

SUPREME COURT OF VERMONT  
OFFICE OF THE COURT ADMINISTRATOR

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March 24, 2015

Senator Jane Kitchel, Chair  
Senate Appropriations Committee  
Statehouse Room 5, 115 State Street  
Montpelier, VT 05633

**Re: Responses to Senate Appropriations Committee FY 2016 Judiciary Budget Hearing**

Dear Chair Kitchel and members of the Committee:

Please find these responses to your questions from the Judiciary's budget hearing on March 18, 2015.

*Question: How much does the Judiciary spend – by county – on courthouse security? Are there opportunities to reduce spending, for example by (a) reducing security when court is not session; or (2) charging other tenants for security costs?*

**Response:** First, the Court Administrator's Office should make clear that we take seriously the committee's inquiry and we do not intend any disrespect in the larger discussion of courthouse security. That said, the Judiciary outlined its concerns at the hearing that, according to national court security experts and accepted best practices, the Judiciary spends too little rather than too much on security across our courthouses. For example, the National Conference of State Courts (NCSC) in its report identified best practice to be at least two armed officers at each screening post; the Judiciary's courthouses do not meet that standard in many locations. To staff to that level would require a significant increase in expenditures.

Regarding co-located tenants, in most locations significant physical infrastructure changes would be required to segregate any co-located tenants. It is therefore most cost-efficient for the Judiciary to provide security for the entire building. Billing other state units for security would simply be a cost-shift that would not save the State money. (Our understanding is that most AHS grant programs have capped federal funds, so it is unlikely that there is significant opportunity for federal cost-sharing.)

Regarding reducing security when court is not in session, this issue is addressed in the NCSC study and is of grave concern to the Judiciary. Users of the State's courthouses – staff, members of the legal community, the general public – are at just as much risk of violence when court is not in session.

Attached are data illustrating our projected FY15 expenditures for court security by county, reflecting security costs at 23 physical locations. As illustrated in the chart, the Judiciary currently spends more than budgeted for court security contracts, by approximately \$275K annually. In its FY 2016 budget request, the Judiciary requested funding for this shortfall, but it was not included in the Governor's recommendation.

We have previously provided to you the legislatively-mandated security study by NCSC and our transmittal letter, but they are attached as well.

*Question: Does the courtroom in the Springfield correctional facility still exist, and could it be used for live hearings in order to reduce transport costs?*

The Department of Corrections would be the best source for information about the historical and current use of the courtroom there; our understanding is that the room does still exist.

Our brief analysis of this proposal indicates that the net costs of holding live hearings in Springfield would exceed the savings from prisoner transports.

Additional costs would include:

- mileage reimbursement for a judicial officer, court officer, and court recorder to travel (likely from White River Junction) to Springfield and return;
- similar mileage costs for other justice partners, including State's Attorneys and Defender General;
- transport costs and logistics of paper files and mobile recording equipment;
- lost "bench time" (arraignments and other proceedings generally take one hour per day on average; traveling to Springfield would likely lose an entire afternoon of bench time); and,
- Department of Corrections would presumably need to provide staff support as well, including correctional officer coverage.

The above costs would likely exceed the sheriff's current transport costs. We can do a more detailed analysis upon request, but this would require input from all the justice partners, and could take some time. However, you raise a valuable point about the potential availability of that room, which could be well-suited to the video arraignment initiative the Judiciary is pursuing.

*Question: How did the Judiciary select DII to provide its JUD-Cloud virtual server services?*

**Response:** As stated at the hearing, the current IT and financial management personnel were not in place at the time of the selection; the following is our best understanding. A RFP process was executed for the “Vermont Judiciary Private Cloud and Virtual Desktop (“JUDcloud”)” project, with responses received in August 2012. The BGS procurement unit served as the Purchasing Agent for the SOV. Three vendor responses were received. Our notes indicate that the RFP was withdrawn in order to utilize the services of DII and their ITOP architecture.

The Judiciary management who were present at the time advises that the RFP responses were evaluated with the assistance of DII, and once DII understood our requirements, they felt they could deliver the project at a better price. The RFP was then withdrawn and the project was executed with DII. The Judiciary management at the time felt that working with DII would help position the Judiciary as moving towards compliance with other branches of government.

The project is described below in an excerpt from the Project Charter:

In 2010 the Judiciary began a major initiative to move toward electronic case records. This initiative included projects for new case management, e-filing and jury applications, as well as accelerated implementation of digital audio/video recording systems in the courts.

With the current infrastructure out of date and the desire to move to electronic case records, a study was commissioned in fall 2011 to review high-level user needs and outline a strategy for a new information technology architecture. The recommended architecture proposed moving to a local, private cloud, using VMware ESXi and replacing the Citrix environment with VMware View and zero clients.

DII will be implementing and supporting Judiciary’s architecture as recommended by the aforementioned study. DII has the skills necessary to implement and support the Judiciary cloud. What it does not have is the internal State resources available to absorb this work. These services will be procured per Bulletin 3.5 standards. Implementation service will be billed to the Judiciary. Support services provided by DII will be billed to Judiciary as demand services via a Service Level Agreement executed between DII and Judiciary.

Utilizing the ITOP services provided by DII allows us to leverage State resources to accomplish our goal of moving to a local, private cloud while relying on State services for ongoing support.

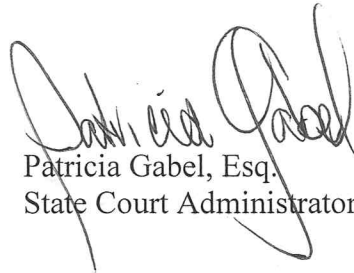
The Judiciary’s arrangement with DII is a contractual one, and upon expiration of the agreement or non-performance, the Judiciary could pursue procurement with a commercial vendor. It should be mentioned that not only cost but also performance and service would be factors in such a consideration.

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*Question: If the legislature were to impose a filing fee increase of less than 20% on average, how much General Fund revenue would that raise?*

**Response:** The Judiciary estimates that each 1% increase in filing fees on average – i.e., across-the-board proportional increases to all filing fees – raises approximately \$31,000. The Judiciary strongly encourages that -- when making any fee changes – the new fees be rounded to the nearest \$5 increment. Such rounding significantly reduces administrative burden for the public and Judiciary administrative staff.

Sincerely,



Patricia Gabel, Esq.  
State Court Administrator

Attachments:  
NCSC Transmittal Letter  
NCSC Report  
FY15 Projected Security Costs

cc:  
Senate Judiciary Committee  
House Appropriations Committee  
House Judiciary Committee

Supreme Court Justices

Steve Klein, Director, Joint Fiscal Office  
Maria Belliveau, Joint Fiscal Office  
Stephanie Barrett, Joint Fiscal Office

Heather Campbell, Budget Analyst