

Manchester Listening Session

Will Abbott: Ok, thank you. Well, good afternoon, ladies and gentlemen. My name is Will Abbott. I'm the co-chair of the New Hampshire Citizens Task Force on State Courts, and this is the first of eleven listening sessions that we have scheduled for the fall. The commission is co-chaired by myself and Kathy Eneguess, who lives in Jaffrey and she is the President, her day job, what she gets paid for, she's the President of the New Hampshire Community Technical College in Berlin. And believe it or not, her duties require her to be in Duluth, Minnesota today so she's not with us. Today's session will have two parts, today right now from now until five o'clock and the second part will be from six o'clock until eight o'clock here in the chamber. The one hundred and five member commission was appointed by the Chief Justice of the Supreme Court in April of this year to independently assess the foundation, structure of delivery of justice by the state court system from the perspective of the 1.2 million people who live in the state. We are a huge group of people and I'm sure that the Chief Justice had an intention in having a hundred and five people and several of the commissioners are here today. Before I get into discussing the purpose or the process for the commission's hearings, I'd like to ask each commissioner to introduce themselves. Kathy, do you want to start? Don't forget to put the mike, turn the mike on.

Kathy Green: I like the part about (inaudible). My name is Kathy Green and I'm a criminal defense lawyer. I practice in Manchester, New Hampshire.

Harland Eaton: My name is Harland Eaton. I live in Auburn and I've been around the court system for around twelve years. I'm a member of the commission.

Steve Monier: My name is Steve Monier. I serve as the United States Marshal for the district of New Hampshire and I'm the federal liaison to the commission.

Larry Gilpin: My name is Larry Gilpin. I'm a retired citizen from Amherst, New Hampshire.

WA: You're still a citizen, though, aren't you, Larry?
(laughing)

Mike Ostrowski: I'm Mike Ostrowski from Bedford, New Hampshire and President of Child and Family Services of New Hampshire.

Michael Morgan: I'm Michael Morgan, the Superintendent of Schools in Barrington, New Hampshire. I live here in Manchester.

WA: Thank you all for being here. The goal today is to try and receive from the public input on the way the courts operate or if in your view, they don't operate and this is part of an information gathering process. We expect to go on through November and into December. The commission will then take the public input that it receives along with the... a variety of other research readings that have been made available to it by the court system, by individuals and by groups and organizations from around the state. We will break into a number of research committees, those research committees will meet starting in January. We're going to try and get the deliberative phase done by the end of March and hopefully come up with a final report for the Chief Justice and the Supreme Court by the...by the end of May next year. It seems like a daunting task but the good news is that a lot of thinking has gone on before the commission started its work. There's a lot of good research that's already been done and really what we are most interested in is understanding what the citizens of the state think about the, about the courts and how

they work. Um...you actually can provide your input three ways, by attending one of these listening sessions. We are recording this session, everything that's said during the sessions will be made available to the commissioners and will be public, publicly accessible. And if you prefer, you can send written comments to the commission at post office box 419, in, thank you, in Concord, New Hampshire at zip code 03302. And you can also submit comments over our web site by email to, if you go to our web site at www.nhcitcourts.com, or dot org, excuse me. And any one of those methods is available to you to submit input. We would most appreciate it to have everything in by the first of December so we can get on with the deliberative phase of our process. Another way we're gathering input, we have retained the services of the survey research center at the University of New Hampshire to conduct a public opinion survey asking a variety of questions about how people believe the court systems work or don't work. And that information will be available to us and to the public within the next month we expect and you'll be hearing more about that, hopefully in a short time. That's not intended to be the primary source of, of material, but it's really a way to take a snapshot view of what the public's thinking is about the court system. The commission itself has met three times and is next scheduled to meet on the fourteenth of November in Concord at the court building on Hazen Drive, and...those meetings are open to the public and the public is allowed to sit in and observe and as you can imagine with one hundred and five of us, it's hard enough for us to do the work of the commission in a two or three hour meeting, so the public's role at those meetings are just for observation purposes. I'd like to briefly go through our procedures for the meeting today. I will serve as moderator. My role is to ensure that each person attending who wishes to make comments has the time to do so. Since we don't have legions of participants today I'm not going to be iron clad about the time limit, but had there been a lot of people, or should a lot of people show up, we're going to try and keep comments to five minutes at most. To speak we request that you fill out a three by five card which is right up in the back of the room, with your name and address and if you wish, your phone number. This allows us to get back in touch with you if any commissioners have any questions. Our goal today is simply to take your input, we will not be engaging in any dialogue, unless things get out of hand. But we will be, we will be taking your comments back to the commission and there are I think eight of us here today, so that's almost ten percent. I would ask that you, that you avoid the temptation to retry a case that may have been the reason, or a reason you're here and to focus on the goals of the commission, which are to receive suggestions for improvements in the system or to identify problems in the system. As a practical matter, our commission can't reverse any judicial order that's already been issued and in any case you probably can't summarize your court situation in five minutes. So please try to keep on task to what the real goal here is. I guess that's about it. If anybody has any questions before we get going on process or about the commission and its role, I'd be glad to try and answer them at this point. And after this point, I'm just going to listen and moderate. (pause) Ok I hope I pronounce this right, Al Jaroma?

Al Jaroma: Jaroma.

WA: Jaroma. Al, if you would just take this microphone and you can sit down even if you like or you can stand. Speak into the microphone, hold it right around your chin.

AJ: The reason I'm here today. This is to do with a probate matter.

WA: I'm sorry?

AJ: This has to do with a probate matter from the probate court.

WA: Ok.

AJ: Probate court, superior court, it's all a part of this, right?

WA: Yes, absolutely.

