

THE STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE
ADMINISTRATIVE ORDER 2024-03

Pursuant to RSA chapter 491-B (effective January 1, 2025), there is hereby established in the New Hampshire Judicial Branch the position of Magistrate. The Chief Justice of the Supreme Court, in consultation with the Chief Justice of the Superior Court and the Administrative Judge of the Circuit Court, shall initially appoint three (3) Magistrates. The appointment of additional Magistrates is subject to legislative appropriation. The Magistrates shall serve at such locations as the Chief Justice of the Supreme Court may determine.

1. Scope of Authority: Pursuant to RSA 491-B:2, I(a)-(f), the Chief Justice of the Supreme Court, in consultation with the Chief Justice of the Superior Court and the Administrative Judge of the Circuit Court, hereby authorizes the Magistrates to determine the conditions of release or detention of defendants in criminal cases pursuant to RSA 597:2; to conduct arraignment hearings and issue orders relative thereto; to conduct bail hearings¹ and issue orders relative thereto; to issue search and arrest warrants, or other process for arrest; and to administer oaths and affirmations.

¹ Bail hearings shall include initial bail hearings; bail modification or revocation hearings; evidentiary detention hearings under RSA 597:2, IV; and bail hearings on warrant returns.

In addition to the foregoing, the Chief Justice of the Supreme Court authorizes the Magistrates to conduct probable cause hearings and issue orders relative thereto. In addition, the Magistrates are authorized to review and issue orders on requests for the appointment of counsel, counsel invoices, and invoices related to services other than counsel. The Chief Justice of the Supreme Court finds that the delegation of additional authorities set forth herein is not inconsistent with the New Hampshire Constitution or any State or federal law. RSA 491-B:2, I(g).

2. Work Schedule Requirements: The Magistrate position is a full-time judicial officer. The Magistrate position was created by the legislature in part to ensure that a person arrested on certain serious offenses is brought before a Magistrate within 24 hours of arrest, including weekends and holidays. Accordingly, Magistrates will be assigned hours on Saturdays, Sundays or holidays for a determination of conditions of release or detention. Remaining hours will be allocated to the Circuit or Superior Courts, as needed.

3. Qualifications: A Magistrate must be licensed to practice law in the State of New Hampshire.² A Magistrate must have at least three (3) years of relevant experience.

4. Length of Term, Renewal, and Termination: The appointment as a Magistrate shall be for a term of five (5) years. A Magistrate may be removed for cause by the Chief Justice of the Supreme Court. A Magistrate

² In order to apply for a Magistrate's position, the applicant must be eligible to be licensed to practice law in New Hampshire and must be licensed on or before the date the applicant is sworn as a Magistrate.

may apply for renewal of the five (5) year term, and such renewal application must be made no later than 120 days prior to the expiration of the current five (5) year term. Renewal is at the discretion of the Chief Justice of the Supreme Court.

5. Code of Judicial Conduct: A Magistrate is subject to and must comply with Supreme Court Rule 38, Code of Judicial Conduct.

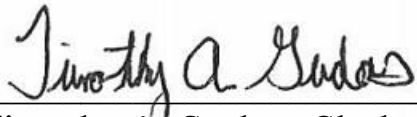
6. Administrative Authority: The Chief Justice of the Supreme Court delegates to the Administrative Judge or Deputy Administrative Judge of the Circuit Court, at their discretion, to provide administrative authority over the Magistrates consistent with the Judicial Branch personnel rules and policies.

7. Training: The Circuit and Superior Courts shall provide such initial training and orientation to the Magistrates within the first four (4) weeks of their appointment so as to provide the Magistrates with the necessary skills to fulfill the responsibilities set forth above in Section 1. In addition, the Circuit and Superior Courts shall provide such additional and on-going training to ensure that the Magistrates remain proficient in their responsibilities and current in their knowledge of relevant law and procedure. The foregoing requirements remain in effect until such time as the Judicial Training Coordinator legislation, RSA chapter 490-K, is effective and the position of Judicial Training Coordinator is filled.

8. Compensation: Compensation and benefits for Magistrates shall be determined by the Administrative Office of the Courts under the Judicial

Branch Salary Matrix consistent with similarly situated positions within the
Judicial Branch.

Date: September 30, 2024

ATTEST: 

Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire