

Governor's Commission on Domestic Violence, Sexual Assault and Stalking Meeting DRAFT MINUTES

Thursday, September 22, 2022 10:00 a.m.-11:30 a.m.
AOC, One Granite Place, Room 422, Concord, NH OGP Training Room 422

In attendance: Abby Simon, Senator Sharon Carson, Lyn Schollett, Scott Hampton, Danielle Snook, Steve Endres, David Hobbs, Diane Martin, Andrew Livernois, Representative Jodi Nelson, Attorney General John Formella, Judge Ed Kelly (via video teleconference), Angelika Wilkerson, Mary Krueger

Review and Approval of August 25, 2022, Meeting Minutes

- Because of 91A rule, voting occurring only with members physically in the room: No changes
- Motion to approve minutes as presented: Senator Carson
- Second: Lyn Schollett
- Abstentions: Abby Simon, Ann Landry and Scott Hampton
- Mary Krueger: Our minutes are the only official record of the Commission meetings

Review and Update of the Supreme Court Task Force Discussion on Domestic Violence Cases in the New Hampshire Judicial Branch, presenter New Hampshire Supreme Court Justice Hantz Marconi.

- Judge Hantz Marconi:
 - After an incident occurred last fall, an internal investigation recommended a task force which Judge Hantz Marconi led.
 - The task force was started December 1, 2021 and produced a report March 1, 2022. The task force included various stakeholders. Formed working group. Met 2-3 times/week. Organized around 6 specific charges. Goal was to identify issues and make recommendations.
 - The Commission on Domestic Violence, Sexual Assault and Stalking stopped meeting mid-teens and resulted in communication gaps.
 - **First charge** - review of current court practices
 - recommendations-many branch specific
 - improving public experience
 - harmonizing paperwork process
 - effective orders of protection
 - **Second charge:** review current status of the law
 - for example protective order for sexual assault doesn't exist but would require legislative action
 - simultaneous criminal and civil cases

- caseloads challenging- circuit court 25,000 hearings/year. 15 a day/judge
 - identify other resources like the battered women's justice project.
- **Third charge:** gap in publication of non-precedential orders
 - VAWA prohibits online posting without scrubbing them so gap 5-6 years not online. Could still access on paper, email but not on internet. Non-precedential but still helpful guidance.
 - Sen. Carson asked, "what is non-precedential?"
 - Judge Hantz Marconi replied that non-precedential does not constitute or set a precedent, not in case law. Court releases orders that are rule law.
 - Have to also balance with right to know
 - Have to look at what is identifying info
- **Fourth Charge:** review of current court forms
 - Make sure responsive to litigants
 - Make more user friendly and accessible
 - Judges need complete petitions to make informed decisions. For example, flow charts that describe process can't be legal advice but something stakeholders can share.
- **Fifth Charge:** explore available legal and advocate assistance for survivors
 - History of existing programs
 - There is a gap in support for modest income earners
 - Don't have legal representation or advocates for sufficient number of litigants. See pie chart.
 - 95% self represented stalking orders
 - 87% self represented domestic violence protective orders
 - Recommendations: More education, funding, better communication between courts and crisis centers
- **Sixth Charge:** review current state of relationships
 - Formed Governor's Commission 1993, review of timeline
 - Recommend reestablishing Commission
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- **Seventh Charge:** other
 - Transparency & Accountability=better data
 - Firearms relinquishment
 - Wire-tapping and eavesdropping may be low hanging fruit for the legislature
 - Court Approved batterers intervention: no uniform standards

- Separated out what Judicial Branch can do and what this group can do
- Two biggest recommendations: Standing committee DV in Judicial Branch & reconvene this commission