AJ: Ok, the thing is a few years back, my mother made a trust and a trust can not be probated. The judges in the courts are well aware of that and after my mother passed away, the court allowed, the probate court allowed a trust to be probated and this has been going on since 2002. It's still in the probate court, well now it's going to the Supreme Court. I've talked to a number of attorneys and they've said they've never heard no such thing. The judge should have put a stop to it at the beginning, but the judge allowed it to happen. And this has cost me thousands of dollars that I don't have. And uh, it, the first decision made by Judge (name omitted), it was basically a bias prejudicial decision. I know you're going to say well you can appeal it to the Supreme Court, we did. The Supreme Court refused to accept it. Now it's back up there on another issue. It has been going on for about, well since 2002. This is what, 2005? Three years and it's a trust and the reason it was created as a trust is so we wouldn't have to go through probate. That's basically what I'm saying and that's all I've got to say.

WA: Ok. Thank you. (pause) I better, I better speak up, otherwise we're going to get feedback. Uh, Bill, Bill Burns from Bedford, New Hampshire.

Bill Burns: Uh, this morning I went on the Union Leader web site and just happened to come across an article that referenced this meeting taking place and I wanted to come as one of the 1.2 million citizens. I thought I'd have more company here, so I wasn't really planning on getting up and saying anything, but and I realize that, that you know, according to the guidelines that we're not supposed to get personal about this and I'll try not to. But I want you to know that I'm here because I don't understand how some of the court system works and it's timely for me because I was at Superior Court this morning. My son was murdered on May fifteenth and the arraignment was today. The reason I want to see what input I can make about the court system is that I asked them some questions about how the grand jury works. And I went online and searched for any kind of guidance on how the grand jury works in this state. And I will admit that my only education about grand juries is from what I get from cable news or even an occasional t.v. program. So, I have a perception that grand juries work a certain way but then in this situation, my personal situation, it seems that perhaps they don't work that way in New Hampshire. And, and it was a struggle and I was unsuccessful really in getting any kind of detailed information on how the grand jury system works. I'm only told that it's very secret when they meet, I guess is available because I called Superior Court and found out when it met. But when I contacted the Attorney General's office to find out if this particular case was going to be heard, they told me we can't tell you because it's secret. Ultimately, what I wanted to know is, is there any provision for an interested party such as myself, to have made any type of submission to the grand jury for them to consider, because it's my understanding that the only input that the grand jury gets comes from the prosecuting attorneys or the county attorney or, I'm not certain if that's how it works. It's my understanding that a grand jury can subpoena people and can order further investigation, but I'm wondering if a concerned party has some information that they would like the grand jury to consider, is there any avenue to have that happen. I wish I

was more prepared, as I say I only found out about this at ten o'clock and I also had to go to work today. So, that's all I have to say. My name is Bill Burns and I live in Bedford, I don't know if I mentioned that earlier.

WA: Thank you, Bill. (pause) Are there any other members of the public who would like to talk? (pause) I hadn't prepared for this.

KG: Would it be appropriate for me to try and address his question?

WA: You know, I was going to suggest that maybe after or as a sidebar, is that what you call it when you're, I don't think it would be appropriate in the context of the hearing, Kathy, but I think it's perfectly appropriate if you'd like to talk to him outside.

KG: I'd be glad to do that.

WA: I was actually going to suggest it. (pause) Well, given the circumstances, I'm not going to assume, nor will the commission that public silence is public acquiescence, but we'll take a break until there's any other public that come and wish to speak. So, you're welcome to stay or leave and we'll suspend our program unless and until somebody else arrives before five o'clock.

END OF FIRST SESSION

EVENING SESSION TO FOLLOW:

Will Abbott: Ok, thank you, Jim. Well on behalf of the New Hampshire Citizens Commission on the State Courts, I'd like to welcome you this evening to the first of what will be eleven public listening sessions. We are a group of 105 people that were appointed back in April to look at the state courts to try and understand how they work or in some cases how they don't, and to recommend to the Supreme Court changes that we as a group of people feel are warranted for the state courts operation. And it's an honor to have the individual who appointed all 105 of us tonight, the Chief Justice, John Broderick. I'd like to introduce the Chief Justice to share with you a little bit about why he created this commission, and then we'll get on to the task of listening. Chief? The microphone. Yes, right up underneath your chin.

Chief Justice Broderick: Ok, right. Good evening. Welcome. My name is John Broderick. I've been the Chief Justice of the Supreme Court for something more than a year and a member of the court for almost a (inaudible). Prior to that I (inaudible) private practice for twenty two years (inaudible for parts of rest of conversation, tape cuts in and out) but like any system, it is not perfect and it needs to be improved. It seems to me there are two ways to do that. One was (inaudible) that didn't seem like a very good idea. The other option was to appoint a commission of citizens, the vast majority of whom are (inaudible) and that's why I chose Will Abbott and Kathy Eneguess to co-chair the commission which we kicked off in April. The commission has a life expectancy of twelve to eighteen months and the goal of the commission, very simply is to take a no holds barred look just (inaudible). All of you know that justice needs to be (inaudible) I know that's true from my twenty two years in (inaudible) I also know that justice (inaudible) in many cases (inaudible) and so I wanted to take a look at the system through the eyes of our commission who I'm confident make very (inaudible) recommendations. (inaudible) and the citizens of New Hampshire should have the best, best (inaudible). So we need public input, the commission needs public input. The proceedings of this commission will be open, there's a web site (inaudible) I don't control what they put on the web site (inaudible) and they're going to make everything available. The commission is

(inaudible) appointed by the court (inaudible) but I've not told him what he can look at, how long he can look at it (inaudible) members of the commission ultimately have the privilege to (inaudible) and for however long I'm Chief Justice I'm going to do everything within my power (inaudible). I can't do it by myself, I need the public's help (inaudible) those who serve in the system need better (inaudible) My goal ultimately is to take a look at the court system from the front door to the judges bench not from the judges bench to the front door. So, I'm interested in what people have to say. Will asked me to be here tonight (inaudible) I'm not here to control the discussion, I'm not here to (inaudible) I'm here to see if we can't generate some public interest. (inaudible) It's fundamentally important that (inaudible). I said to people, I said to the commission last April, a court system is much like having a good emergency room, (inaudible) you may not go there but when you go there (inaudible) The court system is much like that, it needs to be able to (inaudible) and maintain public trust that's what the commission (inaudible) and it's about improving the system and making it more (inaudible), more affordable, more (inaudible). But Will's in charge and I encourage you to (inaudible) ultimately all of this will (inaudible) So I'm very glad to be here. And with that I turn it over to Will.

WA: Thank you, Chief. Let me first introduce or ask those of you in the audience who are members of our commission to just raise your hand and introduce yourself. Kathy, do you want to start?

(pause)

KG: I'm Kathy Green from Manchester, New Hampshire.

TL: I'm Tricia Lucas, I live in Manchester, as well.

ID: I'm Ida Driuza, I'm a 4th grade teacher in Londonderry.

JB: I'm Jack Brady and I live here in Manchester, New Hampshire.

PC: I'm Paul Clements. I'm founder and president of Dads Against Divorce Discrimination. I represent the fathers.

BC: I'm Byron Champlin from Concord, New Hampshire. I am an assistant vice president at Jefferson Pilot Financial there.

CK: I'm Cheryl Killam. I'm the accessibility specialist for the Governor's Commission on Disability, and I live, work in Concord and live in Newton, New Hampshire.

WA: I'd like to explain in a little bit more detail how the commission is organized and how we're going about doing our work. As the Chief explained, we have a charge and our charge is to, is to look at the ways the courts operate and to develop series of recommendations and make those recommendations and present them in the form of a formal report. We plan to do that next May. In order to get from where we are today to there, there's two or three basic steps. The first step is to gather information, and that's why we're here tonight. We're gathering information from the public, from individuals who have a bone to pick with the court system, a recommendation to make to improve the way the courts operate. We really want to learn what's on the minds of people who had an encounter, or who know others who had encounters with the system. We'd like to hear good things as well as the other things you might want to talk about. But the key here is this information is going to be gathered by the commission. The commission will go through a deliberative phase in January, February and March. We are just coming to grips with how 105 people go through a deliberative stage and come to some conclusions. We don't expect that there's going to be unanimity, and we will provide for that, just like

on the Supreme Court there are minority opinions, I'm sure there are going to be minority opinions among the 105 of us on recommendations that we discuss. But once the deliberative phase is done in, hopefully by the end of March, in early April we will begin the process of writing recommendations, writing the final report for the court which will be the recommendation. So, here we are at the information gathering stage. I'd like to tell you about a couple of things that we're doing in addition to the public hearings. We have commissioned the survey research center at the University of New Hampshire to do a public opinion survey about public levels of satisfaction with the court and those findings will be made public very shortly. Andy Smith, who is the director of the survey research center, did his telephone survey over the summer and the report will be made public, we hope, sometime within the next thirty days. He's working on it. Another process that we've gone through, the 105 commissioners have been given a set of reference readings, they're all posted on our web site, or links to them are posted on our web site and that's a good place to go if you're interested in seeing what kind of information the commissioners are using in doing their own research. We've asked the commissioners to go out to the courts to visit them first hand to actually see how they're operated. Are they accessible, and if not, why not. And I was talking to one commissioner earlier this evening who astounded me by saying he had been to all, what are there, eleven Superior courts in the state? And he has not only been to all of the courts but actually interviewed the administrator or the clerk of each court, so the commissioners are out there and doing work. The primary goal of the commission is to get public input, so we're having these public listening sessions. You can actually write written comments, submit them by mail to P.O. Box 419 Concord, 03301.(note: should be 03302) I'll repeat that if you need me to, just come up afterwards, we'll give you that information. Or you can go to the web site which is www.nhcitcourts.org and the schedule, everything that the commissioners are using in doing their work is on that web site, so and that's a vehicle through which you can submit electronic comment. We're trying to get all the public input gathered by the first of December, so that the deliberative stage can then be started and we can keep on track. So, if you know people you think would have an interest, please communicate with them the schedule. Do we have copies of the schedule? We have copies of the schedule back, on the back table for each of the other listening sessions and please encourage anybody you think that might be interested to participate. As far as our process tonight, we're really here to listen. Once I stop talking I will be the moderator, but I won't be, our goal here isn't to respond to questions or have a dialogue back and forth as much as it is to listen to you and have, and receive your comments, your observations. So, in the spirit of trying to do that, I would like to suggest that while we don't have a huge crowd tonight, if you can keep your comments to five minutes and if you don't have time we can come back around once everybody who's had a chance to speak has spoken. We definitely want to get done by eight o'clock, and so we want to be mindful of the clock. The other thing I wanted to mention is that we are not in the position of the Chief Justice and the Supreme Court in that the commission cannot change court orders that have already been issued, so I would prefer to ask each of you if you want to make comments, to avoid retrying your case here. What we're really looking for here, what is it from your experience, if you in fact had an experience that was less than positive, what is it from your experience you think the state court system can change to make it better so the same experience isn't had by somebody else. That's

kind of the nature of our task, so, I would respectfully ask that, I don't, I'm not going to intervene if you want to use your five minutes however you want, but from the commissioners standpoint, I think I probably speak for everybody in the room, we're really interested in constructive criticism, and positive comments about what we can do to improve things. So with that in mind I'd like to ask if anybody has any questions at this point before we get to the testimony. If you would like to speak, there are three by five cards and Ann will pass them out, oh you've got one, and I'm just going to call on you one at a time and I'm not going to be, there's no clock here. I'm going to keep an eye on my watch, so I'll help you out in that regard. But if anybody has any questions before we get going either about the commission, its organization or the process we're going through tonight, this would be a good time to ask those questions. (pause) Ok. I apologize in advance if I mispronounce anybody's name. Laretta Silva.

