

**Supreme Court of Vermont  
Office of State Court Administrator**

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**TO:** Senator Jane Kitchel, Chair  
Senate Appropriations

**FROM:** Patricia Gabel, Esq., State Court Administrator

**RE:** H.875 – the Big Bill

**DATE:** March 31, 2016

I write on behalf of the Vermont Judiciary to provide input to the Senate Appropriations Committee as it deliberates the House version of H.875 – the Big Bill.

First, we must express our thanks and appreciation to: House Chair Mitzi Johnson; Representative Mary Hooper (our liaison); and the rest of the House Appropriations Committee. Their actions provided funding for the annualization of last year's Pay Act and health insurance increases, which together constitute the vast majority of the Judiciary's base funding needs. As you've heard us describe, the Judiciary is a labor-intensive endeavor, which for important justice reasons is primarily funded with General Funds. As a result, any reduction to base funding in the short-term is critically disruptive to our operations. As you know, the Judiciary is engaged in a variety of efficiency efforts – both large and small – to provide the highest quality judicial services while being as prudent with state dollars as possible. These efforts, however, are not a substitute in the short-term for adequately funding our operations. We are therefore very appreciative of the House's actions to do so.

As you undertake your review of the FY 2017 state budget, we ask that, to the extent possible, you address the following:

- **Eliminate House language re Franklin County study and eliminate funding restriction for new Superior Judge:** We know of no justification to eliminate funding of the new Superior Judge position. Our Weighted Caseload Study supports the need to fill this new position even before consideration of the Governor's initiative or the call for the Franklin Study. The Governor's proposed abuse and neglect package, by adding DCF caseworkers, state's attorneys, and public defenders, will feed additional cases into the Judiciary, exacerbating the current abuse and neglect caseload crisis. The Judiciary needs this resource to meet federal and state case processing standards.

The Supreme Court does not support the proposed language regarding the Franklin caseload study for a number of reasons, including the following:

- it cannot be fulfilled responsibly in the time limits identified in the proposal,
- it seems to limit the study to one local region when the issues it seeks to address are statewide, and
- it conditions the additional FY17 judge position on the outcome of this local study.

We would like to point out that the attorneys handling abuse and neglect cases are, for the most part, state-funded counsel whose interests may not align with the interests of the private bar represented by the VBA or the local Franklin/Grand Isle Bar Association.

- **Provide \$75K funding for 3% rate increase for Sheriffs providing court security:** This request is a base funding need for the Judiciary. As we stated at our budget hearing, the Sheriffs did not receive a rate increase last year, despite increases in their costs (deputy pay increases; health insurance costs; training; etc.). An action by the Judiciary to grant a rate increase this year without legislative funding would put the Judiciary in the position of creating an ongoing base fiscal deficit, just at the time when the Judiciary has made tremendous efforts to eliminate its operating deficit. Alternatively, many Sheriffs have expressed concerns about whether they are willing to continue to provide services in the absence of a rate increase. We have been advised that the House plan includes a 2% rate increase (inadvertently included in the Sheriffs transport appropriation). We very much appreciate the House action, and request that the Senate add the remaining \$25K to fund the full 3% request.
- **Provide funding for additional court security officers:** As you know, last year the Legislature required a locally-based and multi-partner study of courthouse security. And as we presented to you, that study confirmed the findings of the prior study by outside security experts. Both studies found that court security officer coverage was stretched far too thin over many the courthouses. For instance, best practices call for at least two armed officers at each entrance screening post; in Vermont, in many cases we have only one armed officer. In a few cases, we have none. The current report requests 18 additional court security officers (primarily deputy sheriffs) at an annual cost of \$936,000, as the first year of a two-year increase. We recognize that this is a difficult budget climate, and we would be happy to work with your committee to identify a more incremental approach to provide additional coverage.
- **Provide \$101K one-time funds for video appearances rollout:** The Governor included these funds in his recommendation but they were removed by the House. The video appearances initiative has already had a successful pilot implementation in Chittenden County. The Judiciary was challenged by the other branches to initiate an endeavor to restructure operations. The Judiciary took the challenge and brought together the other justice partners to make the pilot successful. Each and every video appearance that takes place is an improvement in safety and efficiency versus physical transport. If provided the

funds to fully roll out the pilot statewide, these benefits will become more tangible in reduction of incidents and lower transport costs. To stop or slow the statewide rollout by failing to fund this initiative would be contrary to the Legislature's justifiable focus on better use of state resources. It should be noted that no specific objections to the project were stated in the House; in fact, many House Appropriations Committee and House Judiciary Committee members expressed their support.

The Judiciary certainly understands the difficult fiscal pressures that your committee confronts, and we seek to be good partners in the judicious use of state funds. But we would be remiss not to bring the above items – and the negative impacts on the provision of judicial services if not funded -- to your attention.

cc: Rep. Mitzi Johnson, Chair – House Appropriations  
Rep. Mary Hooper  
Matt Riven, Judiciary Chief of Finance and Administration  
Steve Klein, Joint Fiscal Office  
Stephanie Barrett, Joint Fiscal Office  
Becky Buck, Senate Appropriations Committee Assistant