



New Hampshire Access to Justice Commission

2023 Annual Report

2023 in Review

The year started with a presentation from the Chief Justice of the NH Supreme Court. Gordon MacDonald who shared vital information on the NH Judicial Branch’s Weighted Caseload Study. Commissioners reviewed the data and other facts that clearly demonstrated a clear need to increase staffing levels. All agreed to support the upcoming NHJB funding request for additional staffing, particularly in the trial courts. Subsequently, additional judicial and non-judicial positions were approved in the FY24/25 state budget, and the NHJB is hiring, onboarding, and training new staff.

The Commission Task Forces continued their work on improving Justice Index¹ scores by implementing changes recommended in the Index. See *2023 Commission Activities* below for more details.

In April 2023 and continuing throughout the year, the Commission pivoted toward the American Rescue Plan Act Access to Justice Project (“ARPA A2J”). The funding opportunity described in the 2022 Access to Justice Commission report launched with the creation of the Office of Access and Community Engagement. Appendix A provides details on ARPA A2J.

The Commission will continue work on ARPA A2J, Commission membership, and planning for 2024.

Highlights of 2023 Commission Activities

- A working group was formed to research and prepare a response to a request from the Task Force on Domestic Violence – Recommendation 5.1.4 to “*explore the impact and feasibility of regularly allowing volunteer attorneys in domestic violence order of protection cases to appear remotely.*”²” Commission members representing the Circuit Court, 603 Legal Aid, and NH Legal Assistance offered six recommendations to improve

¹ National Center for Access to Justice: <https://ncaj.org/state-rankings/justice-index>

² <https://www.courts.nh.gov/sites/g/files/ehbemt471/files/inline-documents/sonh/final-task-force-recommendation-chart-color-coded-060722.pdf>

the current practice of remote hearings in D/V cases. The Report was given to the NH Supreme Court in late March 2023.

- The Civil Legal Needs Task Force focused on the issue of access to free copies of court records. Their final recommendation was to roll free copies into the revised Motion to Waive Filing Fees.
- The Fees and Fines Task Force proposed a revised Motion to Waive Filing Fees.
- User-Friendly Courts Task Force is focusing on Lawyer in the Library programs and has engaged several public libraries for training on court procedures and resources.
- The Limited English Proficiency Task Force worked closely with the NHJB AOC language access coordinators to revamp the Language Access Plan. Much of their work has been incorporated into the ARPA A2J Language Access Program Improvements project.
- Justice Bassett led the Pro Bono Working Group to begin the necessary work for voluntary Pro Bono Reporting. Rules and systems changes are in progress to support such reporting in 2024.
- In April, the Commission learned about the new ARPA A2J project and started participating in the biweekly project meetings hosted by the Office of Access and Community Engagement.
- The focus of summer 2023 was around membership and the possibility of recruiting new members outside the legal community. The Commission will also formalize its onboarding procedures.
- Co-chair Justice Bassett worked with the Policy Research Shop at Dartmouth to suggest projects for student work during the Fall and Winter terms (2023/2024). The PRS elected to study the Circuit Court's Navigator program.

Plans for 2024

The Commission plans to fully support the OACE ARPA A2J project. In addition to attending biweekly ARPA A2J Project Meetings to provide valuable external stakeholder input, Commissioners may also engage in requirements reviews, field testing, work product assessments, and similar tasks that provide a feedback loop to OACE as each project unfolds. The Commission holds a critical collaboration role necessary to ensure the voices of the Commission's constituents are heard.

