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THE STATE OF NEW HAMPSHIRE  
 JUDICIAL COUNCIL  
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March 11, 2026

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

Her Excellency, Governor Kelly A. Ayotte  
 and the Honorable Council

State House  
 Concord, N.H. 03301

**REQUESTED ACTION**

Pursuant to RSA 604-A:1-b, Additional Funding, authorize the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the total amount of \$750,000 effective upon Fiscal Committee and Governor and Council approval, through June 30, 2027. **100% General Funds.**

Funding is to be budgeted in 02-07-07-070010-10930000 CONTRACT COUNSEL as follows:

<b>Class/Expense</b>	<b>Class Title</b>	<b>Current Budget</b>	<b>Change</b>	<b>Revised Budget</b>
102/500731	Provider Payments Legal Services	\$2,935,000	\$750,000	\$3,685,000

**EXPLANATION**

This account funds the work of contract counsel for indigent criminal defendants. Contract counsel provide representation on a fixed fee basis (as opposed to billing hourly). The Judicial Council utilizes contract counsel in the first instance when the New Hampshire Public Defender (NHPD) has a conflict in a case or is closed to intake. Contract counsel have priority in assignment for these cases. The Judicial Council, in conjunction with the Case Conflict Administrator, must locate counsel for all those who qualify when the NHPD cannot accept a case.

The State is constitutionally required to provide representation for indigent criminal defendants facing incarceration. Adequate funds for this budget line are necessary to fund this required representation and ensure that sufficient attorneys are available to accept cases.

The Judicial Council does not determine who qualifies for counsel, i.e., who is indigent. These determinations are made by the Judicial Branch. The Judicial Branch has recently released a report outlining recommendations related to improving indigency determination.

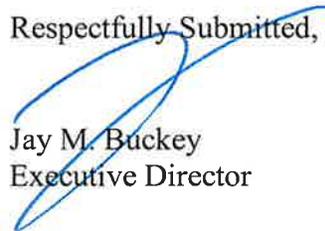
RSA 604-A:1-b provides that “[i]n the event that expenditures for indigent defense by the Judicial Council are greater than amounts appropriated in the operating budget, the Judicial Council may request, with prior approval of the Fiscal Committee of the General Court, that the Governor and Council authorize additional funding. For funds requested and approved, the Governor is authorized to draw a warrant from any money in the treasury not otherwise appropriated.”

The funds currently available in account 02-07-07-070010-10930000 are insufficient to pay for the expected number of cases between now and the end of the current fiscal year. Based on the trends so far this fiscal year, the Judicial Council determines that the account will require the addition of at least \$750,000 to meet the anticipated expenditures in this line through June 30, 2026.

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

Thank you for your consideration.

Respectfully Submitted,



Jay M. Buckey  
Executive Director