**ATTORNEY GENERAL** 67 - 11/10/26
**DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301

JOHN M. FORMELLA
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September 30, 2026

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

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

## REQUESTED ACTION

Pursuant to RSA 7:12, authorize the Department of Justice (DOJ) to accept and expend a sum, not to exceed $2,768,534 in general litigation expenses incurred in the defense of the State and the prosecution of criminal laws effective with the approvals of the Fiscal Committee and the Governor and Executive Council through June 30, 2027. 100% General Funds.

These funds are to be budgeted in account #02-20-20-200010-26010000 entitled "Attorney General" as follows:

| Class & Object | Class Title | FY 2027 Current Adjusted Authorized | Requested Action | FY 2027 Revised Adjusted Authorized |
|---|---|---|---|---|
| **Funding Source** | | | | |
| 009-407079 | AGENCY INCOME | $39,564 | $0 | $39,564 |
| 00S-000010 | GENERAL FUNDS | $16,164,942 | $2,768,534 | $18,933,476 |
| | **Total:** | **$16,204,506** | **$2,768,534** | **$18,973,040** |
| **Expenditures** | | | | |
| 010-500100 | PERSONAL SERVICES PERM CLASS | $535,462 | $0 | $535,462 |
| 011-500126 | PERSONAL SERVICES UNCLASSIFI | $159,640 | $0 | $159,640 |
| 012-500128 | PERSONAL SERVICES UNCLASSIFI | $151,553 | $0 | $151,553 |
| 013-500132 | PERSONAL SERVICES UNCLASSIFI | $132,350 | $0 | $132,350 |
| 014-500134 | PERSONAL SERVICES UNCLASSIFI | $115,024 | $0 | $115,024 |

| | | | | |
|---|---|---|---|---|
| 015-500137 | PERSONAL SERVICES UNCLASSIFI | $126,626 | $0 | $126,626 |
| 017-500147 | FT EMPLOYEES SPECIAL PAYMENT | $8,580 | $0 | $8,580 |
| 018-500106 | OVERTIME | $6,000 | $0 | $6,000 |
| 020-500200 | CURRENT EXPENSES | $50,693 | $0 | $50,693 |
| 022-500255 | RENTS-LEASES OTHER THAN STAT | $8,128 | $0 | $8,128 |
| 024-500225 | MAINT OTHER THAN BUILD-GRN | $1,500 | $0 | $1,500 |
| 026-500251 | ORGANIZATIONAL DUES | $40,000 | $0 | $40,000 |
| 027-582703 | TRANSFERS TO DOIT | $74,716 | $0 | $74,716 |
| 028-582814 | TRANSFERS TO GENERAL SERVICES | $76,914 | $0 | $76,914 |
| 030-500301 | EQUIPMENT NEW REPLACEMENT | $2,500 | $0 | $2,500 |
| 037-500174 | TECHNOLOGY-HARDWARE | $3,600 | $0 | $3,600 |
| 038-500175 | TECHNOLOGY-SOFTWARE | $48,000 | $0 | $48,000 |
| 039-500188 | TELECOMMUNICATIONS | $20,000 | $0 | $20,000 |
| 040-501587 | INDIRECT COSTS | $1,223 | $0 | $1,223 |
| 042-500620 | ADDITIONAL FRINGE BENEFITS | $9,525 | $0 | $9,525 |
| 049-584995 | TRANSFER TO OTHER STATE AGEN | $8,542 | $0 | $8,542 |
| 057-500531 | BOOKS PERIODICALS SUBSCRIPTI | $29,000 | $0 | $29,000 |
| 060-500601 | BENEFITS | $567,821 | $0 | $567,821 |
| 066-500543 | EMPLOYEE TRAINING | $1,000 | $0 | $1,000 |
| 069-500567 | PROMOTIONAL MARKETING EXPENSE | $2,000 | $0 | $2,000 |
| 070-500704 | IN STATE TRAVEL REIMBURSEMEN | $3,250 | $0 | $3,250 |
| 073-500580 | GRANTS NON FEDERAL | $12,129,459 | $0 | $12,129,459 |
| 080-500713 | OUT OF STATE TRAVEL REIMB | $9,050 | $0 | $9,050 |
| 089-501543 | TRANSFER TO DAS MAINTENANCE FUND | $3,331 | $0 | $3,331 |
| 233-500769 | LITIGATION EXPENSE | $1,879,019 | $2,768,534 | $4,647,553 |
| | **Total:** | **$16,204,506** | **$4,647,553** | **$18,973,040** |