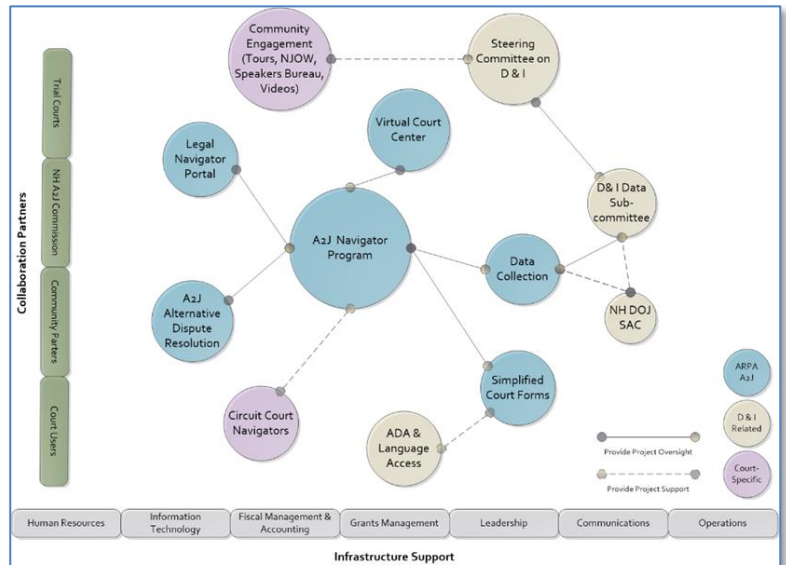
Summary

2023 has proven to be a pivotal year for the Commission. The NH Executive Branch provided the long-sought-after funding, and the Commission is tasked with implementing significant changes and improvements to the NH justice ecosystem. The Commission–OACE collaboration is critical, and Court and Commission leaders advocate for cooperation and mutual understanding. The approach will also have a profoundly positive impact on the historically marginalized populations in our State. Through careful planning, robust collaboration, and strategic procurements, ARPA A2J will be transformative as the first projects are completed in 2024.

Appendix A – Overview of ARPA A2J

In April 2023, the NH Supreme Court issued Supreme Court Administrative Order 2023-04³ that, among other items, established the Office of Access and Community Engagement (OACE) to assist the NH Access to Justice Commission (“Commission”) to carry out its duties. The order specifically advised OACE to oversee the six ARPA-funded projects related to access to justice. Immediately, the OACE provided a memorandum⁴ to the Commission to explain the high-level project design concepts that called out the primary objective of using the six projects (collectively known as “ARPA A2J”) to build a NH access to justice “ecosystem”:

- **Forms Simplification**
- **Language Access Program Improvements⁵**
- **Community Navigators**
- **Virtual Service Center**
- **Legal Navigator Nexus**
- **Data Collection**



ARPA A2J Provides Access to Justice Solutions

Each ARPA A2J project is designed to address common access to justice issues. Common issues, and the related ARPA A2J projects are listed below;

- To simplify processes for non-attorneys
 - Forms Simplification
- Remove language barriers (ESL & ASL⁶)
 - Language Access Program Improvements
- To reach those who do not know they have a legal issue
 - Community Navigators
- To provide face-to-face interactions (virtually or in-person)
 - Virtual Service Center
- To offer easier to use technology tools
 - Legal Navigator Nexus

³ See Appendix A

⁴ See Appendix B Memorandum

⁵ This project replaced the original Alternative Dispute Resolution project when the NH Circuit Court advised the Commission that ADR received adequate funding and would not require additional ARPA money.

⁶ ESL: English as a Second Language; ASL: American Sign Language

Compounded Outcomes

The ARPA A2J program design intentionally uses the following tenants as guidelines for planning and execution. Utilizing the key themes ensures a cohesive “ecosystem” design where the collective outcomes provide greater than the individual benefits of each project. This matrix explains the concept:

	Forms	Community Legal Navigators	Virtual Service Center	Legal Nav Portal	Language Access	Data Collection
Forms		Navigators offer simplified Forms	Center reports offer simplified forms	The Portal provides links to simplified forms.	Simplify for easier translation.	Collect feedback from users.
Community Legal Navigators	Use simplified forms		Volunteer Navigators staff the Center	Portal is a resource for Navigators	Use translated materials	Navigators collect intake data
Virtual Service Center	Provide access to simplified forms	Reps provide referrals to Navigator services		Portal is a resource for Service Center Reps	Use translated materials	Collect VSC intake data
Legal Nav Portal	Access simplified forms online	Use translated materials	Portal provides referrals to Center Reps		Incorporate Language Access concepts	Collect site usage data
Language Access	Translate forms & instructions	Use translated materials	Use translated materials	Explain ESL & ASL Services		Collect feedback for continuous feedback
Data Collection	Use feedback data to improve forms.	Provide data insights to Navigators	Provide data insights to Center Reps	Provide site usage data to improve the Portal.	Provide LA data to understand and improve LA services.	

Guiding Principles

The list that follows explains the important themes and key concepts to use when planning and executing each project:

- Invoke the “No wrong door” concept;

- Focus on civil legal matters;
- Work in collaboration with the wider justice community;
- Provide face-to-face interactions whenever possible;
- Offer technology tools that make it easier to find legal information;
- Leverage volunteers and community resources to provide services;
- Help people who struggle with language, cognitive reasoning, and physical impairments that may prevent them from telling their story in a court of law;
- Use a “Proof of Concept” implementation approach;
- Use ARPA funds through FY25;
- Seek additional grant funding in FY26-27;
- Evaluate Pilots: Included ARPA A2J in the NHJB budget (FY28-29).

