

Memorandum

To: The New Hampshire Supreme Court

From: The NH Access to Justice Commission Co-chairs
Justice James P. Bassett
Mark C. Rouvalis, Esq.

Date: January 27, 2023

Re: 2022 Annual Report on the New Hampshire Access to Justice Commission

On behalf of the New Hampshire Access to Justice Commission, we are pleased to present the 2022 New Hampshire Access to Justice Commission report. In addition to the Commission's accomplishments in 2022, the report explains how the Commission Task Forces applied their understanding of the National Center for Access to Justice's Justice Index to drive the Commission's de facto 2022 strategic plan. We also offer a preview of 2023 with a description of the Commission's significant role in executing the NHJB's AOC ARPA-funded access to justice project portfolio.

Most of this report describes the demanding work of the thirty-six Commission members to address civil legal needs in New Hampshire. However, as co-chairs of the Commission, we speak for all members when we say that the Court's assignment of court staff to support the Commission has been invaluable and should continue. Jackie Waters provides administrative oversight, research, and facilitation to aid members in achieving their goals. She also worked with us to prepare this annual report, and we look forward to her continued support in 2023.

The Commission appreciates the full support provided by the Court and looks forward to furthering collaboration on the vital work to which we are all dedicated. We hope this information adequately responds to your request for an update on Commission activities and structure. Please contact us or Jackie Waters (jwaters@courts.state.nh.us) if you have any questions.

Strategic Planning

The 2022 successes began in 2021. During that pandemic year, the Commission made considerable progress in advancing access to justice in NH. Among these gains were the following:

- Completed a civil legal needs assessment¹,
- Assignment of a part-time court staff member to support the Commission²,
- Recommended substantive changes to increase pro bono services,
- Began Court Navigators Pilot in Circuit Court,
- Recommended the continuation of certain Pandemic-related Best Practices for the Court
- Restructured the Commission to improve New Hampshire's Justice Index scores³.

In late 2021, Commission formed five working task forces (plus Public Relations) to address NH's low Justice Index score. The new structure is based on the five key policy areas necessary for providing access to justice for The key policy areas are:

- Attorney Access
- Disability Access
- Fees & Fines
- Language Access
- Self-representation

The strategy focuses the Commission on improving the Justice Index benchmarks achievable within the construct of the NH court system and the Commission. The ***Task Force Objectives*** section on page 4 identifies how the Task Forces focused their efforts. In addition to providing a strategic framework for the Commission, the Justice-Index focus offered built-in goals and an ability to measure outcomes. In early 2023 the Commission will re-evaluate the targeted benchmarks to determine an updated score based on their 2022 work.

¹ Equal Access to Justice: An Assessment of Civil Legal Needs in New Hampshire.

<https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2021-07/nhaj-needs-assessmt-jan25-interactive.pdf>

² Jackie Water's role was announced to the Commission on July 20, 2021.

³ The National Center for Access to Justice [released an updated Justice Index in May 2021](#). New Hampshire NH scored 21.46 out of a possible 100 and ranked 49th of 50 states plus the District of Columbia and Puerto Rico.

2022 "Wins"

The following highlights the Commission's achievements in 2022:

- Court Navigator Program expanded with Commission support
 - Two non-attorney staff are providing navigator services in the Circuit Court
 - One is housed in Nashua District, and the second travels to courthouses where services are needed
 - ARPA funding will enable further expansion to include volunteer navigators and robust metrics and reporting capabilities.
- Accessible to All Collaboration with the Administrative Office of the Courts
 - Completed extensive research on mitigating the Justice Index issues listed above; Engaged in collaborative discussions with the AOC to determine feasibility and implementation steps;
 - Using this information, the AOC provided ADA Bench Card for judges, updated [ADA FAQs](#) for the AOC website, and a draft NHJB ADA Handbook.
 - The Task Force provided feedback which was incorporated into the final products.
- Fees and Fines Task Force improves communications
 - Phase 1 Completed - Informing the public (via court signage⁴ and on the [website](#)) in easy-to-understand language that they may request a filing fee reduction; also training staff to offer information proactively
 - Provided a [chart](#) - financial statements needed for various motions
- HB 1343 passed with Commission support and Court Rule 35 was revised and approved
 - Paralegals may represent litigants in a limited set of case types and court locations
 - Report on the pilot to the legislature is due in January 2025
- Research and recommendations for Voluntary Pro Bono Reporting completed
 - Snapshots of Five States (MT, NC, OR, TN, and TX)
 - Twelve recommendations provided to the Court

⁴ See Appendix B

- Hosted directors from other Commissions from North Carolina, Colorado, and the District of Columbia at the quarterly meetings
 - Each commission leader provided information on Governance Structures, Operational Support Staff, Funding, and Strategic Initiatives of their respective commissions. All offered unique perspectives for NH to consider adopting.
- American Rescue Plan Act (ARPA) Funding (\$1,191,610) designated for six Commission priorities:
 - Simplification and Translation of Court Forms
 - Expand the Court Legal Navigator Program
 - Alternative Dispute Resolution
 - Legal Navigator Portal
 - Virtual Court Center
 - Data Collection to Measure Disparate Impact

Task Force Objectives

The Commission reorganized its members into six task forces to work on access-to-justice initiatives that will resolve issues, meet needs, and improve outcomes for litigants involved in civil legal matters.

1. **User-friendly Courts** – focuses on the barriers many self-represented litigants experiences when bringing their cases to Court. Strategic initiatives will address Justice Index benchmarks for access to justice Design and Planning and Plain Language and Simplification issues;
2. **Civil Legal Aid** – is concerned with attorney access. Benchmark targets include Right to Counsel, Pro Bono, and Unbundling;
3. **Language Access** – seeks to remove barriers associated with limited English proficiency. Improvements to Service Delivery, Communicating Court Services, and Technology are the targets for this Task Force;
4. **Access for All** – concerns itself with the rights of those with disabilities. Similar to Language Access, this task force will work on Service Delivery and Communication Court Services. Training and Support for assisting people with disabilities is a crucial benchmark for this working group.
5. **Fees and Fines** – concentrates on policies, abolition of harmful practices, and data collection to ensure monetary fines are an accountability mechanism and not an overt or unintended practice that creates economic and racial oppression.
6. **Public Relations** supports all task forces and the Commission to ensure their good works are made known to the community.

The Commission used the following chart to establish the priorities, goals, and objectives for their specific working group:

Justice Index Policy Area	A2J Commission Task Force	Justice Index Benchmarks	Benchmark Issues
Self-representation	User-Friendly Courts	https://ncj.org/state-rankings/2020/self-representation	Design & Planning, Plain Language & Simplification, Service Delivery, Communicating Court Services, Technology
Attorney Access	Civil Legal Aid	https://ncj.org/state-rankings/2020/attorney-access	Right to Counsel, Pro Bono, Unbundling, Design & Planning

Justice Index Policy Area	A2J Commission Task Force	Justice Index Benchmarks	Benchmark Issues
Disability Access	Accessible to All	https://ncaj.org/state-rankings/2020/disability-access	Design & Planning, Training & Support, Service Delivery, Communicating Court Services
Language Access	LEP Litigants Telling Their Story	https://ncaj.org/state-rankings/2020/language-access	Design & Planning, Service Delivery, Communicating Court Services, Technology,
Fees & Fines	Fees & Fines	https://ncaj.org/state-rankings/2020/fines-and-fees	Abolition of harmful practices, Ability to Pay, Collateral Consequences, Data Transparency, COVID Response
n/a	Public Relations	n/a	Support all Task Forces and the Commission writ large by getting the word out about the members' good works.

Task Force Initiatives

- **User-friendly Courts**
 - Focused on manageable, realistic projects:
 - Expand text message reminder programs to include divorce and parenting matters;
 - Provide civics education to non-attorneys, focusing on basic court practices;
 - Simplify notices to improve hearing compliance;
 - Develop a Pilot program with public libraries to provide presentations on legal topics
- **Civil Legal Aid** --Focus on viable projects:
 - Court forms for unbundled legal services;
 - Free or low-cost file copies;
 - Expand - Lawyer of the Day Program -- geographically and beyond Landlord-Tenant
 - Unbundled services to help attorneys enter and exit cases with ease -- developing a toolkit; Suggesting the [CT model](#)
 - Free copies of court documents for indigent defendants and pro-bono attorneys
- **LEP Litigants** – Understand the current court language access (LA) plan:
 - Seek to align with, not duplicate, the work of the AOC language access team;
 - Work closely with NHJB/ AOC - Richard Head and Mary Ann Dempsey on the updated Language Access Plan; National Center for State Courts is a good resource; Also, engaging the Language Bank
 - Seek funding for surveys to complete Goal #1: *Gather meaningful feedback from stakeholders, including LEP individuals and community groups that work closely with LEP communities. Bring in the perspectives of those with lived experience to identify needs and resources and assess current court language access policies and procedures.*
 - Seek funding for CLE training to meet Goal #2: *Provide training and resources for practicing NH attorneys to educate them on best practices for working with LEP clients and encourage more attorneys to represent LEP litigants effectively.*⁵
- **Accessible to All** – complete detailed research on the following Justice Index Benchmarks and work closely with the AOC to mitigate these issues:

⁵ The Commission will seek ARPA funding for Goal #1; Goal #2 may be applicable for NHBA funding

- Annual Training for Judges and Court Staff on Assisting Persons with Disabilities;
- Require Periodic Training on Legal Requirements of Equal Access for Persons with Disabilities;
- Provide Specialized Childcare for Children with Disabilities;
- Provide Notice of Right to Accommodation of Disability on All Court Correspondence;
- Explain on the State Judiciary Website How to Request Accommodation of Disability with Examples
- **Fees & Fines** – Focus on civil cases;
 - Make the fee waiver process more transparent and user-friendly;
 - Educate court staff; allow for judicial discretion;
 - Clients already qualified for public assistance are pre-qualified for fee waivers;
 - Improve website info;
 - Increase awareness among judges and Information Center staff ;
 - Address any revenue reduction concerns;
 - Improving the Fee Waiver process -- working on "Current State" analysis -- forms & website; Evaluating legal authority; Considering reciprocity (e.g., RSA 499/legal aid); Staff training
 - Phase 2 in progress- Offering "Fast Pass with Dignity" - checkbox form for litigants receiving public assistance or qualified under federal poverty guidelines
- **Public Relations** – highlighted the Commission's accomplishments throughout the year:
 - Updated the Commission's [webpage](#) on the NHJB website
 - Published *["A Personal Touch - Court Navigator in Nashua Provides Legal Information and Individual Support"](#)* in the NH Bar News and the NH Business Review
 - Other media coverage:
 - [State seeks \\$6.4 million in COVID-relief money to build up court access services](#)
 - [NH legal community looks to address DEI, attorney access issues for minorities](#)
 - [Public Libraries Partner for Access to Justice](#)

2023 OPPORTUNITIES

The NH Access to Justice Commission will continue the structure regarding governance, support staff, and Task Forces. The Commission's 2023 focus is on completing the work-in-progress initiatives and exploring new opportunities to improve access to justice using the [Justice Index](#) as a guidepost to identifying high-priority benchmark gaps that the Commission can close⁶.

The Commission will also work with the NHJB Administrative Office of the Courts on the six ARPA-funded initiatives listed on page 8. The collaboration between the two entities offers excellent promise for fulfilling longtime goals for improving the justice system from within and outside the courthouse. The expertise from the Commission will help inform requirements, design, implementation, and ongoing operations in the following ways:

ARPA-funded Project	Commission's Role
Simplification and Translation of Court Forms involve revamping the top one hundred forms used in civil cases so that any non-attorney, regardless of their education level or language skills, can more easily know: (1) What form(s) to complete and why; (2) When to complete them; and (3) How to complete the form correctly.	<ul style="list-style-type: none">• Forms selection• Train the trainer participation• Field-testing• Dissemination
Court Navigator Program. The current Court Navigator Pilot (running in Nashua) plan includes staff beyond the two currently funded positions. With ARPA funding, staff can be added as volunteer navigators or expand the pilot in additional courthouses. Additional funding will provide volunteer navigators, equipment, technology, supplies, etc., and expedite the pilot program's mission to provide appropriateness and efficacy metrics essential for program evaluation.	<ul style="list-style-type: none">• Policy and procedures development for volunteer recruitment, training, deployment, and recognition• Assist in developing the program deployment plan per the original Court Navigator Pilot Program proposal.• Program advocacy and promotion to recruit volunteers• Input on focus areas for service (based on facts and data from the greater justice community, writ large).

⁶ For complete details on the Justice Index, see <https://ncaj.org/state-rankings/justice-index>. NH's score in 2021 was 21.45. Only Nevada, Alabama, and South Dakota scored lower.

ARPA-funded Project	Commission's Role
<p>Alternative Dispute Resolution (ADR) supports work in progress by the NH Circuit Court, 603 Legal Aid, and NH. Legal Assistance to aid citizens facing possible eviction. Expansion of such programs should include additional courthouses (for eviction) and other areas of law, specifically marital and family case types. The resource needs are temporary staffing – to handle backlog or engage in pilot projects that may be made permanent in the future.</p>	<ul style="list-style-type: none"> • 603 Legal Aid and NHLA will be the primary Commission members working with the NH Circuit Court and the NHJB Mediation Program to address the needs identified in the ARPA proposal.
<p>Legal Navigator Portal (LNP) was developed by the Legal Services Corporation, the Pew Charitable Trusts, and Microsoft. It is a unique portal that provides legal information using artificial intelligence designed with Natural Language Processing and Machine Learning. The technology enables anyone to ask questions, and the system is "taught" to recognize potential legal issues and respond accordingly.</p>	<ul style="list-style-type: none"> • Work with a project team to implement the system for NH. Commission resources are needed to "configure" the unique machine learning and natural language processing that makes the Portal an ideal ATJ resource.
<p>Virtual Court Center A virtual court center provides online, user-friendly legal information designed explicitly for self-represented litigants. An online center helps citizens with Triage -- directing users to the proper resources for their issues. It also offers live help through telephone support or online chat and access to guided interviews with document assembly in place of PDF forms. These Centers are also designed for accessibility, limited English proficiency, and plain language content.</p>	<ul style="list-style-type: none"> • Investigate other jurisdictions with similar Centers and provide a "blueprint" for NH's version. Evaluate the many models available and select the features and functions that best serve NH's needs (i.e., the problems we're trying to solve).
<p>Data Collection to Measure Disparate Impact is designed to analyze current practices and develop court fairness metrics.</p>	<ul style="list-style-type: none"> • Help the Court identify metrics that will answer questions such as, "How fair and accessible is the justice system?; Which

ARPA-funded Project	Commission's Role
We will also use these funds to institute procedures and practices to eliminate discriminatory or exclusionary practices to ensure equal justice for all.	<p>services or features need improvement?; Are accessibility and fairness improving over time?</p> <ul style="list-style-type: none"> • The work also includes identifying data sources beyond the Court's case management system and the data gaps that impede meaningful reporting. • The Commission's holistic perspective on the need for accurate data will help inform the Court's work in this area.

Summary

The Commission made considerable progress in 2022, mainly by working as collaborative partners with the court system. By focusing on the Justice Index, the Commission has a data-driven standard to establish targets and measurable goals. By continuing its focused approach to solving practical problems, the Commission is better positioned to effect real change.

2023 has enormous potential to be a pivotal year for the Commission. Funding from the Governor's Office For Emergency Relief and Recovery awarded the NHJB 1.19 million dollars in American Rescue Plan Act (ARPA) funds for six access to justice-related projects that could improve the court-user experience substantially. The Commission is well-positioned to actively participate in each project and bring its perspective and expertise to help inform project goals, execution, and outcomes. As collaborative partners, the Commission and NHJB may transform access to justice in a manner that has not been previously possible.

I. Appendix A: New Hampshire Access to Justice Commission

Commission Co-Chairs

New Hampshire Supreme Court Associate Justice James P. Bassett (jbassett@courts.state.nh.us)

Mark Rouvalis, Partner in the Trial Department of McLane Middleton, Professional Association
(mark.rouvalis@mclane.com)

Commission Staff

Jackie Waters, New Hampshire Judicial Branch Administrative Office of the Courts

Deputy Director, Access and Community Engagement (20%)

(jwaters@courts.state.nh.us)

Commission Membership

The New Hampshire Access to Justice Commission currently has 38 members. The membership consists of representatives of the judiciary of the New Hampshire Supreme Court; the Superior Court (the general jurisdiction trial court); the Circuit Courts (specialized jurisdiction trial courts); and the US District Court for the District of New Hampshire. Other members represent a variety of constituencies, as noted in the membership list:

2022 Commission Members & Task Forces

Task Forces

Co-leaders & Executive Comm.

User-friendly Courts

Margaret Huang	Circuit Court
Cathy Shanelaris	Private Bar
Judge John Curran	Circuit Court
Heather Kulp	Circuit Court
Rose Marie Joly	Private Bar
Mary Searles	Law Library
Sarah Blodgett	Circuit Court
Justice James Bassett	Supreme Court

Co-leaders & Executive Comm.**Civil Legal Aid**

Sonya Bellafant	603 Legal Aid
Hon. Amy Messer	Superior Court
Jon Ross	Private Bar
George Moore	NH Bar Association
Paul Chant	Private Bar
Sarah Mattson Dustin	NH Legal Assistance
Steve Scudder	Consultant
Robert Dietel	Private Bar
Nick Abramson	Private Bar
Nina Gardner	Judicial Council
Mark Rouvalis	Private Bar

Accessible to All

Pamela Phelan	Disability Rights Council
Susan Zago	UNH Law
Marty Sink	CASA of NH
Christina Ferrari	Private Bar

LEP Litigants

Emily Rice	City Solicitor
Deborah Schachter	NH Charitable Foundation
Israel Piedra	Private Bar
Judge Susan Ashley	Circuit Court
Brian Shaughnessy	Private Bar

Fees & Fines

Nathan Fennessy	Private Bar
Marcia Allison	CASA of NH
Connie Rakowsky	Private Bar
Peter Nieves	Private Bar
Hon. Joseph N. LaPlante	US Federal Court

Public Relations

Lynne Sabeau	NH Bar Association
Kaitlin O'Neil	Private Bar
William Pandolph	Private Bar
Jaye Rancourt	Private Bar
Ramey D. Sylvester	Private Bar

Mission and Goals

According to the Commission's 2007 establishment order, the scope of its work includes to:

1. Foster the development of a state-wide integrated civil legal services delivery system;
2. Identify and assess current and future needs for access to justice in civil matters;
3. Consider the legal needs and access to the civil justice system of persons whose income and means are such that they do not qualify under existing assistance programs and whose access to civil justice is limited either by the actual or perceived cost of legal services; develop and implement initiatives designed to meet these needs, such as limited representation and limited appearances by attorneys and identification of types of services that could be provided by non-lawyers;
4. Work to increase resources and funding for access to justice in civil matters and to ensure that the resources and funding are applied to the areas of greatest need;
5. Develop and implement initiatives designed to expand civil access to justice;
6. Work to reduce barriers to the justice system by addressing existing and proposed court rules, procedures, and policies that negatively affect access to justice in New Hampshire;
7. Monitor the effectiveness of the state-wide system and services provided and periodically evaluate the progress made by the Commission in fulfilling the civil legal needs of low-income New Hampshire residents.
8. Provide long-range, integrated planning among the numerous legal assistance providers and other interested agencies and entities in New Hampshire;
9. Coordinate civil access to justice, foster the development of a state-wide, integrated civil legal services delivery system, and design and implement new programs to expand access to justice opportunities;
10. Work toward securing funding for civil access to justice;
11. Have the authority to apply for, obtain and administer grant funds and to hire, set the compensation of, and direct such persons as may be necessary to assist the Commission in its work; and
12. Develop and implement other initiatives designed to expand civil access to justice, such as increasing community education, enhancing technology, developing assisted pro bono programs, and encouraging greater voluntary participation of the private bar in providing pro bono legal assistance to low-income people in New Hampshire.



Can't afford
a filing fee?













You may be able to pay
less or file for free.

Ask a court staff member for more
information or call the Information
Center at 1-855-212-1234.

How to Request to Pay a Lower Fee or File for Free

If you cannot afford a filing fee, you may ask the court to pay less or file for free. If you need to pay less or file for free, you must file a motion (a written or electronic request) with the court asking to pay a lower fee or to file for free. You are also required to attach a financial statement to the motion. The right forms to use depend on the court you are in, the type of case, and how you file the case (on paper or electronically). This table shows which forms to use for each civil case type:

Forms for Fee Waiver by Court

Court	Case Type	Paper or E-Filing	Form	Financial Statement
Supreme Court	All	Paper or Electronic	Motion to Waive Filing Fee 	Affidavit of Assets and Liabilities 
Superior Court	All Civil	Paper	Motion for Waiver of Filing Fee 	Statement of Assets and Liabilities 
Superior Court	All Civil	Electronic	Built into e-Filing System	Built into e-Filing System
Circuit Court – District Division	Civil (including Landlord/Tenant, Former Civil Writs)	Paper	Motion to Waive Filing Fees 	Affidavit of Assets and Liabilities 
Circuit Court – District Division	Civil (including Small Claims, Civil Complaints, Replevin)	Electronic	Built into e-Filing System	Built into e-Filing System
Circuit Court – Family Division	Divorce, Parenting, Adoption, Termination of Parental Rights, Marriage Waiver	Paper	Motion to Waive Filing Fees 	Financial Affidavit 
Circuit Court – Family Division	Child Impact Seminar Fee	Paper	Motion to Waive/Reduce Child Impact Seminar Fee 	Financial Affidavit 
Circuit Court – Family Division	Guardianship of a Minor	Electronic	Built into e-Filing System	Built into e-Filing System
Circuit Court – Probate Division	Adoption, Equity, Surrogacy	Paper	Application for Waiving Fee 	Financial Affidavit 
Circuit Court – Probate Division	Guardianship, Name Change, Wills and Estates	Electronic	Built into e-Filing System	Built into e-Filing System

<https://www.courts.nh.gov/resources/forms-and-fees/how-request-pay-lower-fee-or-file-free>



NEW HAMPSHIRE JUDICIAL BRANCH AMERICANS WITH DISABILITIES ACT BENCH CARD

Activities Covered by the ADA

All services, programs, and activities of a court are covered by Title II. These activities include:

juror selection; trials; hearings; mediations; court committees or other meetings; interactions with court clerks; and access to information, libraries, publications, and websites.

The ADA protects all participants, including parties, witnesses, jurors, observers, attendees at events, and attorneys.

Who Decides Whether to Provide the Accommodation?

Judge: Judicial Accommodations are for a pending case that would implicate the rights of parties to the proceeding or the judge's inherent power to manage the courtroom and proceeding. Examples include extensions of time, frequent breaks during court, or the setup of the courtroom. Judicial accommodations are requested through a filing with the Court. If necessary, the pleading can be filed *ex parte*, but the Court may decide it needs to be shared with the parties. Appeals are taken to the Supreme Court.

Clerk or ADA Coordinator: Administrative Accommodations do not affect the rights of or the judge's inherent authority of the court room. Examples include providing assistive listening devices, or permitting the use of a service animal in the courthouse. Appeals are to Administrative Council.

Does the Court Have to Provide The Requested Accommodation?

Not necessarily - it will depend on whether the accommodation is reasonable. The court should give primary consideration to the request of the individual but may offer an alternative accommodation.

The ADA allows the Judicial Branch to deny a request that would fundamentally alter the nature of the services, programs, or activities or result in an undue financial or administrative burden.

The court does not have to provide legal counsel, personal services and devices (wheelchairs, eyeglasses, hearing aids...), medical or attendant care.

Unnecessary Inquiry:

A public entity may not make unnecessary inquiries into the existence of a disability. The Court may make inquiry to the extent necessary to evaluate what accommodations are reasonable and necessary.

A public entity shall make reasonable modifications necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Examples:

PTSD – Allow person to sit in position that doesn't make them feel like someone will surprise you from behind.

Anxiety – Trusted person to sit at counsel table and help take notes; More frequent breaks.

Auditory Processing Disorder – Move to a smaller or quieter courtroom.

Medications – Allow later start time if medications make it difficult to get to court early; allow more frequent breaks

Autoimmune disease – Allow witness to testify remotely or schedule hearing at a time and place to minimize contact with the public.

Service Animals

Service animals are DOGS that have been individually trained to do work or perform tasks for people with disabilities and are permitted in court facilities, even where pets are generally prohibited (miniature horses are the only possible exception).

Court personnel can only ask 2 questions:

(1) Is the service animal required because of a disability?

If NO – Pets are not allowed in the courthouse.

If YES – Court personnel can ask question 2:

(2) What work or task has the DOG been trained to perform?

- Service animals must be trained to take a specific action when needed to assist a person with a disability.
- Service animals are not required to wear a vest or be certified.
- Emotional support, therapy, comfort, or companion dogs and animals are not considered service animals under the ADA because they have not been specially trained to perform a task.
- But comfort animals may be accommodated at the discretion of the presiding judge as a reasonable modification to court procedures.

Questions?

Contact Mary Ann Dempsey: mdempsey@courts.state.nh.us or 603-415-0660.





NEW HAMPSHIRE JUDICIAL BRANCH



MAGNIFYING GLASS AVAILABLE
FOR USE IN THE COURTHOUSE.

REQUEST AT CLERK'S WINDOW



Appendix C: American Rescue Plan Funding

Priority No.	TBD	Funds Requested	\$1,191,610
Program Name	Address civil legal needs of marginalized litigants		
Eligible Use Category	Response to the Public Health Emergency or its negative economic impact		
Subcategory	Public Access to Justice		
Cost Assumptions	Funding is based on resource availability and current labor-grade compensation levels.		

Program Summary: For many in NH, the pandemic is not over. In fact, the fallout from two years of "pandemic response" means the crises are escalating in the form of life-altering civil legal problems. In terms of the law, the pandemic's adverse economic impact is still a cresting wave that has not yet reached its apex. ARPA funds will help needy people for whom the pandemic end is nowhere in sight.

These initiatives address access to justice issues associated with the coronavirus pandemic economic downturn. They focus on the civil legal needs of NH citizens adversely impacted by job loss, health matters, loss of a primary breadwinner, and other hardships brought on by COVID-19. Civil legal needs were already a [significant challenge](#) for many in NH; the pandemic has only exacerbated the issues for people marginalized by related problems such as income insecurity, mental illness, and physical disabilities. These proposed projects include (1) Permanent improvements in forms and language-related needs, (2) The expansion of a successful pilot program that helps litigants navigate the legal system without a lawyer, (3) The judicious use of temporary experts to augment staff who should be fully-allocated to addressing the backlog, and (4) Technology solutions that provide legal information in an easy-to-understand format.

Subprojects:

- | | |
|---|-----------|
| • Simplification & Translation of Court Forms | \$ 61,000 |
| • Expand the Court Navigator Pilot Program | \$356,000 |
| • Alternative Dispute Resolution | \$125,000 |
| • Legal Navigator Portal | \$300,000 |
| • Virtual Court Center | \$209,610 |
| • Data Collection to measure disparate impact | \$140,000 |

Needs Addressed: The [NH State Constitution](#) requires the Judicial Branch to provide free and fair access to justice. The pandemic has already strained the Court's resources when justice needs

have never been more significant. These civil legal needs projects are designed to remove the barriers to justice *that have been exacerbated by economic hardship brought on by the pandemic*. They seek to help those with legal issues (created by job loss, income reduction, health challenges, etc.) but cannot afford an attorney. These projects help those without lawyers better understand their rights and the legal processes associated with their cases. Assisting others to help themselves through these access-to-justice initiatives is a cost-effective solution to ensuring the NH judicial system meets its constitutional obligation.

Access to justice can be measured if the means to collect data exist. In fact, the ability to measure case outcomes based on race, ethnicity, gender, age, disability, or income–status is the cornerstone of understanding where unfair practices occur in the court system creating barriers to fair justice. Data collection and analyses are the fundamental requirements for identifying real issues and assessing if funded and enacted programs achieve their stated objectives.

Table 1 below explains each project, why the need exists, and how the investment will directly help the people of New Hampshire

Anticipated Outcomes: These projects will help those without lawyers seek justice on a level playing field. Self-represented litigants will be better prepared to represent themselves in Court. The proposed solutions that efficiently provide legal information to unrepresented people also allow court staff to focus on the case backlog caused by the pandemic.

Table 1

Project Description	How it Helps
Simplification and Translation of Court Forms involve revamping the top one hundred forms used in civil cases so that any non-attorney, regardless of their education level or language skills, can more easily know: (1) What form(s) to complete and why; (2) When to complete them; and (3) How to complete the form correctly.	Forms are at the core of the judicial process. Litigants must know what to file, when, and why the filing is necessary for their case. This project will make it easier for non-attorneys to understand forms, their use, and their importance in the case. Forms simplification levels the playing field for unrepresented litigants. Correctly filed forms prevent delays and rework. Staff is freed up to focus on the backlog because self-represented litigants are more self-sufficient.
Expand the Court Navigator Program The current Court Navigator Pilot (running in Nashua) plan includes staff beyond the two currently funded positions. With ARPA funding, staff can be added as additional volunteer navigators or expand the pilot in additional courthouses.	Court navigators are specially trained staff or volunteers who understand how to provide legal information (not legal advice) to anyone in need. Navigators help litigants be better prepared for Court so that proceedings run smoothly, rework for staff and judges are reduced), and cases move

Project Description	How it Helps
Additional funding will provide volunteer navigators, equipment, technology, supplies, etc., and will expedite the pilot program's mission to provide appropriateness and efficacy metrics essential for program evaluation.	forward more quickly to help reduce the post-pandemic backlog.
Alternative Dispute Resolution (ADR) supports work in progress by the NH Circuit Court, 603 Legal Aid, and NH. Legal Assistance to aid citizens facing possible eviction. Expansion of such programs should include additional courthouses (for eviction) and other areas of law, specifically marital and family case types. The resource needs are temporary staffing – to handle backlog or engage in pilot projects that may be made permanent in the future.	This project continues the theme that a) the economic impact of the pandemic means that access to justice in civil cases is even more out of reach than pre-pandemic. The need for legal representation increases because financial hardship is often the unfortunate precursor to civil legal matters. The least-equipped members of society often face eviction, family crises, and debt collection (often medical debt) litigation. Resolving matters before they come to Court is often the most efficient and effective solution for people. ADR services help people find fair and equitable resolutions without going to Court.
Legal Navigator Portal (LNP) was developed by the Legal Services Corporation, the Pew Charitable Trusts, and Microsoft. It is a unique portal that provides legal information using artificial intelligence designed with Natural Language Processing and Machine Learning. The technology enables anyone to ask questions, and the system is "taught" to recognize potential legal issues and respond accordingly.	The LNP design approach seeks to address the needs of those who do not even know they're facing a legal issue. Studies suggest that 80% of those facing legal problems fall into this category. Access to justice must account for everyone – even those who "don't know what they don't know." Technology can provide beneficial legal assistance for those searching for answers to life's problems, for which the law is there to protect rights. NH can join other innovative states using this proven technology that fully complements access to justice initiatives included in this proposal.
Virtual Court Center A virtual court center provides online, user-friendly legal information designed explicitly for self-represented litigants. An online center helps citizens with Triage -- directing users to the proper resources for their issues. It also offers live help through telephone	Nearly 85% of the NH Circuit Court cases have at least one unrepresented party. The Virtual Court Center is geared toward helping these self-represented litigants (SRLs) involved in a civil legal matter but cannot afford an attorney. Many parties in civil cases must file their own court

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<p>support or online chat and access to guided interviews with document assembly in place of PDF forms. These Centers are also designed for accessibility, limited English proficiency, and plain language content.</p>	<p>documents, complaints, pleadings, etc. The 24 x 7 x 365 resource fills a significant gap in the access to justice continuum by providing legal information in a manner that is easier for a non-attorney to understand.</p>
<p>Data Collection to Measure Disparate Impact is designed to analyze current practices and develop metrics associated with fairness in courts. We will also use these funds to institute procedures and practices to eliminate discriminatory or other exclusionary practices to ensure equal justice for all.</p> <p>The NHJB will work with subject-matter experts to understand essential data points required to analyze fairness in the court system. The project will (1) Determine the appropriate metrics and associated core elements and calculations, (2) Include an analysis of all data collection modalities in the NHJB, especially the case management system, to determine what data are or could be collected, (3) Specify the metrics and their core elements for which data are not or cannot be collected, (4) Explain these issues and provide recommendations to improve data collection (e.g., business process changes or software system enhancements), and (5) Identify areas of disproportionality and disparities within the court system using empirical data to identify unfair practices and other barriers to equal justice for all.</p>	<p>This project will enable court leadership to understand potential disparate impact and unfairness by providing the following: (1a.) A detailed report that explains the findings from the analyses; (1b.) Reportable metrics currently available; (1c.) Critical metrics for which data are not or cannot be collected given the current data collection practices and limitations; and (1d.) A data remediation action plan to close the data gaps.</p> <p>The project also includes a second phase: (2a.) Data analysis using the case management system and available data from other data sources such as the US DOJ, US Census, etc., and (2b.) data-driven plans of action for policy and leadership development to address and relieve barriers (as informed by the data) that impede the public's access to justice.</p>