Laretta Silva: Good evening. My name is Laretta Silva and I'm president of Families Now Involved. I live at 401 Laurel Street, Manchester, New Hampshire. I would like to say thank you to the Chief Justice and to the commission for giving me this opportunity to tell you my family's experience with the present court system. Because of the lack of a thorough investigation and an over zealous prosecutor, my son was convicted of an alleged sex assault that he did not commit. It has affected not only my son, but also my grandson, the alleged victim. My son is now serving a ten year to twenty year sentence for a crime he did not commit. At present he has just finished ten years and has another ten to go unless he can complete the Sex Offender Program in the New Hampshire State Prison for Men. In order to complete the program you must admit your guilt. He chooses not to do so, because he is not guilty. He is unable to seek legal counsel for relief because he hasn't any funds to do so. My husband and I are unable to help him because we are retired and on a fixed income. My son will have to max out his sentence. The present system is taking him, is making him, is asking him to commit perjury. Instead of a system what will work to help families stay together, it turns its back and pulls families apart. My whole family has been torn apart due to the manner in which our present system works. There was no physical evidence or sexual abuse proven in my son's case. He was convicted on the fact that the jurors only had to take the testimony of an alleged victim New Hampshire statute RSA-632 Article 6 helped convict my son of this alleged crime. He was proven to be in another state at the time they claimed the alleged crime took place. The statute states that the testimony of this victim not need be corroborated. The jurors were instructed to take this into consideration while deliberating and were instructed they didn't need evidence to convict. In addition, because the jurors were having difficulty in deciding my son's case, the judge put the pressure on the jury to come up with a fast decision giving them the above instructions. In today's court system, defendants need to prove their innocence instead of proving their guilt. I can't understand why this statute was ever passed and I hope it will be dealt with in improving our court system and to make sure we are not putting innocent people away. I hope I helped you in your work, let's see, I hope I helped you in your work to make New Hampshire's justice system a better one. Thank you for giving me this opportunity to express my feelings towards the present court system. I wish you all success in improving the present court system. Thank you very much.

(pause)

WA: Maurice?

Maurice Chaput: My name is Maurice Chaput, I live in Belmont, New Hampshire. I have no faith whatsoever in our system, not for what I've been through. I have been abused severely through the judicial system. I got laid off from work, ill with cancer. My two attorneys (inaudible) the courts, I had cancer in my illness. This...played a sixty percent role in the state disabling me for HEPD and put on Social Security. I fired my attorney and represented myself and I proved to the courts that everything said about me was false, from not just my ex-wife but her attorney as well and what my attorney's done to me. And according to Cannon 3, I discovered later, this judge should have reported these two attorneys pending investigation. Never happened. This judge ended out, ended up working a deal out with my ex's attorney. I proved she committed perjury right from the start. He did nothing to her. I proved about the fraud against Medicaid, he did nothing to her. He says I feel for you, I feel for you. I was denied due process several times. I was denied accommodations under the American Disabilities Act that the courts would not even return my (inaudible). My ex is constantly in contempt. I filed a motion, she just recently took me to court for a second modification only fifteen months after, ok. By law she's not supposed to be able to do that. So I filed a motion to have the court order enforced so I could see my kids. She won't even let me talk to them. The courts refuse to hear it, the judges...I showed...I filed a motion to vacate order, asked for a new hearing, on the grounds of false testimony. Judge denied it right off the bat, denied everything. I was put in jail because I was fighting for my life. I mean how can you stay caught up on child support when you're fighting cancer? And you can't get a job and you got attorneys who work together against you. I have no faith in the system whatsoever, none. It's, it's the second time the judge wouldn't even let me talk. I had to come out and say, excuse me, your Honor and she says to me, I told you to be quiet. And I said, excuse me I filed for accommodations under ADA and one of the accommodations in that claim, but they just wouldn't hear it. It was so biased right from the start. And you know something? It's the kids who are suffering the most and that's why our system is the way it is. And what I think needs to be done is I think that we need a total judicial overhaul. Because I think there's so much bias in this state and these judges and this state that it's affecting our society. It's pretty bad....I've been going to school under Voc. Rehab trying to get back out in the real world and I have an ex-wife who doesn't stop. When they pulled me out of that courtroom in handcuffs, her and her attorney were laughing. I knew I was innocent. And...what do you do when the judges don't even abide by court rules or the law themselves? And they take advantage of the public who don't know the law. You try to file complaints and sit down. I would sit down for hours at a time in front of my computer trying to figure out (inaudible) get (inaudible) court. And when you get convicted because you're dying, there's something wrong with the system. And once that judge heard the truth, he didn't care, he did not care at all. And neither did the second one. And my biggest fear is when I get back out into the real world again, is she going to take me to court and is it going to happen again? I miss my kids dearly, very much so. Nearly a year has gone. I have one daughter that's (inaudible) and I'll tell you one other thing and then I'll pass it on, but this last time I went to court, they refused to hear the motion of (inaudible) court order have a hearing on this (inaudible). The evidence that I presented proved my innocence, part of that evidence was put under court seal and I was ordered not to talk about two certain things or I would be in contempt of court and this stuff would prove my innocence and prove the guilt and conspiracy within our own

judicial system. This needs to stop. There's probably hundreds of thousands of people put in jail innocent because of (inaudible). My attorney wouldn't even stay by my side, he always (inaudible) halfway to the bench. (inaudible)
(pause)

WA: Thank you, Maurice. (pause) Michael Brewster?

MB: Can I sit in the front so I can face the public?

WA: Certainly. You can sit or stand, whatever you prefer.

(pause)

MB: I've been at this (inaudible)

WA: Wait, let me make sure the mike's on. (inaudible)

MB: I've been familiar with this court (inaudible) I been at this for twenty three years (inaudible) family issues don't belong. Ok, I'm (inaudible) I make most of the hearings over to Concord. I been to hearings since (inaudible) legislators don't realize (inaudible)

WA: You do need that because we're broadcasting this.

MB: You don't know who the people are. You go there, they get (inaudible) away from us. I got to ask you, Mr. (inaudible) is this a, is the courts getting another grant for putting this on. (inaudible) federal government

(inaudible)

MB: New Hampshire Bar, right, New Hampshire Bar, what was that?

(inaudible)

MB: The foundation, where do they get their money from?

(inaudible)

Chief Justice Broderick: ...and the state is given back to people who cannot afford lawyers so they can hire a lawyer through legal assistance, so the bar foundation raised it through monies that lawyers put in trust accounts. They take the interest. It's about one million, five hundred thousand dollars a year lawyers (inaudible) trust accounts give to people that can't afford lawyers. And the New Hampshire Charitable Foundation (inaudible) do enormously good work. They gave this commission a thirty thousand dollar grant.