Project Descriptions

Forms Simplification

This project will produce several form sets converted for ADA compliance and plain language. It will also include training (and leave-behind training resources) on best practices and techniques to enable NHJB to produce ADA-compliant/plain language forms. The OACE will issue an RFP and contract with a vendor to provide the required services and work products.

Community Legal Navigators

The ARPA A2J, Community Legal Navigator program introduces legal navigator training for community advocates who support NH residents with urgent matters related to housing, food insecurity, benefits assistance, and similar programs that serve historically marginalized people. Legal navigation, also known as Legal Spotting, aims to identify and assist populations who may not know they have legal rights and remedies available to them. This program seeks to identify and help the eighty percent of the population that is unaware they have a legal issue⁷.

The highlights of this new program include:

- Court Oversight through the Office of Access and Community Engagement
- Services are not limited to any specific court or case type

⁷Everyone Needs Legal Help. That Doesn't Mean Everyone Needs a Lawyer.

<https://www.nytimes.com/2019/02/13/opinion/legal-issues.html>

- Community service providers and volunteers, including students, retirees, and others qualified to provide legal information, are trained in Legal Spotting and Referral.

The ARPA A2J Community Legal Navigator project will build the infrastructure necessary to support existing navigators, including processes, policies, and procedures for recruiting, hiring, and community navigators. Subsequent project funding will build upon this foundation to provide specialty services such as navigators for those involved in domestic violence or sexual assault cases.

Virtual Service Center

The Virtual Service Center (VSC) is a court-supported extension of the A2J Community Legal Navigator Program. They are essentially navigators available via Teams for "on-demand" virtual video meetings with those seeking legal information⁸. The VSC is modeled after the MA Appleseed Center for Law & Justice's Report on building a virtual court service center.⁹The AOC will use ARPA funds to hire a part-time volunteer coordinator to manage volunteers for the VSC and the Community Navigators.

Language Access Program Improvements

NHJB's Language Access program is managed by the Office of Access & Community Engagement. This improvement project intends to improve support for ESL and ASL litigants. The subprojects include improved training, technology for real-time translation at the clerk's counter, and video remote interpreting.

Legal Navigator Nexus

This project – to be more fully planned in 2024 – is a technology initiative to provide and intuitive, well-designed, containing compelling legal information to non-attorneys. Standard search engines require the searcher to know key words and basic concepts before entering search criteria that returns useful results. Examples of information portals useful to self-represented litigants and others are:

- [Referral Search](#) - find legal help
- [Legal Screening](#) - helps to surface legal issues
- Legal Resources Referral Tool - examples

⁸ See Middlesex County Superior Court Virtual Help Desk for an example of a Virtual Service Center:

<https://www.mass.gov/info-details/middlesex-county-superior-court-virtual-help-desk>

⁹ Report: Turning on the Lights: How the Massachusetts Trial Court Could Deploy a Virtual Court Service Center to Assist Self-Represented Litigants (MA Appleseed 2019) <https://www.srln.org/node/1415>

- [Legal Navigator \(legalnavigatorhawaii.org\)](https://legalnavigatorhawaii.org)
- [Legal Link's referral search tool](#)
- [South Carolina Justice Navigators Network](#)
- [IL Legal Aid Online](#)
- [Oklahoma Community Justice Network – Oklahoma's Leading Legal Resource Website \(ocjn.org\)](#)
- [Montgomery County Domestic Relations Self Help Center](#)

Data Collection

The Data Collection project team will support the other groups by developing metrics to measure each initiative's outcomes. This team will leverage work completed by related project teams (Diversity & Inclusion Data Collection subcommittee and the Data Collection Phase 2 project underway with the NH Department of Justice – Statewide Analysis Center (SAC).) The diagram below shows the relationships among the three data collection projects.

This project requires a consultant/data scientist to evaluate the data collection landscape as pictured above, develop metrics and reports, and conduct analysis to help inform future program planning and funding.

Specific project design will be started in 2024.

The Access to Justice Commission's Role

NH's Access to Justice Commission members are critical stakeholders in the ARPA A2J Project. Their expertise is essential to properly defining requirements, brainstorming solutions, involving external constituents, and promoting new products and services to the larger justice community and NH residents.

The AOC will lead and participate in every project task, and the A2J Commission participants are the subject matter experts who will bring various experiences and perspectives to the discussions. Hour-long virtual meetings will be scheduled at the appropriate time for each project. Members are encouraged to get involved as little or as much as they care to, given individual circumstances.

The primary objective is to ensure the A2J Commission's view is reflected in the final work products.

