

Nashua Telegraph – July 20, 2010

Judicial budget cuts a cause for concern

Nashua Telegraph Editorial Staff

If you were wondering when your civil trial might get posted on the court calendar, you can relax – chances are that isn't going to happen for quite a while.

That's one of the new realities of conducting judicial business in New Hampshire now that state court officials have found it necessary to cut back services to the public even further in the midst of the state's ongoing budget challenges.

Last week, the judicial branch announced the number of jury trials in the state would be reduced by one third through June of next year, the latest action by court administrators to cope with a \$3.1 million budget cut imposed by the Legislature this spring for the 2010-11 fiscal year.

This move is expected to result in a savings of about \$280,000. Previous actions have included the enactment of 14 unpaid furlough days – in which all the courts are closed, barring emergencies – a reduction in the use of “per diem” judges, keeping 62 vacant positions open and freezing nine judicial vacancies.

Given that the U.S. Constitution grants criminal defendants the right to a speedy trial, the real impact of this action will be felt on the civil side of the courts – or at least what's left of it.

“I think it will mean civil jury trials will be relatively rare for the next year,” said Judge Robert Lynn, chief justice of the state's superior courts. “I think it's going to be rather difficult, if not impossible, to get heard within the next year.”

Here in the southern district of Hillsborough County, the revamped schedule means there will be no jury selection the week of Aug. 9, the months of December, February 2011 and April 2011, and the first two weeks of June 2011. The jury selection schedule varies from county to county around the state.

Given the devastating impact of the recession on state budgets across the country, it should come as no surprise that New Hampshire isn't the only state looking to its judicial branch for some budgetary savings:

- In California, all the courts were closed the third Wednesday of the month from September 2009 through June 2010 for an anticipated savings of \$85.4 million. What's more, nearly 70 of the 580 courtrooms in Los Angeles are expected to be closed come September in what is the largest county court system in the nation.
- In Hawaii, the Legislature voted last year to shut down its court system two Fridays each month starting in November 2009. Lawmakers also reduced the judiciary budget by 20 percent.

- And in Massachusetts, a state committee last week recommended temporarily closing district courts in Gloucester, Hingham, Leominster, Wareham and Westborough in order to compensate for a \$21 million shortfall.

Still, as we stated a few months ago when we opposed Gov. John Lynch's push to reduce the judicial branch's budget by another \$4 million, we seem to be getting dangerously close to failing to meet our obligations under the state and federal constitutions.

Neither document makes any exceptions for budget shortfalls when it calls for speedy trials for criminal defendants or the "sacred" right to have a civil trial by jury.

Earlier this year, the New Hampshire Supreme Court recruited business, legal and legislative leaders to serve on the Judicial Branch Innovation Commission, which was charged with trying to strike a balance between the rising demand for court services at a time of declining state resources.

The commission is expected to present its recommendations by Jan. 1, 2011.

When it does, we hope it remembers the judicial branch is just that – a co-equal branch of state government – not a state agency subject to the whim of state budget writers.

That doesn't mean efficiencies can't be found there; just that there are some constitutional obligations that shouldn't be compromised.