MB: All right, here's what I see the problem is. (inaudible)

WA: I didn't invite him here to be a participant (inaudible) so I guess that I would like to ask you to address parts of the public and you can say what you like but this isn't a question and answer session, ok?

MB: Here's where I see the problem. The problem is that I can see it all started back (inaudible) eighty-three, I believe. These books were made for the, for the New Hampshire students in school. There was enough for each student back in eighty-three, I believe. And they came out with three copies. Well, when they got done with these books, do you realize what they did? They brought them all to the dump and threw them out. I paid a buck for this, this has got the Constitution, the history of New Hampshire. There's three volumes in here. (inaudible) I say the problem all starts, one of the big problems where it all starts and I'll say son of a gun, anybody know what son of a gun is? Son of a gun was where over in Laconia...the chief of police wanted to carry his gun into court. Judge (name omitted) I think it was, didn't allow him to bring that gun into court. He's got his own bailiff, the bailiff has their own, he has his own gun. So, anyway, the, the person that was tried was allowed to walk because the chief of police wouldn't stand up for him because he couldn't carry his gun. So, then a few months later another

fellow goes into court and he's nervous over somebody carrying a gun. With all this gun carrying, they brought it to the legislature. And legislature, what they did was they didn't talk about the gun, they were talking about...um...uh, commercial code, bringing the court into a commercial compliant I guess, making it unified. Commercial courts, and what they did then was.....there was 73A, 73A, again Constitution, New Hampshire Constitution says that the Supreme Court judge will be the head administrator over the courts, but the last sentence in 73A, you see it bringing, being brought up at every other election. And not too many people know about 73A, but 73A, the last sentence placed in there was rules so (inaudible) will have the force and effect of law. That tells me that the judges are making laws, their rules can be called law. So if you look in here, the Manchester Union, back in, I believe it's eightythree, they got a, they got a...comment in here that says I don't have to obey laws, I'm a judge. (inaudible) walking on the grass. See, the judges don't have to follow the rule of legislature with that bit in there. Somebody gives them the right to make their own law. So, as far as family issues, they can make up their own law, they don't have to go by what legislature tells them to do. If they take somebody's kid, the legislature says you got to notify the parents within twenty four hours. They don't have to do it, they're making up their own law. And I think this is the biggest problem we have in this state. As far as children, and no accountability. There's no accountability. If you, if you ask for accountability, they ain't gonna give you. They're gonna ask, they're gonna tell you it's none of your business, so where do you go from there to get accountability? You can't. People are hurting. (inaudible) criminals (inaudible) hire a lawyer, they're going to, when you go to court they're going to, they ain't gonna tell the truth but (inaudible) give their side (inaudible) families, when you (inaudible) furthermore what I have to say is when somebody's in, in court, a family is in court, they're under marshal law because legislature never made law guiding families and that's why these judges that (inaudible) because they are under marshal law. That (inaudible) and where do we go, we can't go to the bar association and complain about it. And furthermore, if somebody like me whose been fighting long enough, I was never able to find an attorney to take my case. I had money, I was (inaudible) five courts at one time. I couldn't find one attorney to take my case. It doesn't matter if I had money or not, no, because they (inaudible) this is the way you get into the bar association, running the capitol building. This, it's a monopoly. We got to break that up. So the biggest problem I see is breaking up the monopoly with the attorneys and, and, and make it easier on us all and making these judges obey the rules set down by legislature. They've done a fine job but when (inaudible) I said enough.

WA: Thank you, you're right on target. That was five minutes exactly. Thank you. Kevin Roux? Did I pronounce that right?

Kevin Roux: Thank you. If I could address the commission as well as the public from a standpoint over here that would be great. Thank you. Excuse me as I'll be shooting from the hip, but I don't have anything pre-drafted for this hearing. My name is Kevin Roux, I reside at 91 South hall Street here in Manchester. I have a nine-year-old son. I'm a single parent. I do not have custody of my son. I have however been going through the court system for nine years for different matters, all again pertaining to my nine-year-old son. Approximately two and a half, three years ago the justice who has been presiding over my case for nine years granted an award of custody should my son's mother choose to relocate out of the state of New Hampshire. When that order was drafted, she immediately

changed her mind and for the past three years I have been going through the court system pro se, as I've spent in well of excess of thirty thousand dollars again over a nine year period. That's to include attorney fees, court fees and so on. Again the same justice whose presided over my case for nine years is also the same justice who hears murder cases, assault, you name it, she hears it, again in Superior Court. One of the recommendations I'd like to make from this panel is that the state of New Hampshire create, if it's not already in the process of a simple family court system, where a justice will not hear murder cases and then the next case that justice hears is a custody related issue. I'd also like to recommend that justices enforce the orders that they make. I have orders that have been written and I have again pro se submitted motions to this justice to have her enforce the orders that she has written. Those orders have not been enforced. I do not have faith in this particular justice anymore due to this reason and from what I've been told I can submit documentation to have another justice hear my case, but because this judge is so well known to my case, I don't want to do something (inaudible). I will still take my chances with the same judge who has over nine years presided over my case. Again after the issue of change of custody was ordered, the next time I sat in front of the judge, she told me and my son's mother in fact that it is not her job to micro-manage our lives. That was fine. I took it at heart and that's not what I'm expecting the judge to do. Since that time, the judge ordered, here two and a half, three years ago that court clerks are no longer to grant me hearings. The judge now makes orders upon my motions in which the last motion I submitted to this judge was twelve pages long. I'm writing these motions as my testimony. I'm also submitting letters and everything is notarized, just that I cross all my T's and dot all my I's. That are being submitted to the same judge. I have no idea or reasoning, no if this justice even reads more than two paragraphs of what I write, never mind the letters that supporters submit on my behalf. So, again, I guess my only recommendation is that the family court system somehow be revitalized, but (inaudible) Thank you very much for your time. (inaudible) And last but not least, if there's anything you can do, please pass HB-529.

(pause)

WA: Thank you. Yes, you may, speak again if you wish Maurice.

MC: I'll say my name again. Maurice Chaput, I live in Belmont, New Hampshire. A few things I wanted to add that slip your mind when you get so emotional, when you go through a trauma. When I first stood in front of he judge and I was asking him to have due process to show just cause why this should be good reason to deviate from the guidelines because I was spitting up blood and in therapy. He denied me. He filled out, he ordered me to fill out a financial affidavit, because I never had the opportunity to fill one out, so he orders me to go downstairs. I couldn't fill that out, I didn't have the proper stuff in front of me to fill it out truthfully, so I go back upstairs and I tell him. He asked me how much I make, I told him. He fills out my financial affidavit for me and made an error and ordered me to pay four hundred and sixty two dollars a week in child support. I never paid that in my life, ok? From one fifty to four hundred and sixty two. I filed for a motion, a re-consideration due to a court error, denied it right off the bat, ordered me to pay the four sixty. At the end when I proved all the lies said against me, he punished me anyway. He took back the retro-active release that he gave me earlier in the case and took it away from me and ordered me to pay that back to my ex-wife. I'd like to see 529 passed. I really do. But the biggest thing is, the judges do not follow court rule or the

cannons. They do not, they take advantage of people who do not know the law because the second judge, when the second judge saw the evidence, of the false testimony previous things, that judge according to cannon, was supposed to report that judge and it didn't happen. I got yelled at. So, if there's anything that can be done in this state to better the system, I really believe we need a complete judicial overhaul and teach judges not to be biased. Not to destroy the families but to help keep the families together because with divorce it's supposed to be about a new beginning because two people don't get along. That doesn't happen. The man, ninety percent of the time gets destroyed to the point or is demanded upon so much it's impossible. I lived under a bridge, in my car for three months, ok? It was no fun. And I'm still going through stuff from the system now. So I'm asking to please do something about the court. Our courts need to follow the law themselves because what right do they have to pass sentence on somebody if they're not going to follow the law themselves. One of RSA's states that purposely, willingly doing harm to another human being is a felony in this state. Well these judges and lawyers knew the mental harm they were causing me and my family. To me they are guilty of a felony. There's too many kids suffering in this state. There's too many suicides. It's, it's...(crying) that's all.

(pause)

WA: Are there any others who would like to make comment? (pause) Michael.

MB: Michael Brewster: Pittsfield, again. Um...see one thing we got into, people got to realize, it was on Good Morning America several months ago, is bullying. You know? Us people who have our children taken and thrown into the system. We're bullied, I don't know, everybody you see, one seems to be worse than the other and it just doesn't stop. You know, and he's right, there ought to be a number of people here, so, there ought to be at least thirteen citizens here so we can start a jury, a grand jury because what they are doing, some of them is wrong. And there's got to be a crime, how many years must you interfere with somebody's life for nothing. You know, there's got to be certain proof, I mean, these, these social workers can write anything they....they're willing to write and it goes back, it's just like legislation. We just got rid of our, our, our President of the Legislature, did we not? Stepped down because I hear on tv because some of the state, some of the state reps, what they're writing down, this guy was changing the paperwork on them. Well that's what happens to us. How can we, we can't prove, whatever the social worker puts in to the courts, that is held to the truth and when you....as many years as I've been with court, I tried to get to the uh....what's the...who's the um....the civil, who worked for the people, is supposed to work for the innocent?

Unknown speaker : Public defender?

MB: No, no, um, who's the other person there, civil...

Unknown speaker: ACLU?

MB: ACLU, yes. Well, I talked to them and they says well they can't get involved because we're dealing with truths. But in fact we ain't. You know, nobody wants to dig in, my child was taken, I mean they, they took her when she was two. I was never allowed to have her. I had her, I snuck her, I got all her teeth when they came out. I was there, but you ask the court, they don't recognize I was there. I was living in a tent, he was living underneath a bridge. I was living in a tent, with my kid. They charged me child support, that was in ninety-one, I mean ninety- one there was a lot of people hurt. Fortunately for me I lived near a farm and I worked for food. I got along great, I don't

know how I did it. I only earned a hundred dollars a month, but I did it and the state turns around and charges me for child support. And they won't be accountable for it. I spent...I went to the, I was over to the legislature, they sent me over to child support. And I asked child support what happened to that money because it was a lie, it didn't go to the mother. In the end it went back to the federal government because they had to give it to somebody. But it was all lies and I think New Hampshire families deserve better than lies, they deserve a lot better than what we're getting here. And we got to get these kids, we got to get out of this court system, this court system's wrong and as far as the Supreme Court...it goes back to Fairbanks. You realize how rotten Fairbanks was and you're talking about DCYF? Well, this Fairbanks was getting children out of DCYF and doing some bad things to them. Now how can I prove as a citizen, how can I go to the, go to the state and make sure this ain't happening. Or is it still happening? Are these, are the state workers categorizing kids to make it easy for somebody to pluck out in the end, is that possible why they wanted my kid? They wanted my kid worse than I did and worse than the mother. The mother's deceased, that's why I was complaining she's a junkie and she just started in doing heroin and they look at her, it was all my fault and I got two kids without a mother. They could have done something back when I was complaining but they didn't want to look at the mother, but it's just the lies. We shouldn't, families in New Hampshire deserve better and they don't, this is like a sue me they come, you know, the way it comes in when you get a divorce, the states and the lawyers are the first ones to grab your money out of you. They make you, you know, you got to go to parenting classes, how much is parenting classes? Ninety seven dollars an hour. They'll make both of you go. They'll make you go to a shrink. They'll steal all of your money and what do you have for your kids? They already stole your kids. I don't know. There's got to be a better way. (pause) Thank you.

WA: Thank you, Michael.

MC: Can I make just one recommendation?

WA: Absolutely. Please state your name again for us.

