

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

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**TO:** Sen. Dick Sears, Chair, Senate Judiciary Committee  
Sen. Alice W. Nitka, Vice Chair  
Sen. Jeanette K. White  
Sen. Joe Benning  
Sen. Phillip Baruth  
Peggy Delaney, Committee Assistant

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

**DATE:** May 5, 2020

**RE:** Vermont Judiciary COVID-19 Emergency Funding Authorization Needs

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The COVID-19 pandemic, and the statewide Judicial Emergency it has created, has had, and will continue to have, a profound impact on Judiciary operations. Even as the Governor begins easing some restrictions on public interaction, it is clear that social distancing will remain a critical public health priority for the foreseeable future. The impact on Judiciary operations that will result will be significant.

In order to meet our core constitutional obligations, while promoting public health and protecting the health of our workforce, the Judiciary must quickly make a host of short, medium, and long term changes during this calendar year in order to meet our core constitutional obligations.

**Safe Spaces for Judiciary Staff and Participants in Court Proceedings:** The Judiciary is committed to ensuring to the greatest extent possible that our courthouses are safe spaces for all who enter, and that they do not contribute to broader public health dangers. This commitment will require significant changes to the physical spaces used to conduct court business, both for court staff and the public. To that end, we plan to:

- Create a new limited service position or engage a contractor to handle COVID-19 related facilities changes
- Redesign and reconfigure workspaces in Judiciary buildings, including the installation of transparent shields at public-facing counters, tall partitions and sufficient spacing between desks, and increased and sufficient spacing between all workspaces

- Maintain adequate stocks of PPE and COVID-19 related supplies such as masks, disinfectant wipes, and gloves
- Acquire screening equipment related to COVID-19, including thermal scanning equipment
- Train staff and screeners re: COVID-19 screening protocols

	One-Time Cost	FY20	FY21
Materials	\$750,000		
1 Lmtd Srv Position		\$15,000	\$90,000

**Jury Trials and Social Distancing:** One of the most urgent priorities facing the Judiciary is the resumption of jury trials. Because some individuals who have been charged with crimes (but are presumed innocent under our constitution) are incarcerated pending their trials, timely trials are a constitutional imperative. But, more than any other activity in the Judiciary, jury trials require courts to convene large numbers of people at several different points in the jury process. For that reason, a top Judiciary priority in both the short, medium, and long term will be to both reactivate and restructure our jury trial processes. To that end, we plan to:

- Reconsider, redesign, and, reconfigure buildings to ensure that all phases of a jury trial can be held safely. The goal will be to have space that allows for social distancing, not only for those summoned for jury service, but also for those who are selected for a jury. This may require the engagement of architectural and/or specialty design consulting services, a project management limited service position or service provider to oversee the work, and personnel to do the work.
- Research the viability and utility of technology that can support social distancing of jurors and other participants for various stages of jury operations and implement steps that meet constitutional and operational imperatives to reduce the number of times potential jurors need to be brought into courthouses and into physical contact with each other.

	One-Time Cost	FY20	FY21
Consultant	\$30,000		
Leasing Space			\$50,000

**Remote Technology for Other Court Proceedings:** This crisis has taught us that we can deliver fair and impartial justice using remote technologies, especially video and livestreaming, without compromising public health. Video enables our judges to preside over cases with a minimum of in-person traffic in courthouses. These and related capabilities will also allow the Judiciary to sustain operations during an emergency by supporting robust and reliable telework capabilities. Expanded capability to leverage these technologies is essential to the Judiciary’s resumption of its constitutional responsibilities across all case types and is expected to be an integral part of the Judiciary’s strategy to address the backlog of cases that have grown since the Declaration of a Judicial Emergency. To that end, we plan to:

- Purchase and install Cisco MX300 Video Endpoints for all courtrooms, to facilitate video communications between facilities and remote WebEx participants
- Purchase WebEx licenses and set-ups for 100+ hosts (judges, superior court clerks, court operations managers)

- Create new limited service positions in courthouses to support all Superior Judges and Probate Judges in the conduct of simultaneous WebEx-based hearings. The people in these positions will provide technical support for judges and participants in cases to replace in-person hearings suspended due to Judicial Emergency. The costs associated with these staff members will include workspaces, technology, equipment, furniture, orientation and training.
- Create a virtual desktop environment in the cloud to increase the quantity, quality and efficiency of telework arrangements
- Purchase additional laptops and related equipment and licenses to support remote work
- Purchase and install USB conference phones for judges to enable video hearings