Sustaining The System With Additional Funding

The NH Judicial Branch and a DV/SA victim service provider can secure additional funding from the Office of Violence Against Women's Justice for Families Program . The grant money would be used to augment the ARPA A2J system with services that support victims of domestic

violence and sexual assault. The DV Committee and other partners, such as 603 Legal Aid and the NH Coalition Against Domestic and Sexual Violence, can provide subject matter expertise to develop DV/SA services for the A2J Navigators, the Legal Navigator Portal, and the Virtual Court Center. This memo does not include details on the OVA JFF grant solicitation; however, it is mentioned here to suggest a possible sustainability plan for ARPA A2J.

Appendix B - Office of Access and Community Engagement

THE STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

ADMINISTRATIVE ORDER 2023-04

In accordance with Part I, Article 14 of the New Hampshire Constitution, the Supreme Court created the New Hampshire Access to Justice Commission (the Commission) with the goal to expand access to, and enhance the quality of, justice in civil legal matters in New Hampshire.

The order creating the

Commission set forth twelve specific duties related to that overall goal. Pursuant to its supervisory obligations, the Supreme Court hereby establishes the Office of Access and Community Engagement (the Office) within the Administrative Office of the Courts to assist the Commission in carrying out those duties, to engage relevant stakeholders and community members in expanding access to justice for all in civil and other legal matters in New Hampshire, to augment Judicial Branch information and communications on access-to-justice matters, to implement the Judicial Branch's Diversity and Inclusion Strategic Plan, and to oversee the collection and analysis of data relevant to the Office's functions.

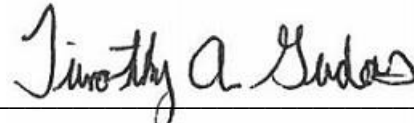
The Office shall, among other responsibilities, coordinate with the Commission to manage and oversee the following projects funded by the American Rescue Plan of 2021 (ARPA): (1) Forms Simplification; (2) Alternative Dispute Resolution; (3) Community Navigator Program; (4) Legal Navigator Portal; (5) Virtual Court Service Center; and (6) Data Collection.

The Office shall provide monthly status reports to the Director of the

Administrative Office of the Courts and quarterly reports to the Supreme Court. The final quarterly Report of each year shall be an annual report, which will be posted publicly on the New Hampshire Judicial Branch website.

Date: April 4, 2023

ATTEST:

A handwritten signature in black ink that reads "Timothy A. Gudas". The signature is written in a cursive style with a large initial 'T' and 'G'.

Timothy A. Gudas, Clerk
Supreme Court of New Hampshire

Appendix C – NH 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:

Commission Members & Task Forces

Task Forces

Co-leaders & Executive Comm.

User-friendly Courts

Cathy Shanelaris	cathy@sandslawfirm.com
Judge John Curran	jcurran@courts.state.nh.us
Margaret Huang	mhuang@courts.state.nh.us
Heather Kulp	hkulp@courts.state.nh.us
Rose Marie Joly	rjoly@suloway.com
Mary Searles	msearles@courts.state.nh.us
Richard Samdperil	rsamdperil@swnhlaw.com
Justice James Bassett	jbassett@courts.state.nh.us

Civil Legal Aid

Sarah Mattson Dustin	smattsondustin@nhla.org
Hon. Elizabeth Leonard	eleonard@courts.state.nh.us
Jon Ross	jross@primmer.com
George Moore	gmoore@nhbar.org
Steve Scudder	sbscudder@gmail.com

Appendix C – NH Access to Justice Commission

Co-leaders & Executive Comm.

Robert Dietel	dietel@gcglaw.com
Nina Gardner	ninagardner@gmail.com
Mark Rouvalis	mark.rouvalis@mclane.com

Accessible to All

Susan Zago	Sue.Zago@law.unh.edu
Marty Sink	M_sink@casanh.org
Christina Ferrari	cferrari@bernsteinshur.com

LEP Litigants

Emily Rice	erice@manchesternh.gov
Israel Piedra	ipiedra@lawyersnh.com
Judge Susan Ashley	SAshley@courts.state.nh.us
Brian Shaughnessy	brian@kskmlaw.com

Fees & Fines

Nathan Fennessy	Nfennessy@preti.com
Marcia Allison	MAllison@casanh.org
Connie Rakowsky	connie.rakowsky@gmail.com
Peter Nieves	pnieves@sheehan.com
Hon. Joseph N. LaPlante	Joseph_laplante@nhd.uscourts.gov

Public Relations

Kaitlin O'Neil	koneil@nco-law.com
William Pandolph	wpandolph@sulloway.com
Jaye Rancourt	jrancourt@brennanlenehan.com
Ramey D. Sylvester	Ramey.sylvester@mclane.com
Caitlin Dow	cdow@nhbar.org

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