MC: Maurice Chaput. What I'd like to see again in the courts, I think this would help keep the judges in line with the rules would be to have ok, there's going to be a divorce, make it a jury trial divorce. The jury is going to keep the judges in line and the, and the attorneys in line because now you have twelve people observing and watching and I think that that would be one way of solving one of the biggest major problems in the family courts is to have a jury trial, a divorce by jury trial. And the Constitution does speak if you're going to take twenty dollars or more away from an individual, he has the right to have a jury trial or if they're going to take his rights away from him if his kids, he has a right to have a jury trial, but it never happens. But if that could happen, having a jury trial, I really believe that that may help keep these judges in line with the rules they're supposed to follow because they're going to have, there's going to be twelve witnesses....to observe if there's ever a rebuttal. Thank you.

WA: Thank you. Is there anybody else present who has not had a chance to speak yet who would like to?

Chief Justice Broderick: May I say something? Thank you. Um...as Will says I didn't come here tonight to answer questions, personally because I can't get involved in cases. But I hear the pain tonight from many of you and I understand the need of the courts to be responsive and (inaudible). Several years ago the legislature mandated that the courts

start what's called the family division. This gentleman alluded to the fact that we need to expand it statewide. It exists in Grafton County and Rockingham County and what that means in those two counties is the divorce cases, custody cases, juvenile cases, family related cases are heard by judges who do only that kind of work and masters who do only that kind of work. So your comment did not go unattended to. Today, I believe in Sullivan County, the family division under the leadership of Judge Kelly whose the head of the district court system, opened for business with juvenile cases, custody cases, guardianship of minor cases will be handled in the family division by judges and masters who do only that kind of work. The goal is in the next two or three years to expand the family division to every county in the state of New Hampshire. And when that happens, the family division will be the largest single component of the judicial branch footprint. It's a huge part of what we do. You hear about murder trials or other cases in the court system. Fifty percent of the work of the Superior Court in the eight counties where they currently handle family related cases involves family matters, principally divorce cases. It is a huge component of the court system. When I spoke to the legislature this March, I told them that we, the judicial branch needed to focus on the needs of New Hampshire families. I believe that as strongly as you believe it. We need resources, perhaps that we don't have. We need to use the resources we have more intelligently, perhaps. We're looking out and it is a major component of the court system and it's the biggest re-design in the court system's history. Well, three years from now, I hope in every single county in New Hampshire there will be a family division staffed by judges and masters who do that work day in and day out. I do I think understand the needs of the families in the state. The system is not perfect, I'll be the first to tell you that. Our objective can not be to make it perfect, because that won't happen. The people I meet that work behind the benches do their best. But we need, we need to be informed on an ongoing basis as to how we can do better. And I was happy to hear the comments tonight and I appreciate you sharing them especially this gentleman who obviously had some difficult moments. So, I thank you for that and I appreciate hearing (inaudible) but we are trying with the resources we have to deal with issues involving New Hampshire families. It's perhaps the single most important task of the judicial system and we're working on it.

WA: Thank you, Chief. Any other people? Yes, ma'am.

Unknown speaker: (inaudible)

WA: Well, you have to fill out a white card. We'll get you a white card. (pause) Julie, I'm going to (inaudible) (pause)

(Inaudible)

WA: The microphone is not on.

(pause)

Phyllis Barnett: My name is Phyllis Barnett and I've only had one experience with the court and my experience was, I thought it was a joke. Because...the experience I had was the person is innocent but because his lawyer felt he was guilty because he had a record of another, a log record, that he was guilty, so she assumed that he was guilty and I feel that the lawyers shouldn't be in the judges chamber, in the judges chambers talking about the case without the...the defendant there because they're all talking about oh what are we going to do, what are we going to do? And it's like they're ganging up on him and that's his lawyer, too. And I just feel that they shouldn't be allowed to co, you know, to cooperate and talk to each other when they're, they're not, they're thinking

about how are we gonna get this guy. Well, I don't know what they're thinking but that, that's what I got out of it because when his lawyer came out and said will you take eight years he says, no, and she's like oh, forget it then. And then she goes in the courtroom and she badgers the policeman and I've never ever had an experience with court before and I'm like what is she doing? I wanted to stand up and say I object, but of course I can't and I was like what is she doing and the judge is like, listen, I told you in chambers don't do that. Just for that, his whole record comes in so I didn't think that was right because his lawyer like (inaudible) him up. That, if you're going to defend someone, you're supposed to defend them. I don't think they should talk to each other. They're on separate sides, why are they like going out for coffee, going in the judges chambers. But anyway, and before all that happened, the welfare, like they said, the welfare comes to, goes to my ex-husband and says you should take custody of those kids. They didn't investigate him. He's the, a druggie, he lives in a one bedroom apartment and he's taking two kids and they want him to go get custody? I mean they didn't investigate anything. And here they are, and the, they're taking the, they're taking the side of the welfare worker. And it's like, I'm not one to fight because I feel that families are supposed to stay together so you can do whatever it takes to keep the families loving and kind. You don't have to live in the same house to be happy. So I said fine, you want custody, I'll give you custody, but I just don't think that they, they investigate things the way they should. I don't know. I just think the welfare, they trust the welfare and the police more than they trust an individual. If you tell them something, they don't believe you, they think you're lying. Because the officer and the welfare people know more than you do. It's like, why would I lie? I have nothing to lie about. So when I figured out that they weren't, they weren't gonna listen to me in the first place, I'm not gonna tell them anything. So then they go and they tell them to take custody, he takes custody, but they don't investigate. They don't, they don't care. All they care about is winning. I don't understand it.

WA: Phyllis, would you write your address on here, too, please? (pause) Joan?

Poulicakos, thank you.

Joan Poulicakos: Good evening. I came this evening to listen, to see what this meeting was going be all about. Knowing that we were trying to make some changes to our system. Listening to everyone else, I have to share an experience that I'm currently going through with a son who's going through a very bad divorce that's been going on for almost two years. It's been twenty months, this man has not seen his daughter, has tried desperately to be able to see her. I have not seen her only but twice, and once was at a cheerleading competition that she was in. The other was at Christmas time, there was a meeting that was arranged with a counselor, myself and my granddaughter. And it was a horrible experience. Any of you that have grandchildren or children, at Christmas time to be there, trying to talk to your granddaughter that you haven't seen and that you adore tremendously and have a counselor say to her, oh, Nana's making you nervous, isn't she? I bet you'd love to jump out a window right now. That is no way a counselor should conduct themselves on any day of the week. It was very heart breaking and sitting here this evening, I can hear all these other people commenting that I think our system really needs a lot of attention. Thank you.