	One-Time Cost	FY20	FY21
Cisco Endpoints	\$1,000,000		
12 Lmtd Srv Positions	\$50,000	\$200,000	\$1,200,000
Additional hardware	\$200,000		
Computing Interface	\$750,000		
Computing Peripherals	\$100,000		

**Remote Technologies and Services for Court Users:** Court users rely on the Judiciary to provide a host of services, some of which are required by law and others of which are established by best practices. The Judiciary sees all of this work as a core feature of its commitment to provide access to justice. This commitment is obviously strained during periods such as a pandemic response. The Judiciary intends to address this challenge by taking prompt action to modify its service delivery model through an expanded and re-envisioned Access and Resource Center which can provide services to members of the public remotely. This work will involve the following:

- Expanding the services offered by the Judiciary Access and Resource Center (ARC) to cover statewide calls to replace counter interaction now suspended in over twenty courthouses throughout the state. This includes:
  - Creating new limited service positions to increase capacity to handle calls
  - Designing and outfitting safe, physically-distanced work spaces in the Costello Courthouse (where ARC staff are housed) and possibly other locations over time
  - Installing electrical, telephone, and computer connections to support staff
  - Acquiring and installing furniture and other equipment to support staff
  - Providing training and orientation
- Enable Video Remote Interpretation
  - Acquiring and installing technology needed to support video remote language interpretation and interpretation for deaf and hard of hearing in both video and in-person proceedings
  - Providing training and orientation
- Enable online dispute resolution (ODR) capability
  - ODR is an emerging but proven method of adjudicating cases. ODR provides an option for resolving cases that does not require a person’s physical presence in a courthouse. ODR has obvious benefits to the Judiciary and the public during periods when access to conventional proceedings – such as during a Judicial Emergency – is not an option.

**Remote Technologies and Services for Court Users (cont'd):**

	One-Time Cost	FY20	FY21
4 Ltd Srv Positions		\$50,000	\$300,000
Enable Video Remote Interpretation	\$50,000		
ODR	\$15,000		\$300,000

**Addressing the Backlog:** The Judiciary has not held hearings in non-emergency matters since mid-March. As the court begins to hear more cases—either because we have implemented broader use of video technology or because social distancing measures allow for more in person proceedings—judges, managers, and court staff will be confronted with an enormous backlog of cases to address. Decisions made about how to triage cases for hearing will be made with public health considerations in mind. As such, the Judiciary intends to balance the urgent need to docket cases with the best data available from public health experts. This balancing will present ongoing challenges which are expected to last a number of months. To meet this challenge, we need:

- Funding to pay retired judges to return to hear cases that compose the case backlog due to the Judicial Emergency
- Training of retired judges on new Odyssey case management system and technology that supports video hearings
- New limited service staff positions to staff hearings heard by retired judges. Costs to include workspaces, technology, equipment, furniture, orientation and training.
- Additional courtroom space

	One-Time Cost	FY20	FY21
Retired Judges	\$100,000		
8 Ltd Srv Positions	\$50,000	\$100,000	\$600,000

**Public Access to Court Proceedings:** Pursuant to AO 49, the Court has substantially restricted public access to court proceedings, allowing only participants and media to attend. Developing alternate ways to protect and enable the public’s right to observe court proceedings will help mitigate the serious constitutional concerns that might arise from an extended exclusion of the public. To this end, we plan to:

- Create new limited Service positions in the Access and Resource Center to support simultaneous livestreaming of all public video hearings held throughout the State. Costs to include workspaces, technology, equipment, furniture, orientation and training.
- Acquire licenses and equipment to facilitate livestreaming
- Train staff on livestreaming protocols

	One-Time Cost	FY20	FY21
Teleconference Equipment	\$1,500,000		
Remote Meeting peripherals	\$50,000		
12 Ltd Srv Pos	\$50,000	\$200,000	\$1,200,000

**Administrative Challenges:** The need to ensure that all emergency funds are expended as proposed and accounted for as necessary will require dedicated time and attention. To that end, we plan to:

- Create a limited service position to handle approval and tracking of COVID-19 related expenses and ensure compliance with grant, statutory, and regulatory requirements. Costs to include workspaces, technology, equipment, furniture, orientation and training.

