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Bar News - March 22, 2017

Opinion: NH e-Court Will Provide One-Stop Filing for Estates

By: **Hon. David D. King**

When I joined the probate bench 27 years ago, computers were new to the probate court and added very little functionality to our operation. Much of our statutory jurisdiction and probate common law dates back to the 1800s.

Today, we are in the midst of a process that will centralize and digitize the processing of estate administration cases, which we expect will culminate with the rollout of electronic case and document filing, starting in mid-May. With these changes, we are truly bringing the probate division into the 21st century. The Circuit Court now has more than 25,000 electronically filed small claims and guardianship cases under our belt, and with each case type, we learn more about implementation and the efficiencies realized through centralization.

All electronically filed cases are filed and processed centrally. While hearings are all held in the local courts, all scheduling is done centrally. Virtually all guardianship cases are quickly processed and sent to the appropriate local court for hearings. Small claims cases are held centrally until they are ripe for a hearing. Approximately 75 percent of the small claims cases are resolved centrally through the defendant's confession of judgment, default by the defendant within the statutory timeframe, or withdrawal by the plaintiff. The unresolved cases are scheduled for a preliminary pretrial conference. Of those, only a fraction end up needing a hearing on the merits, because most resolve through a mediated agreement or other settlement. This has resulted in an average decrease in our time to disposition in these cases by 21 days, which represents a 22 percent overall reduction.

The biggest anticipated change with electronically filed estates will be that virtually all cases will be processed, from start to finish, in our e-filing center in Concord. Of the 6,500 estate cases filed on an annual basis, less than 5 percent require a hearing before the court. Therefore, unless a hearing is necessary, cases will be handled centrally, from the petition for administration through the final account. This will allow us to create efficiencies in the appointment process, and provide an opportunity to employ best practices and consistent processing throughout the life of the case.

Our e-filing center staff has been augmented by an experienced account specialist, and we are in the process of transferring seven additional court assistants to process estates. One central judge will be primarily responsible for handling the judicial end of the cases. This will provide for more efficient and consistent orders, and free up other judges in the probate division to attend to cases that require hearings.

We have created efficiencies in the system both in the forms and process. Much credit should be given to members of the bar and their paralegals who volunteered over the past few months to help us work through changes to our forms and processes to create these efficiencies. [Read a summary](#) of the key changes.

As with our other electronically filed cases, self-represented petitioners will file their pleadings through the TurboCourt portal, following a guided interview process. Attorneys will upload and file their pleadings through File and Serve. However, at the request of several attorneys and paralegals, we have designed the system to allow law firms to utilize TurboCourt's guided interview program to complete inventories and, more importantly, accounts which allow mathematical calculations to be performed through the use of this logic-based program.

We anticipate going live in four circuits in mid-May – Brentwood, Concord, Dover and Laconia – with the remaining six circuits following a few weeks later. All cases filed after the go-live dates will be electronically filed. Those estates already in progress will remain paper cases. While this is an aggressive rollout, we are confident from our prior experience that this is a realistic plan. We will also be providing trainings around the state, hosted by local law firms, and a more comprehensive CLE through the New Hampshire Bar Association in May. [List of training opportunities](#). I look forward to working with all of our stakeholders to ensure a successful rollout.

For more information about the NH e-Court project, please visit the [Electronic Services web page](#) or contact NH e-Court Program Director [Jackie Waters](#).

Judge David King is the deputy chief administrative judge for the New Hampshire Circuit Court.

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Hon. David D. King

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