

New Hampshire Citizens Commission on the State Courts Public Listening Session
Coos County Courthouse, Lancaster District Court, Lancaster, NH
Tuesday, October 4, 2005

Ok, so it is 3:03 this afternoon, it is October 4th and we are here at the Coos County District Courthouse in Lancaster and we'd like to welcome you all this afternoon. This is number five of eleven public listening sessions that we are doing throughout the state. My name is Kathy Eneguess and I co-chair this with Will Abbott of Holderness who may join us later on this afternoon. Um, we have been at every single meeting and will continue, either one or both of us. As I stated these meetings are throughout the state, we do have a listing, if in fact you're interested in others and want to spread the good word. This is the same time frame at every single place so as not to confuse folks. It is three to five and then we break for an hour and then it is six to eight o'clock this evening. We are inviting any members of the public to come and speak and really listen to what they have to say and certainly any members of the court who'd like to join us as well. I just want to outline for a moment what the mission of what the commission on, the New Hampshire Citizens Commission on the State Courts is about. We were appointed by the Chief Justice of the Supreme Court in April of 2005 to independently assess the foundation and structure of the delivery of justice by the state court system from the perspective of the 1.2 million citizens of our state. And then make recommendations for improvement. Thomas Jefferson once wrote that the price of liberty is eternal vigilance. The committee sees its role as providing part of this eternal vigilance to assure that the courts of our state are doing what they intended to so under New Hampshire Constitution. And that in doing so, are meeting the expectations of the people whose liberty the Constitution protects. If the public trust and confidence in the judiciary cannot be sustained, our liberty itself could be placed in jeopardy. Our commission is interested in your thoughts about how the state courts work. We are interested in learning what you think the key issues are that are facing the New Hampshire Courts today in their work. We are interested in your ideas, any ideas for improvements, any suggestions that the New Hampshire judiciary could entertain. We also would like to make sure you know how many different ways that you can offer your input. It is not just today, we also have any oral comments can be sent to us by snail mail. Snail mail is our post office box located in Concord, and that is post office box 419, Concord, NH. The zip code there is 03302. You also can submit written comments electronically through our web site and our web site can be found at www.nhcritcourts.org . You can also send us an email through that web site at public01@nhcritcourts.org. We would like to remind you that all your comments made today by email, snail mail or any other way will be entered into the public record and will be available on our web site. We've also conducted a public opinion survey through the University of New Hampshire Survey Research Center and we shortly will be releasing those results through a press conference and then the results will be posted onto our web site. The public input gathered throughout all of these listening sessions will be used by the commission in the process of deliberation on recommendations that it will then make to the Chief Justice and the Supreme Court. The commission's plan for input is this fall as I've outlined, this is the fifth of eleven, of the eleven sessions that we are listening to folks throughout the state. We, as a full commission have met three times and our next fully scheduled meeting is November 14th in Concord. Meetings are open to the public,

but as you might imagine with 103 people, public participation is limited to observation so that the commission members themselves get a chance to speak. I will serve as moderator of this session this afternoon as well as this evening and my role is to make sure that each person attending who wishes to make comment has the time to do so. So in an effort to make your time as productive as possible, I am going to ask that you limit your initial comments to five minutes and then let everybody speak even if we have a limited number of people, you're welcome to speak as many times as you wish to let us know all of your thoughts and suggestions. To speak, all you need to do is fill out the three by five card that is located right on the railing and make sure that we have your name and address and that you repeat it when you are speaking so that if we do have further questions we can get back to you. I would make a couple of suggestions. Please avoid any temptation to retry a case that may have involved the courts, we know that you can't retry a case in five minutes so we're not even going to think that you could do that but we also want you to understand that the commission's role and mission is not to reverse any court orders. We would rather that you take the experience from any case and use it to make suggestions for improvements on how the courts function, or don't if that happens to be your viewpoint. In order to make as much time available for those that have come to speak today, neither I nor the members of the commission present will enter any dialogue with you concerning your views that you're expressing. We are here to listen. So what I'd like to do, we have a couple of members of our commission present today. I'd just like them to let us know who they are and where they are from. Would you like to begin? Go right ahead.

