

FAMILY COURTS RESEARCH COMMITTEE
Summary of Recommendations Contained
in
A Vision of Justice, the Future of the New Hampshire Courts
The Report of the New Hampshire Supreme Court Committee
on Justice System Needs and Priorities
(September 2004)

1. Background to the Vision of Justice Report.

- The charge to the Supreme Court Committee on Justice System Needs and Priorities (Committee): “to consider the period of the next five years and identify critical needs, assess developments in the delivery of justice to the public and to provide a basis or platform for future implementation and action on innovations and initiatives.”
- Committee work was conducted in four subcommittees and recommendations followed the subcommittee structure:
 - Quality Assurance Subcommittee – enhancing and measuring court performance – quality assurance and public confidence.
 - Public Service and Responsiveness Subcommittee – responding to the needs of the public – making justice affordable, efficient, and respectful.
 - Court Facilities, Services, and Personnel Subcommittee – improving the operations of our courts – court facilities, services and personnel.
 - Technology Subcommittee – advancing access to court information through technology – innovations that improve the administration of justice.
- The Committee did not undertake a review of issues surrounding the revamping of court jurisdiction (such as the creation/expansion of the family division): “Evaluating the establishment of new courts with unified or specialized jurisdiction is beyond the specific charge of this Committee, but we recommend further study of such issues.” (p. 30)
- The Vision of Justice Report was issued prior to the enactment of RSA 490 – D (Judicial Branch Family Division) that provides for the implementation of the judicial branch family division in all counties as made operational by order of the supreme court. RSA 490 – D: 1 states that “[T]he goals of the family division are the respectful treatment of all citizens by justices, marital masters, and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division court that is geographically accessible to the family.”

2. The Vision of Justice Report includes an executive summary of the recommendations of the four subcommittees identified above. A copy of the executive summary is attached below.

Executive Summary

A Vision Of Justice

The Future Of The New Hampshire Courts

The New Hampshire Supreme Court Committee on Justice System Needs and Priorities identified critical areas within the state court system that will impact the delivery of justice to the public during the next five years. Based on its findings, the committee members unanimously endorse the following recommendations and present them to the Chief Justice and the members of the Supreme Court for their consideration.



Enhancing And Measuring Court Performance – Quality Assurance And Public Confidence

- Improve accessibility through procedural changes, training initiatives, and enhanced methods of communication.
- Adopt specific case processing time standards and monitor compliance to enhance control of scheduling and processing of individual cases so that final disposition is timely and fair.
- Reinforce core criteria of equality, fairness, and integrity in all court system decisions and actions. Specific emphasis should be given to advancing uniformity, consistency of protocols, and court oversight of the litigation process.
- Maintain independence and accountability of the justice system, while promoting continuity and working relationships with other components of state and local government.

- Build public confidence and trust in the courts by expanding communications about the justice system; enhance judicial evaluation procedures; provide appropriate responses to erroneous information relating to the justice system.



Responding To The Needs Of The Public – Making Justice Affordable, Efficient, And Respectful

- Enhance availability of legal representation for citizens who do not have adequate resources to retain counsel; support efforts to secure adequate funding for indigent litigants. Alternative models for delivery of legal services should be explored including modifications of ethical rules to permit “unbundled” legal services, expansion of incentives and responsibilities of New Hampshire lawyers to provide pro bono services, and development of panels of specially trained lawyers to handle particular types of cases.
 - Provide expanded alternative dispute resolution (ADR) opportunities and systems in all of New Hampshire’s courts and hire a professional coordinator for such services.
 - Continue to enhance efficiency and promptness of operations.
 - Locate courthouses geographically to provide easily accessible public service; revise forms and system documents to make them more easily understood and uniform from court to court; improve interpretation services for non-English system users; enable users to interact with the system by computer.
 - Continue and expand efforts to promote public education programs and interaction with the public so that input necessary to improve the system can be obtained and reviewed.

- Reflect throughout the courthouse environment, including court staff actions, a system-wide ethic based on respect, courtesy, and the dignity of all participants; improve systems to provide information and respond to questions of court visitors; provide a visual environment in courthouse facilities consistent with the cultural diversity of our state.
- Expand training, education, and monitoring of judicial officers and court system staff; expand use of “bench books” and protocols to encourage consistency; improve systems to recognize and reward the excellence of the court system staff; expand performance evaluations and assessment of court system procedures.
- Explore innovative and flexible proposals to deliver justice to the public in a rapidly changing world.



Improving The Operations Of Our Courts – Court Facilities, Services, And Personnel

- All courts within the New Hampshire judiciary should continue to move to staffing by full-time judicial officers.
- Update the job description of court personnel at each New Hampshire court.
- Expand the use of case managers to assist parties in dealing with court procedures.
- Review the results of the state’s problemsolving courts and consider their efficacy and potential for further expansion, with the objective to reduce recidivism, keep non-violent offenders out of prisons, and hold offenders accountable for their conduct and their treatment.
- Enhance the efficiency and quality of court reporting, especially through the use of digital recording and increased use of trained court monitors.
- Expand training and education of court

staff to include training in customer service; encourage cross-training of the court staff in the varying responsibilities within the clerk's office; study the use of "floating" court staff to meet unusual demands at court sites around the state.

- Enhance the availability, quality, and efficiency of language interpretation in all New Hampshire courts.

- Develop and utilize a realistic and reliable weighted caseload system as a management standard in budgeting and performance assessment.

- Prioritize convenience to the public and users of the facilities and reflect ongoing changes in demographics in citing or locating new court facilities; encourage and provide for interaction and cooperation among various New Hampshire courts.

IV

Advancing Access To Court Information Through Technology – Innovations That Improve The Administration Of Justice

- Deploy updated case management system ("CMS") for all New Hampshire courts allowing for a system-wide database and uninterrupted exchange of information among system users.

- Launch business process enhancement (BPE).

- Examine issues of public access and privacy and develop recommendations concerning those issues.

- Continue communication with a broad group of constituencies to maximize the success of technology development and utilization.

- Establish a CMS working group to assist in implementation and development issues.

- Inform the Legislature about the financial impact associated with court technology and enlist legislative support for funding needs and staff and technological costs (where not offset by savings) in each budget cycle.
 - Make available to the public “self-help” computer terminals at each court site as the CMS is implemented.
 - Begin electronic notification (“e-noticing”) of hearings and court orders simultaneously with implementation of the CMS at each court site to assist the staff, bar and selfrepresented litigants.
 - Use a centralized mailing system to relieve staff from the effort involved in paper-noticing to those parties, jurors, etc. for whom e-noticing is not available.

3. Specific recommendations from the Vision of Justice Report that are relevant to the operation of the Family Division.

- Uniformity of court rules, practices, and procedures to promote consistency in court practice.
- Court forms written in plain English and also available in different languages.
- Expand the use of Case Managers to assist citizens, particularly those without legal counsel, with the court process.
- Expand the availability and use of interpreters.
- Establish protocols regarding chamber conferences.
- Court shall take responsibility for the enforcement of its orders.
- Provide increased training of judges and staff on the importance of reflecting principles of equality, fairness, and integrity to the public and litigants.
- Enhance the availability of legal representation for citizens who do not have resources to retain counsel.
- Provide expanded alternative dispute resolutions alternatives.
- Promote individual assignment of cases to a particular judge to promote accountability for each case.
- Courthouses should be located convenient to the public.
- Review the results of the state’s problem – solving courts to determine efficacy and possible expansion.
- Develop and deploy an automated case management system to improve the exchange of information.