(pause)

WA: Thank you, Joan. Michelle Rockwell?

Michelle Rockwell: Justice Broderick happened to mention that the Rockingham Superior Court has a family court system. My parents recently went through a divorce, were married for thirty five years, raised four wonderful children. Rockingham County Court, or Superior Court, isn't any better than the ones we have here in Manchester as far as families go. My mother, my father took care of us thirty five years, owned a business on his own. My mom doesn't work. She decided out of the blue, she doesn't want to be married anymore. There's no abuse allegations. My father is a good man. But the court is very concerned about my mother keeping her standard of living. Nobody cares about my father's standard of living and what he's used to. My father lives in his office. He had to sell his business. He pedals vegetables to get money, sometimes. My mom lives in a half million dollar home, no mortgage, brand new car, no debt. So, even court, the family court systems that are in place do need some revisions to them. I don't think a man should have to go through these things just because they're a man. We live in a day and an age where women can get jobs, have good careers. My mother has more education than I. She should have no problem getting a job and supporting herself when she wanted to no longer be married. So, those are things that need to be looked into. And if my mother sees me on tv, I apologize, Mom. Thank you.

WA: Thank you. (pause) Phyllis?

Unknown speaker: She already spoke, that's the card.

WA: Oh, I'm sorry, I thought you wanted to speak again. Sorry. (pause) Is there anybody else who would like to speak who hasn't spoken? Sir? (pause)

Gregory Janas: Oh yes, Gregory Janas. I wanted to, I know there's a lot of people here about the family courts, but there's been some controversy lately about the licensing of contractors. I'm a small contractor. I'm a small contractor and what I've found is a lot of times people don't pay *me*. And what I'd like to talk about, a couple of the claims that I've, I've found out that small claims are limited to about five thousand dollars now in the court system unless you go to Superior Court and then it's, you need a lawyer and everything. And I think that five thousand dollars should be increased considerably because it's been about ten or so years that it was established at the five thousand dollar limit. When I talked to a lawyer I was told that the, at one time it was only ninety days for a workers lien, and then I was told by somebody else that it was actually longer than that. So, in any event, I ended up getting a lawyer, it cost me more money than what it was all worth and I, you know, just the amount of time that it took for a lawyer, I just gave up and said to heck with it. You know. In any event, I think something should be done on that type of situation where the small claims is limited to five thousand dollars, I believe and probably increase the worker's lien rights to about a six month period or something. It might help unclog the courts or whatever. That's about it. Thank you.

WA: Thank you. (pause) Gregory, could you, could you give us your full mailing address on this card so if we want to contact you we can? Thank you. (pause) If there's nobody else who wishes to make comments, I don't want anybody here to feel obligated to stay until eight o'clock. We are going to stay until eight o'clock in case people come in. But, those of you who wish to leave, feel free to do so and I thank you for coming and, and would welcome any additional comments you might like to submit either orally at the future hearings or in writing at either the post office box or over the web site. So thank you all for coming and like I said, we'll be here but I don't want people here to feel like they need to stick around until eight o'clock. Sir?

MB: May I speak up again?

WA: How about one, one more time.

MB: All right. One more time. Here's the problem.

WA: Yeah, you need a microphone, Michael.

MB: Here's another problem. You take the airline pilots, right. They got to, when they get into that plane it doesn't matter if they got five years experience or forty-five years experience. They got to pick up that book and go through it. How often does a judge go through the Constitution and to see what they're doing is constitutionally fit. Like this hearing. Is this Constitutional? (pause) Judges-

WA: Is the hearing, is the hearing Constitutional?

MB: Correct. Because a judge has to limit themselves as much as humanly possible for conflict of interest and what I find when I go to hearings and whatnot we have all three branches sitting together. We got three branches making laws up over in Concord. I think there's a serious problem with each branch of... for one thing, the task force on family law. How many of those people are on that task force that got government grants already of thousands of dollars that part of that that (name omitted) who's being one of them. She's a state worker and, and she's making laws. She's, she's chairing, she's chairing over there at Concord and she actually isn't my roadblock, she's my stone wall. Ever since the eighties, every time I try to make a complaint, she was there to roadblock, all the way through to guardian ad litem, whenever I wrote back in the eighties, early eighties to the judiciary, she answered and said get a lawyer. Well, he...I mean they ought to pay more attention and closer to the Constitution and I think that's the path. That's the right path. If it's not Constitutional, get rid of it. Thank you.

WA: Well, our process, just so you know, we are, we plan to make recommendations to the Supreme Court and I've already suggested to the one hundred and five commissioners that you know, we might want to take the task to the legislature if there are recommendations that we're making that require legislative action. The commission is not, we're an, as the Chief Justice says, we're an independent group, an independent body. So I don't know that, I don't know that there's anything credit, any creditability to the concern that we're not Constitutional. I guess what I would suggest to you, is that public input in a process like this is what's going to drive what we're recommending at the end. And so, for those of you who come here tonight to share your concerns, they're going to be heard and I think that if, if there's a consensus among the commission that a recommendation ought to be made to the courts, to address issues that you and others will raise over the next three or four months, that's what we plan to do. But in terms of, you know, we're not a law making body. We're not going to make, we're not going to affect changes simply by making recommendations. The changes that get made either have to be made by the court administration itself, by the legislature with the approval of the Governor and through the Constitutional process that you're talking about. We certainly hope that process will be used to make some effective change. Now I'm not going to stand here and tell you that all hundred and five of us are going to agree on what effective change ought to be, you know, there's not going to be unanimity on major issues. But that's the goal.

MB: Fifty members of this committee are judges? Correct?

WA: No. One third are lawyers and or judges and two thirds are not.

MB: But there should be a least amount of conflict of interest, but, thank you.

WA: Any other comments? Well, thank you all for coming and you know how to reach us if you would like to have more communication and please feel free to do that. Thanks for coming.

END OF MANCHESTER LISTENING SESSION