

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

July 21, 2023

Chris T. Sununu, Governor
State of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Jeb Bradley, President
New Hampshire Senate
State House, Room 302
107 North Main Street
Concord, NH 03301

Sherman Packard, Speaker
New Hampshire House of Representatives
State House, Room 311
107 North Main Street
Concord, NH 03301

Kenneth Weyler, Chairman
And Members of the New Hampshire Joint Legislative Fiscal Committee
State House, Room 102
107 North Main Street
Concord, NH 03301

Re: 2023 Quarter Two Report for the YDC Claims Administration and Settlement Fund

By the end of Quarter 1 on March 31, 2023, we had received 38 filed claims. As Quarter 2 closed on June 30, 2023, we had received an additional 54 claims. The majority of these claims do not involve a previously filed suit in the Superior Court. The vast majority of claimants are represented by counsel. A small number of claimants who initially filed without counsel subsequently retained counsel to represent them in the claims process.

As of June 30, 2023, the Attorney General's Office (AGO) has settled 8 filed claims, which we are required to approve for payment processing from the YDC Settlement Fund so long as process is followed (such as the

P.O. Box 1930, Concord, NH 03302-1930

Phone: 603-415-2136

Fax: 603-798-3420

email: claims@ydcclaims.nh.gov

www.ydcclaims.nh.gov

claimant has elected form of payment). These 8 settlements total \$4,887,500.00. Some were settled for the full amount and some were settled for partial amount of the filed claim.

In the opening month of Quarter 2, we relocated to a space more conducive to our growing operations and processing needs. Our claims operation continues to run well, and we anticipate increased claims volume in the coming quarters. We are preparing for that as we build out enhanced technology, project management, fact facilitators, some additional paralegals, and trauma-informed professionals to our team. We have retained necessary consulting services as well. Our focus remains on ensuring that our administrative claims process is confidential, efficient and trauma-informed, consistent with legislative intent.

A significant development in the claims process this quarter has been the legislative amendment to RSA 21-M:11-a (effective July 1, 2023). The amendment allows claimants who do not reach a settlement on their filed claims with the AGO the opportunity to request a trauma-informed resolution proceeding with the YDC Claims Administrator to decide their claim, without having to first waive their rights against the State. Claimants in the process who select a resolution proceeding on or after July 1 will be able to follow the new statutory amendment. Notice of the amendment has been posted on our website.

We proposed the amendment, and the Attorney General supported it, to help develop an administrative process that succeeds in meeting the legislative intent to provide a much-needed alternative to litigation for resolving claims against the State that are eligible for recovery under the Fund. I expect that more claimants now waiting in a long line for a jury trial in Superior Court may elect to file in the administrative process. A claimant, if they choose, can now have two independent opportunities to resolve their claim in the administrative process without prejudice to seeking remedy in the Superior Court. If a claimant is successful in the administrative process, they get the benefit of a trauma-informed approach to resolving their claim in a timely and confidential manner. A jury trial in Superior Court will be a very different experience.

If a claim is resolved after a resolution proceeding with the Administrator and the claimant elects to accept the Administrator's decision, it is binding on both the claimant and the State. No appeal is allowed. This provides certainty. If a claimant rejects the Administrator's decision, they can return to their filed suit in Superior Court or file a suit in the Superior Court if they haven't done so yet. This provides choice.

At the start of Quarter 3, we have begun the process of seeking revisions to the *Claim Process for Administration of the YDC Settlement Fund* document (requiring approval by Joint Fiscal Committee) to conform to the legislative amendment. A few small revisions to the *Claim Packet* will be proposed as well in light of the location change for our office space and helpful clarifications in response to inquiries we have been receiving.

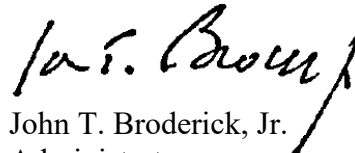
We continue outreach to various stakeholders, including claimants' counsel. To date, we have hosted two sessions inviting informal dialogue with claimants' counsel in April and June, for which the AG Designee was present and participating. We have used those sessions to explain our process and expectations, clear up any confusion, answer questions, and listen to any suggestions, observations and concerns. Both sessions have been candid, respectful and constructive. We also continue our efforts to get basic assistance for the self-represented, especially for those currently residing in correctional facilities who may need help filling out forms and understanding our administrative process. We continue to enhance our website and our resources to offer assistance and intend to pursue additional reach out with informational materials.

Page Three
July 21, 2023

If there is any interest, especially with the Joint Fiscal Committee, to discuss my observations surrounding the Fund and the process, I would be happy to make myself available.

As Administrator of the YDC Claims Administration and Settlement Fund and in accordance with my statutory reporting obligations, I am submitting this report of our operations for Quarter 2. If you have any questions, please let me know.

Respectfully submitted,



John T. Broderick, Jr.
Administrator
New Hampshire Youth Development Center
Claims Administration and Settlement
Fund

CC: Michael Kane, Legislative Budget
Assistant
Office of Legislative Budget Assistant
State House, Room 102
107 North Main Street
Concord, NH 03301

Jennifer S. Ramsey, Senior Assistant Attorney
General
Civil Bureau
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301
jennifer.s.ramsey@doj.nh.gov

John M. Formella, Attorney General
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301
attorneygeneral@doj.nh.gov