



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

June 10, 2021

Taylor Caswell
Director
Governor's Office of Emergency Relief and Recovery
100 North Main Street, Suite 100
Concord, N.H. 03301

Dear Director Caswell,

Pursuant to my authority under RSA 21-P:43; RSA 4:45; RSA 4:47; and Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21, 2020-23, 2020-24, 2020-25, 2021-01, 2021-02, 2021-04, 2021-05, 2021-06, 2021-08, and 2021-10 I have approved your written request, in attachment, to take the following actions related to the CARES Act Coronavirus Relief Funds:

1. Authority for the Governor's Office for Emergency Relief and Recovery (GOFERR) to transfer up to \$395,885 in Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) to the New Hampshire Judicial Council to cover eligible COVID-19 related increased expenses for indigent defense costs incurred from July 1, 2020 to June 30, 2021. Budgeted consistent with the request, in attachment, effective through December 31, 2021. (100% Federal Funds)
2. Authority for New Hampshire Judicial Council to accept and expend up to \$395,885 in CARES Act CRF funds from GOFERR for increased indigent defense costs that are in excess of the amount budgeted as a result of increased need for these services due to COVID-19. Budgeted consistent with the request, in attachment, effective through December 31, 2021. (100% Federal Funds)

The Department of Administrative Services is authorized to take the actions necessary to effectuate this authorization.

Sincerely,

A handwritten signature in blue ink that reads "Christopher T. Sununu".

Christopher T. Sununu
Governor

CC: Charles Arlinghaus, Commissioner, Department of Administrative Services
Sarah Blodgett, Executive Director, New Hampshire Judicial Council



STATE OF NEW HAMPSHIRE



GOVERNOR'S OFFICE

for

EMERGENCY RELIEF AND RECOVERY

June 9, 2021

His Excellency, Governor Christopher T. Sununu
State House
Concord NH 03301

REQUESTED ACTION UNDER RSA 21-P:43, RSA 4:45, RSA 4:47, AND EXECUTIVE ORDER 2020-04, AS EXTENDED BY EXECUTIVE ORDER 2020-05, 2020-08, 2020-09, 2010-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21, 2020-23, 2020-24, 2020-25, 2021-01, AND 2021-02, 2021-04, 2021-05, 2021-06, 2021-08 AND 2021-10

Dear Governor Sununu:

1. The Governor's Office for Emergency Relief and Recovery (GOFERR) requests that the Governor authorize the allocation and grant authority to transfer up to \$395,885.00 in Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding to the New Hampshire Judicial Council (NHJC), vendor# 177871, Concord, NH, to cover eligible COVID-19 related increased expenses for indigent defense costs incurred from July 1, 2020 to June 30, 2021. 100% Federal Funds.

Funds for this transfer are available in 01-02-002-020210 - Governor's Office for Emergency Relief & Recovery, 19110000 - Office of the Director, as follows:

085-588507 - Inter-Agency Transfer of Federal Funds

FY2021
\$395,885.00

2. Contingent upon approval of Requested Action #1, authorize the NHJC to accept and expend up to \$395,885.00 from the GOFERR for increased indigent defense costs that are in excess of the amount budgeted as a result of a spike in the need for these services due to COVID-19. These appropriation will be budgeted in FY2022 as allocated below:

Class	Account	Requested Budget
02-07-07-070010-19380000 CONTRACT COUNSEL	500731	
102 - CONTRACTS FOR PROGRAM SERVICES		\$ 395,885.00
Total		\$ 395,885.00
Source of Funds		
00D – INTERAGENCY TRANSFER OF FUNDS	488502	\$ 395,885.00

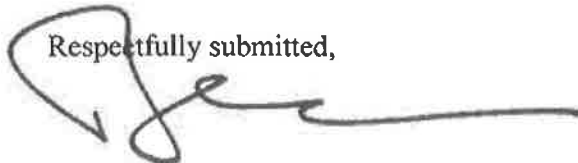
EXPLANATION

This request asks the Governor to authorize the emergency allocation and expenditure of up to \$395,885.00 to Judicial Council, to cover increased indigent defense costs that the Judicial Council will incur that are in excess of the amount budgeted due to a spike in the need for such services due to COVID-19 that are incurred from July 1, 2020 to June 30, 2021.

The Judicial Council estimates that there will be an increase of at least \$395,885.00 in costs that it must pay by statute to acquire indigent defense counsel between what was paid in FY 2019 and FY 2021. This increase is directly tied to the public health emergency because courts around the state had to suspend most in-person proceedings including jury and bench trials. Because many cases did not resolve during the state of emergency, New Hampshire Public Defender (NHPD) caseloads exceeded contractual limits, resulting in an unprecedented closure to new appointments. These new cases had to be assigned to the contract attorney program. The increase in contract attorney appointments resulted in unanticipated and unbudgeted expenses.

All unbudgeted expenses due to COVID-19 must be incurred by the recipient before December 31, 2021.

Respectfully submitted,



Taylor Caswell,
Executive Director, GOFERR