



NH Judicial Branch Standing Domestic Violence Committee

DRAFT Committee Report

Attending: Judge Chabot, Jean Kilham, Anne Zinkin, Karen Gorham, Katie Tripp.

The NHJB Domestic Violence Committee met on November 9, 2022 to discuss:

- I. Public Service Announcement – Discussion –Anne Zinkin and Jean Kilham
- II. Video Training – Status – Jean Kilham
- III. Update on Reestablishing Coordinating Council’s – Judge Chabot
- IV. Recommendation 2.1 Discussion (Representatives of the Judicial Branch should establish a working group to include criminal defense attorneys, county attorneys, and attorneys representing parties in civil protection order cases to discuss how best to streamline a criminal case and a civil domestic violence case involving the same parties) - Update from Karen Gorham
- V. Update on Recommendation 5.1.4 request to the Access to Justice Commission (The Judicial Branch should explore the impact and feasibility of regularly allowing volunteer attorneys in domestic violence order of protection cases to appear remotely) – Dianne Martin
- VI. New Hampshire Legal Assistance Information Packet (Recommendation 5.17) – status update – Jean Kilham
- VII. Judge training about strangulation – update from Karen Gorham
- VIII. Current issues in the courts – Jean Kilham
- IX. Review and approve meeting report/minutes from October 12, 2022.
- X. Wrap up and next steps

At the meeting, the Committee first discussed the most recent version of the PSA, which reads as follows:

One step in protecting yourself or someone you know against domestic violence or stalking is to visit the nearest circuit court for a protection order. You can also visit the New Hampshire Judicial Branch website at www.courts.state.nh.gov to learn about how the protection order process works, access necessary court forms, view instructional videos, and read the legal guides on domestic violence and stalking. The website also has links to other community resources.

All present approved this version of the PSA.

The Committee next heard from Karen Gorham regarding Recommendation 2.1, which concerns establishing a working group to discuss how best to “streamline” a criminal case and civil domestic violence case involving the same parties. Karen shared that the working group has had its first meeting. The group includes Kim Filmore, Victim Witness advocate, Hillsborough County Attorney’s Office; Judge Zaino; Mary Krueger, NH Legal Assistance; and



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criminal defense attorney Andrew Cotrupi. Karen relayed that the group wanted feedback from this Committee to better understand its task. Anne Zinkin shared her understanding that the Task Force intended the group to discuss how best to ensure that judges are aware that cases involving the same parties are pending so that judges do not issue conflicting orders. As noted on page 21 of the Task Force’s Report, “The Task Force recognized the need . . . for better coordination of criminal cases and domestic violence cases involving the same people.”

Jean Kilham shared that one barrier is that courts may lack access to cases that are pending in other courts so it is difficult for court staff to readily identify the existence of other cases involving the same parties. Jean suggested that it may make sense to have someone from IT involved in the working group but more importantly, a Circuit Court Clerk of Court, who can better speak to such barriers. Katie Tripp agreed to participate in the working group.

To demonstrate why this work is important, Katie shared that she recently discovered that her court had three pending cases, all involving the same parties, and had she not discovered this fact, there could have been issues with the orders propounded. Moreover, it is possible that cases involving criminal domestic violence, divorce, and civil domestic violence, could exist in multiple courts making it more difficult to identify the connection and/or obtain copies of any relevant orders. Katie relayed that sometimes people have up to three identification numbers in Odyssey. There are other limitations in Odyssey that provide barriers to a staff person’s ability to obtain information about companion cases.

Jean referenced page 21 of the Task Force Report, which summarizes work that the Judicial Branch’s Office of Mediation and Arbitration and the Circuit Court completed in 2018 with the Battered Women’s Justice Project to assess how litigants with a history of domestic violence experience the processing of divorce and parenting cases. Based upon recommendations from the Battered Women’s Justice Project, in 2020 and 2021, the Circuit Court trained case managers and court-appointed mediators on domestic violence. Jean suggested that Karen might want to learn more about the Battered Women’s Justice Project’s work by reaching out to appropriate Circuit Court managers because that work might be helpful to the work of Karen’s group.

Jean next informed the Committee that New Hampshire Legal Assistance is developing multiple informational packets and/or handouts to be available in courthouses, which should satisfy Recommendations 1.4, 4.1, and 5.1.7.

The Committee next heard from Karen about her continued work with The Training Institute on Strangulation Prevention and Alliance for Hope International regarding judicial training on felony strangulation and the LAP assessment. She advised that the best option would be to have a remote, 3-hour training (1.5 hours over the course of two days), which would be recorded and housed on the NHJB’s LMS system so that judges who are unable to attend



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the remote training could watch it at their convenience. The estimated cost of the training is \$7,000-\$8,000. There is no limit on the number of judges who may attend. Going forward, the training could be part of a new judge orientation.

The Committee next heard from Jean, who shared a concerning incident of how a temporary protection order was served by a police department. Specifically, a police department called a defendant to advise him of the existence of the protection order but did not serve the order until the following day. This is a problematic practice because it provides the defendant an opportunity to hide or dispose of firearms, evade service, or violate the order without repercussion. Upon information and belief, in this instance, the defendant reportedly sold his firearms before the order was served and contacted the protected party by text. Jean contacted the county attorney who spoke with the police department in question about proper service of protection orders.

Finally, the Committee discussed the poster on which Susan Warner, Brian Eddy, and Anne had worked. Judge Chabot noted that, right now, the poster depicts female judges only (Judges Carbon and Spath). Judge Chabot recommended that the poster also depict a male judge. Otherwise, the implicit message of the poster is that intimate partner violence affects women only. She recommended that the Committee ask the trial court center for photos of male judges, such as of Judges Pendleton or Yazinski. Jean suggested that the poster include QR codes to enable viewers to access material on the Judicial Branch website, among other websites. All present expressed approval of that idea.

Recommendations and tasks completed following November 9, 2022 meeting	Recommendations 1.4 and 5.1.7 (NHJA brochure) (continued) Recommendation 1.5 (judicial training) (continued) Recommendation 2.1 (working group creation) (continued) Recommendation 4.1 (stakeholder flowchart) (continued) Recommendation 5.1.1 (Publicize the availability of NH Law About . . . guides) (continued) Recommendation 5.1.7 (stakeholders and NHJB should create “What You Need to Know” Fact Sheet) (continued)
Expectations for next meeting	Committee members will review the draft report from October 12, 2022, so that the Committee can approve that report at its next meeting; Karen will reach out to appropriate NHJB managers about the work of the Battered Women’s Project; and Anne will look into obtaining photos of male judges for insertion in the poster.