## EXPLANATION

RSA 7:12 provides a means to fund expenses incurred by DOJ in the prosecution of crimes and the defense of the State. The expenses span a range of litigation-related costs. In the current biennium, DOJ was appropriated a sum of $350,000 in Fiscal Year 2027 for these expenses. The Department brought forward Fiscal Year 2026 funds and encumbrances bringing the new litigation class total to $1,879,018.61.

At this juncture, DOJ estimates it will need an additional $2,768,534 for on-going legal expenses in Fiscal Year 2027. The majority of this request is based on the funding needs of the

Criminal Bureau and the Civil Bureau due to the number of particularly complex and labor-intensive cases that we currently have in these bureaus.

Set forth below is a discussion of the specific, ongoing needs of the litigation fund.

**Expenses Relating to the Criminal Bureau**

DOJ estimates that the Criminal Bureau will require approximately $585,050 for investigations and prosecutions of crimes in Fiscal Year 2027. Approximately $141,400 relates to DOJ's investigation and prosecution of alleged crimes at the former Youth Development Center. This investigation, as well as the criminal cases that stem from it, involves a very large volume of documents and decades of records. The present request includes funds we anticipate needing to help review, store, and manage those documents.

The Department continues to prepare for various other criminal trials through Fiscal Year 2027. The balance of the request for the Criminal Justice Bureau involves lab testing, crime-scene evaluation, depositions, expert review, and other work for pending prosecutions of homicides, illegal drug-related cases, and other criminal cases and investigations.

**Expenses Relating to the Civil Bureau**

DOJ estimates that the Civil Bureau will require approximately $3,500,000 for defense of claims brought against the State and associated expenses for the balance of Fiscal Year 2027. This high annual expense stems from the fact that the Department is currently handling a large volume of civil litigation matters, including a number of complex and high-profile cases.

The Civil Bureau expects to incur approximately $2,250,000 in expenses for litigation related to the former Youth Development Center. This includes on-going litigation of civil cases brought against the State by former residents of the State's Youth Development Center who allege they were sexually or physically abused while there. Several cases are moving towards trial, which increases the need for outside counsel, expert costs, deposition services, and other costs related to trial preparation.

The Civil Bureau continues to defend the Department of Health and Human Services in *B.D., et al v. Shibinette, et al*, a complicated class action which involves allegations related to services for mentally disabled adolescent children in the State's foster care system. During the current fiscal year, this case is estimated to cost the State approximately $300,000 for discovery, expert costs, depositions, and other trial costs.

Other combined expenses for various civil cases are estimated at approximately $950,000 total in defense of the State. These costs are for discovery, expert costs, depositions, and other

litigation costs for numerous cases involving various State agencies. These cases vary in complexity and projected costs.

**Remaining Expenses**

The remaining funding needed is for Administration, to utilize necessary e-discovery tools, and for the Consumer Protection Bureau, the Environmental Protection Bureau, the Public Safety and Infrastructure Bureau, and the Charitable Trust Unit for costs associated with depositions, experts, and document storage. The anticipated additional expenses for these four functions are approximately $562,503.

Please let me know if you have any questions regarding this request. Your consideration is greatly appreciated.

Respectfully submitted,

John M. Formella
Attorney General

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