

Notes Summarizing the Third Branch Subcommittee's Meeting With Senator Gatsas

Chair Andy Peterson began by outlining the mission of the Subcommittee- namely to evaluate the Judiciary's relationship with the other two branches of government and explore ways to improve the relationship- Senator Gatsas was advised that notes would be taken and he indicated no objection.

Senator Gatsas began by stating that the working relationship with the Legislature was greatly improved over the past 6 years. He said he was looking for transparency and assurances that the appropriated money is being spent wisely.

Marty Gross noted the improvement in relations between the Judicial and Legislative branches and asked whether the mechanism of budget presentation was good.

Sen. Gatsas replied that as a general rule Departments are not as sensitive as they could be to revenue problems. They need to be mindful of when the economy is bad and revenues contract. Sen. Gatsas went on to say that most departments responded to such contractions in revenues by leaving employment vacancies open.

Andy Peterson responded that the state government had been living on "lapses" (unfilled positions) for years and that according to Howard Zibel that practice is quite high in the court system.

Senator Gatsas said he would prefer a more straight-forward process. There was brief discussion of the separate court personnel system . Sen. Gatsas indicated that the issue had not come up before the Legislature to his knowledge.

Marty Gross raised the topic of the Judicial branch budget being personnel intensive. While there have been improvements in utilizing technology for paper control, they are still far behind the private sector. He asked whether the courts need to do a better job of keeping the legislature informed of their effort to control costs- Sen. Gatsas said the Legislature should be kept generally informed.

Andy Peterson presented Sen. Gatsas with a 3 page memo provided by the S. Ct. explaining their process for presenting the Court's budget and asked if that framework was useful.

Sen. Gatsas said that 4 years ago the process changed- a large number of people came in to make presentations and the Senate began receiving briefings that had previously only been given to the House.

Attorney General Ayotte asked whether Sen. Gatsas would like to see greater transparency in the whole process.

Sen. Gatsas noted the importance of respecting the separation of powers but also said that there was a perception that the individuals in "black robes" were unaccountable except when it came to the "purse strings". It would be good if more "regular " people could be involved in presenting the budget. Sen. Gases also said the cards are stacked against the Judiciary when it comes to popularity with the public because there will always be parties that are unhappy with the outcome of any case before the Courts. Sen. Gatsas said the Chief Justice has done a good job of making himself available to members of the Legislature.

Marty Gross asked whether it felt like the umpire was on one of the teams when the Court ruled on separation of powers issues.

Sen. Gatsas replied that the fringes may feel that way but the vast majority believe they are trying to do their job fairly. Sen. Gatsas went on to say that generally the judiciary should not be advocating for issues before the Legislature. On issues that specifically relate to the Judicial branch it may be appropriate to schedule informal meetings but most advocacy should not be off the record. He said that he had productive meetings with Judge Brock on judicial retirement issues. Sen. Gatsas said there is always a price to pay for advocacy- there is a risk to the Court's credibility.

Finally there was a brief discussion about the changeover to instituting the Family Court statewide. Sen. Gatsas said that as long as it doesn't take away from services at the District Court it is fine. "Thou shalt not touch the District Courts"

Andy Peterson noted that having one judge hear all aspects of family cases will result in greater efficiencies.

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