

Office of the Defender General
FY 2020 Budget Adjustment And FY 2021 COVID-19 Related Needs
May 15, 2020

The COVID-19 pandemic which started to impact the State of Vermont in March 2020 resulted in the Judiciary's Emergency Order No. 49, which directed among other things that only emergency matters be heard, and that all non-emergency hearings and jury trials were to be put on hold. Now, as the State of Vermont slowly is re-opening its economy, the Judiciary is embarking on an expansion of services. There are many hearings that will now be scheduled and eventually jury trials will be resumed.

The Judiciary has proposed to expand judicial operations in large part through the use of technology, creating safe spaces for staff and participants in court proceedings, and using retired judges to address the backlogged cases.

As a result of conditions caused by the threat of the COVID-19 virus, and in response to the Judiciary's massive request for remote access technology, together with the anticipated expansion of Judge time to address backlogged existing cases, months of cases that have been deferred from entering the system, together with new cases coming in that will likely not be deferred, the Office of the Defender General must respond to be able to achieve its core mission.

The Court's plans to limit the number of people in courthouses to meet social distancing guidelines, including Court's plan to upgrade and use state of the art remote courtroom technologies, including video hearings of routine court appearances and some substantive evidentiary hearings necessitates the ODG to upgrade its technological infrastructure to be compatible with the Court across the staff and contract public defense system.

Some staff public defense offices do not have sufficient space for everyone to meet social distancing guidelines. Staff public defense offices currently have standard computer equipment, but do not have dedicated set-ups, nor sufficient bandwidth, to be compatible with the Court's WebEx video connections. Primary contract public defense offices have varied degrees of technology, bandwidth and office space available to respond to the Court's plans, and will likely need more assistance than the staff offices. Finally, assigned counsel conflict contract attorneys maintain private offices, and their ability to access WebEx video conferences is even more limited. Many of them are sole practitioners without office support staff, operating with minimal computer equipment. Public defense staff and contract attorneys and conflict contract attorneys already are operating under heavy caseloads, with a growing pending backlog, and have very little ability to deal with the anticipated increase in scheduled hearings, a flood of new cases that have been on hold since March, and a push to move the backlogged cases.

The Office of the Defender General is requesting to use CRF funds as follows:

Technology Needs

- Public defense offices: Dedicated computer equipment, monitor, webcam/microphone and network connection with expanded bandwidth to communicate via WebEx connections in courtroom proceedings as required.
- Public defense staff: laptops to support telework.
- Public defense: A limited service IT position to support the installation, training and implementation this additional technology.
- Assigned counsel contract attorneys: A one-time stipend of \$2,000 to be used for a computer/monitor/webcam and/or upgrade of internet service to support a minimum 5 mbps connection needed for WebEx conferencing.

Case Backlog and Influx of New Cases

- Public Defense: Add 2 limited service positions and 2 caseload relief contracts for services from June 1 through December 31, 2020. While contract payments would end in December 2020, the contractors would be required to finish the cases assigned to them.
- Assigned Counsel Contractors: Provide 4 additional caseload relief contracts with payments through December 2020 and completion of cases.

Safe Spaces/Personal Safety

- Public defense offices: Creation of a private space in each office following social distancing guidelines to enable clients to view and/or participate in courtroom proceedings as well as to participate in meetings and forensic, substance abuse and mental health evaluations with third-party providers such as experts through video conferencing. ODG proposes using sound-proof panels in offices that can accommodate a temporary office, equipped with a dedicated laptop, webcam/microphone and network connection. PD offices need to be equipped with plexi/security glass barriers for reception areas that do not already have safety glass.
- Public defense offices: Provision of personal protective equipment (PPE) and cleaning and disinfecting of offices as required by BGS protocols.

ADDITIONAL COMMENT:

All of this assumes that the ODG system remains intact, and that the hiring freeze is lifted allowing the ODG to fill open attorney and staff positions. The Administration in response to the unprecedented decline in revenues has frozen hiring, asked for an effective 8% budget cut for the first quarter, together with likely more austerity measures for the remainder of the fiscal year. For the ODG this is untenable in the face of the backlogged existing caseload, the influx of cases

deferred for the last period of months, and the “normal” new cases expected as the Court’s reopen for business. We have made the Administration aware of our concerns.

Office of the Defender General

	One-Time Costs	FY 2020	FY21 through 12/31/20	Additional Comments
Dedicated computer set-ups, 32” monitor, Logitech webcam/microphone	27x \$2,000	\$54,000		
Laptops and peripherals to support telework	27x\$1,500	\$40,500		
Limited service tech position (1)		\$5,500	\$33,000	PG 18
Assigned Counsel contractors Stipend to upgrade equipment	60x\$2,000	\$120,000		
PD limited service attorney positions (2)		\$19,000	\$114,000	Step 6
PD caseload relief contractors (2)		\$16,666	\$200,000	Paid for full year through 12/31/20
AC caseload relief contractors (4)		\$33,332	\$400,000	Paid for full year through 12/31/20
Safe space (client video areas with laptops & peripherals) (13); wall panels, plexi/security glass barriers	13x\$1,500 laptops plus varied costs of wall panels, plexi/security glass	\$99,500		
Supply of PPE (masks, sanitizer) for clients and others		\$500	\$1,000	
Cleaning & disinfecting of offices		\$2,500	\$5,000	
Totals		\$391,498	\$753,000	