

New Hampshire Youth Development Center Claims Administration and Settlement Fund

John T. Broderick, Jr.
Administrator

April 14, 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 One Report for the YDC Claims Administration and Settlement Fund

I was appointed by the New Hampshire Supreme Court on October 6, 2022, to be the full-time Administrator of the newly created YDC Claims Administration and Settlement Fund. Claimants' counsel and the Attorney General jointly recommended me for appointment. I was honored to accept it. The post of Administrator presents a unique opportunity for further public service. I felt uniquely suited to assist because of my years as a trial lawyer and judge, coupled with my mental health advocacy work.

My first task was to assemble a small, committed and competent staff, while also working with the Administrative Office of the Courts on a number of needs including to find space for our operations in its facilities. Our initial work involved creating a website,

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identifying and acquiring appropriate and secure technology and capacity, generating and posting notices required by statute, and reaching out to stakeholders and potential consultants. The beginning success in fashioning a confidential, timely and workable process consistent with statutory mandates will likely need some adjustments as time unfolds and we see areas to adapt. If any changes require legal approval of the Joint Fiscal Committee, I will, of course, be in direct contact with the Committee.

Before our claims operation opened on January 1, 2023, I met informally with counsel who represent hundreds of people with lawsuits pending in the superior court to explain my initial expectations for the Fund and its claims process, to gather their suggestions and concerns, and to answer their questions where appropriate. The Attorney General's designee, who is charged with managing the administrative claims process for that office, attended as well. I thought the meeting went well and plan to have informal and open discussion with counsel periodically as we build out our collective efforts. This will also involve those attorneys who have since stepped forward to serve on the volunteer attorney list. At the December discussion, I emphasized that my role as claims administrator for the Settlement Fund is independent and neutral. In this role, I want to work as collaboratively as possible with claimants, counsel, and the Attorney General's designee to do all we can to fulfill expectations for fairness and efficiency while ensuring that the claims process is trauma-informed and focused on victims of abuse eligible for recovery under the Fund. It is a high priority for my staff to receive training and advice to ensure that we, and the process I oversee, will be in full compliance with this legislative mandate.

A number of potential claimants are currently incarcerated. My staff and I have been working with the Department of Corrections and the superintendents of the county houses of corrections to ensure that DOC residents are having their needs met as much as possible. We are working together to make sure that DOC residents are aware of the claims process, have access to the claims packets, are able to reach our office by phone, and will have access to therapists and counselors if completing the claim form becomes emotionally difficult. To date, I have been very gratified and appreciative of the cooperation we have received. This will be a continuing effort to make sure those who are incarcerated have appropriate access to the claims process.

The website for YDC claims administration is key for providing practical and useful information to the general public and government officials, as well as to claimants and counsel. For example, we have posted a number of "Frequently Asked Questions" in Question/Answer format for easy access. The FAQs should answer some initial inquiries we have received while saving time for claimants, counsel and our staff. We have also posted a brief, narrative outline of the claims process to highlight its mission, its structure, its expected timeline and also to discuss how it differs from the litigation process.

Because those currently incarcerated face specific challenges accessing our process, we have posted a separate narrative for them on our website. We plan to periodically refresh the information on the website and soon will add one or two short instructional videos to assist those contemplating filing a claim. The instructional videos may be particularly helpful to those who are incarcerated, to those who are unrepresented by legal counsel, and to those who are new to the YDC claims administration process.

At this point we believe we have met our goals for Quarter 1 and look forward to Quarter 2. But as you certainly appreciate, setting up a one-of-a-kind outward-facing claims operation with just a few months lead time is no small undertaking. This is punctuated by the significant public responsibility and confidentiality protections for claimants put in place by the Legislature. Our staff has been tireless and unrelenting. We have also benefitted from cooperation of many stakeholders including the State Department of Corrections, the New Hampshire Bar, the Administrative Office of the Courts, claimants' counsel, and the Attorney General designee.

Because the operation of the claims process is confidential in accordance with the legislative mandate and because the work of the Administrative Office of the Courts also requires confidentiality, it has been a challenge for all concerned to accommodate the space we need. Accordingly, our operation will be moving to a new location in Concord at the end of April. Both the Chief Justice of the Supreme Court and the Attorney General have signed off on that move and the related expenses that will be involved. The move will allow our operation the expansion it will likely need as more claims are received and the claims process develops with claims filed.

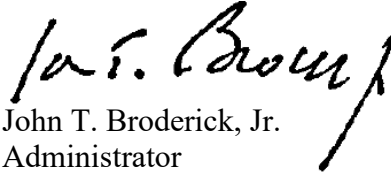
At this point, we are not in a position to estimate the number of claims that will be filed in Quarter 2, the amount of those claims or how much might be paid out from the Fund to resolve them. There is simply no way of knowing at this early date. Nevertheless, inquiries and dialogue during Quarter 1 give a fair indication that more claims will be filed and new claims may exceed those filed in Quarter 1. To give a picture, filed and anticipated claims cover situations where there is a related lawsuit and those that do not. A general measure of costs to be incurred for claims processing in Quarter 2 is identified in this first report. These anticipated costs identified in the Quarter 1 report involve both processing for any newly filed claims and continuing to process existing claims in the next stages which may or may not involve investigations and resolution proceedings.

It is my goal to keep administrative costs as low as possible, in order that funding go to the victims of abuse. As we move forward in the quarters, I will do all I can to project costs in coordination with the Attorney General's Office for the Joint Fiscal Committee.

If there is any interest, especially with the Joint Fiscal Committee, to discuss informally with me my early thoughts and impressions 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 1. 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:

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