Dick Winters from Meriden.

KE: Thank you, Dick. Larry?

Larry Gilpin from Amherst, New Hampshire.

KE: Thank you. Blake?

Blake Allen from Plymouth, New Hampshire.

KE: Thank you very much. We may have other members join us and as they do we'll certainly point them out. Are there any questions before we begin this afternoon? (pause)

Ok, then I will begin with our first presenter. Is that, Michele is it Rzepa?

Michele Rzepa: Yes.

KE: Close?

MR: No, you got it.

KE: Oh, very good. If you'd like to come on up and join us, I believe that this microphone over here is live, the shorter microphone and then we will be able to record appropriately. So thank you for joining us this afternoon on such a beautiful day.

MR: Well, actually I just came here to see what you do.

KE: Aha.

MR: I have no real direct questions or anything. I just didn't understand what the Citizens Commission was, um, I've attempted some legal matters so I just wanted to sit in and see if there was any assistance in the commission here. If it's where the public goes for concerns about our court system which is obviously is. Um, probably my only concern with the court system in New Hampshire as any of the fifty states in this country, it's unapproachable. Uh, if we as citizens need litigation, it requires financial, and most of us can't afford it so we just keep allowing uh, our civil rights, whatever to be violated. There's no help for people who want to go before the courts when they feel they've been

violated, except if you have the money to do it. The attorney fees and that's probably the only thing I'd say about of New Hampshire Court System. But I think it's a problem throughout this country.

KE: Ok, thank you. If you have other suggestions....

MR: No.

KE: Very good. (pause) Anyone else like to join us? (pause) Ok. Well then at 3:10 or 3:12 I will close the hearing and reopen it as soon as anybody else comes to visit with us and make suggestions and we will record appropriately. So thank you all.

KE: Thank you, Sharon at quarter after three we will reopen this listening session and Sharon Maguire.

Sharon Maguire: I've had a couple of, of people that have commented to me about the appeals process. We had a...that the length of time that it takes now because the Supreme Court is accepting all and any appeals, the length of time it takes to actually get an issue in front of, in front of them and back to that person. We had a landlord tenant issue, it took a year to have the court say that there were no grounds for the appeal. Um, years ago I think that the decision was made much quicker than that because they were not accepting any and all appeals and I think that it's because that process is the way it is now and the gateway, I understood was the filing fee and the fee for the transcript, that that was going to discourage people. I don't think it has. So the real issues that need to be in front of the Supreme Court aren't actually getting there until much later than they perhaps did several years ago. (pause) The other concern that I have is the family division coming into play in Coos County. We have a county of thirty thousand people or so. We have probably four practicing family attorneys. Instead of being able to come to this one facility to do their business, they now will be going to three different locations and it will take you forty five minutes from here to Colebrook, it takes forty or so minutes from here to Berlin. It's, it's going to be a bit of a scheduling nightmare, I'm afraid, and I don't know how much overlap there will be allowed between district court division, family division and superior courts. The staff number is limited and it's something that could work if we're all allowed to work together. But if there are barriers to say that this is family division and district court can't touch it or this is district court and family court can't touch it. I think it's actually going to create more of a hardship for the people in the county than they presently have in having to drive to Lancaster to file their business. I guess that's about all the issues that I needed to raise.

KE: Very good. Thank you very much. And if you do have further suggestions, um, you can certainly let us know through the web site or email or snail mail. Anyone else like to share suggestions? Our other listeners hiding in the back yard there? Ok, thank you. I will uh, close this session at the hearing then at 3:18.

KE: It is now twelve minutes of five, we will close this section of listening time frame and we will be back at six p.m.

(Note: There were no members of the public present to speak at the 6-8pm session and thus no transcripts for that session.)