Diane Martin DV Committee/Task Force

- DV Committee on Domestic Violence Update, Q & A
- Creation of a Standing Committee, per Charge 1.1 -
- Committee members comprised of Diane Martin, Chair, Judge Chabot, Karen Gorham, Jean Kilham, Katie Tripp, Ann Zinkin
 - Tasked with review of protocols and revisions in progress 1-5 within 6 months.
 - Best practices-refer to crisis centers
 - Meeting monthly
- 41 recommendations and tasks (see spreadsheet for entire list)
 - **1.4**
 - external info sheet/brochure legal services/crisis centers to share with plaintiffs
 - **1.5**
 - included increased circuit court staff in budget request
 - conducted workforce study and have identified staffing gaps
 - training judges and staff-not enough time
 - twice month dedicated professional development time
 - **1.6**
 - audit of court space
 - Access to Justice Commission working on user friendly practices looking at libraries for legal information and remote access
 - **2.1**
 - hybrid workgroup on criminal/civil coordination
 - **2.4** legislative recommendations
 - **4.2**
 - Spent a lot of time on website. An intern wasked to see if they could find what they need.
 - Feedback welcome-changes aren't difficult
 - Forms-when is the motion to extend deadline?
 - **5.1.1**

- NH “law about” guides & videos more prominent
- **5.1.3**
 - Legal Aid should explore enlisting more volunteer attorneys to help survivors draft legal documentation
 - Senator Carson: passed legislation re: paralegals who would be able to assist with this
 - Judge Hantz-Marconi: that will be really helpful
- General discussion regarding Charge Five recommendations
 - Judge Hantz-Marconi: Access to Justice navigator program available to all
 - Mary Krueger: Manchester circuit court starting in October providing assistance targeted to DV
 - Diane Martin: working to identify resources for 603 onsite & remote
 - Angelika Wilkerson: focused on drafting stage of petitions. Granted temporary but not always complete. So if can’t have attorney at final hearing, will have better record.
 - Mary Krueger: Family Justice Center Pilot previously in Manchester assisted with drafting. We know it works, but need resources to do it.
 - Judge Hantz-Marconi: also helpful to defendant so they can properly defend. Helps process.
 - Senator Carson: Information is very siloed. I wish I had known that resource is available. Develop a way for better communication to serve both plaintiffs & defendants.
 - Diane Martin: Judicial Branch referred suggestion about remote representation
 - Judge Hantz-Marconi: particularly in north country
 - Angelika Wilkerson Wilkerson: from pro-bono perspective during covid remote hearings could represent someone anywhere in state. Excited to see what Alliance for Justice recommends.
 - Diane Martin: increase pro-bono and resources for appeal, collaborating with the bar on CLE to provide more information to attorneys to encourage taking cases
- **Charge 5**
 - external partners
- **Charge 6**
 - reconvene Fatality Review Committee
 - continued conversations with Coalition and courts

- Mary Krueger: Domestic Violence Advisory Council meets quarterly since mid 2000s NHCADSV, NHLA, 603 Legal Aid, DOJ, police. Discuss how issues are being handled in the courts and problem solve. Standing item “court watch”. Is it a system issue or an outlier?
 - Lyn Scholett: how does DVAC get recommendations to court?
 - Mary Krueger: discuss as a group whether NHCADSV has already identified if not DVAC might recommend to courts.
 - Lyn Schollett: value to multi-disciplinary
- **7.b.2**
 - hybrid group firearms & search warrants. Carbone available to assist
- **General Discussion regarding the Task Force Recommendations**
 - Judge Kelly: acknowledges the enormous amount of work done in a short time. Can we have regular report at meetings? This group needs to identify external/hybrid where no one is taking on and prioritize those.
 - Diane Martin: can send out the table and updated chart with progress report & powerpoint is on website.
 - Judge Hantz Marconi: biggest issue was opportunity for communication which is why so great that this group is meeting
 - Senator Carson: legislation can be filed post-election
 - Judge Hantz Marconi: some things Judicial Branch can do-technical, but not policy

Senator Carson motion move agenda items 5 -9 on to next month, Group agrees

Senator Carson: We can start thinking about legislation in the interim and share LSRs

Executive/Steering Committee

Request to vote to add member (Diane Martin) to the Steering Committee

Motion to add Diane Martin: Andrew Livernois

Second: Senator Carson

Voice vote all in favor, no objections or abstentions

Group Announcements

Mary Krueger: Next meetings October 27th and November 17th

Danielle Snook: Update 450 people attended AG’s Conference Partnering Against Violence

Lyn Schollett: Wednesday October 26th Law Review Day NHCADSV & DOJ

Motion to adjourn: Senator Carson

Second: Scott Hampton

Voice Vote, all in favor to adjourn

Respectfully submitted by Representative Jodi Nelson