	One-Time Cost	FY20	FY21
1 Ltd Srv Pos		\$15,000	\$90,000

**Recognition of Staff Challenges and Service:** Because the Judiciary has not fully halted in person hearings, and because remote hearings require a level of in-courthouse staffing, many staff have been asked to deal directly with the public under circumstances where they cannot be assured minimum physical distancing. In recognition of that fact, the Judiciary has agreed to:

- Premium pay for employees dealing directly with the public under circumstances where they cannot be assured of minimum physical distancing

	One-Time Cost	FY20	FY21
Premium Pay	\$	\$35,000	\$210,000

**Treatment Docket Supports:** Treatment dockets are among the highest-contact dockets in the court system. Frequent, in-person contact with parties and the development of a sense of community among participants are ordinarily core features of treatment dockets. The Judicial Emergency has profoundly impacted the function of these dockets and the ability of these dockets and the staff who work in them from having the regular contact that not only promotes accountability but aids in recovery. For that reason, we need:

- Funds for enhanced case management of participants during the pandemic. Some participants have disengaged from the program since the Judicial Emergency ended in-person proceedings. Additional case management would increase and improve supervision and support.
  - Contracts with three case managers to support participants in Chittenden adult and mental health dockets (1), Washington adult drug docket (1), and Rutland adult drug docket (1).
  - Estimated cost: \$40,000, based on three-month contracts at prevailing rates. The figure is rounded up.
- Breathalyzer units for treatment docket participants. Additional testing units are needed since testing centers are not fully functional and not all providers have the capability to conduct mobile testing.
  - Fifteen alcohol monitoring units for the DUI court.
    - Estimated cost: \$2,000

- Transdermal patches and lab services to test the patches for participants in all four programs based on an estimated monthly census of 140 (a little high) and the use of one patch per week for each participant. Patches are estimated to cost \$50 each and the testing costs for each patch are estimated to be about the same.
  - Estimated cost: \$28,000 for patches and \$28,000 for testing of the patches. This is an estimated cost for one month of patch use and testing.

	One-Time Cost	FY20	FY21
Enhanced case mngmt		\$40,000	\$160,000
Breathalyzer units		\$7,500	\$7,500
Transdermal patches and lab tests		\$112,000	\$112,000

## Appendix A

### Summary of Costs

Safe Spaces for Judiciary Staff and Participants in Court Proceedings:	FY20	FY20	FY21
	One Time	Ongoing	
Safe spaces for staff (redesign workstations, plexiglass shields, etc.)	\$ 750,000		
1 Lmtd Srv Position		\$ 15,000	\$ 90,000
<b>Jury Trials and Social Distancing:</b>			
Redesign courtrooms for jury trials - consultant	\$ 30,000		
Leased Courtroom Space			\$ 50,000
<b>Remote Technology for Other Court Proceedings:</b>			
Cisco MX300 Video Endpoints for all courtrooms	\$ 1,000,000		
12 Limited Service Position for technical support for simultaneous WebEx based hearings	\$ 50,000	\$ 200,000	\$ 1,200,000
Additional hardware (smartphones)	\$ 200,000		
Computing Interface (laptops, VDI, etc.)	\$ 750,000		
Computing Peripherals (printers, Odyssey scanners)	\$ 100,000		
<b>Remote Technologies and Services for Court Users:</b>			
4 Lmtd srv positions to increase call capacity		\$ 50,000	\$ 300,000
Enable Video Remote Interpretation	\$ 50,000		
Online Dispute Resolution	\$ 15,000		\$ 300,000
<b>Addressing the Backlog:</b>			
Temp cost for retired Judges to help clear backlog	\$ 100,000		
8 Limited Service Positions to support hearings by retired judges	\$ 50,000	\$ 100,000	\$ 600,000
<b>Public Access to Court Proceedings:</b>			
Teleconference Equipment for courtrooms	\$ 1,500,000		
Remote Meeting Peripherals (headset/microphones)	\$ 50,000		
12 Lmtd srv positions to support simultaneous live streaming of public video hearings	\$ 50,000	\$ 200,000	\$ 1,200,000
<b>Administrative and Case Management Challenges:</b>			
Lmtd srv position for financial tracking of COVID projects		\$ 15,000	\$ 90,000
<b>Recognition of Staff Challenges and Service:</b>			
Premium pay for staff interacting with public		\$ 35,000	\$ 210,000
<b>Treatment Docket Supports:</b>			
Enhanced Case Mngmt for Treatment Cases	\$ 40,000		
Breathalyzer Units	\$ 112,000		
<b>Subtotal</b>	<b>\$ 4,847,000</b>	<b>\$ 615,000</b>	<b>\$ 4,040,000</b>

**Supplemental BAA Request (All FY20 Expenses)    \$ 5,462,000**