differ for INSTITUTIONS OF HIGHER EDUCATION, the appropriate requirements should be substituted (e.g., OMB Circulars A-21 and A-110, rather than OMB Circulars A-87 and A-102). References to Contractor or Recipient in the Federal language will be taken to mean Campus; references to the Government or Federal Awarding Agency will be taken to mean Government/Federal Awarding Agency or State or both, as appropriate.

Special Federal provisions are listed here: ☐ None or .