

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

THERESE M. CORSONES, ESQ. State Court Administrator
therese.corsones@vermont.gov
Mailing Address:
 Office of Court Administrator
 109 State Street
 Montpelier, VT 05609-0701
Telephone: (802) 828-3278
FAX: (802) 828-3457



GREGG MOUSLEY, Chief, Finance & Administration
gregg.mousley@vermont.gov
MARCIA SCHELS, Chief Technology Innovation Officer
marcia.schels@vermont.gov
Laurie Canty, Chief, Trial Court Operations
laurie.canty@vermont.gov
SCOTT GRIFFITH, Chief, Planning and Court Services
scott.griffith@vermont.gov

www.vermontjudiciary.org

TO: Representative Diane Lanpher, Chair, House Committee on Appropriations

FROM: Teri Corsones

RE: Overview of FY25 Judiciary Budget

DATE: February 13, 2024

The Governor’s Recommended Budget included some, but not all, aspects of the Judiciary’s proposed budget. We respectfully request the House Committee on Appropriations to consider the Judiciary’s proposed budget as a whole. Below is a breakdown of what was included in the Governor’s Recommended Budget and what the Judiciary continues to seek.

	FY24 GF Budget	\$58,250,863	
Gov. Rec.			
Pay Act	\$2,633,940		
Internal Service Fund	(\$248,174)		
Two Superior Court Judges	\$539,234		
Subtotal Increases			\$2,925,000
		FY25 Gov. Rec.	\$61,175,863
Additional Pressures			
Tech Fund Revenue Replacement	\$2,561,585		
Fifteen New Staff Positions	\$1,319,507		
S.17 Security Recommendations	\$2,044,331		
Language Access Program	\$120,000		
CHINS Superior Court Judge*	\$0		
Subtotal Additional Pressures		\$6,045,423	
		Proposed Judicial FY25 Budget	\$67,221,286

*CHINS Reform Workgroup Funding

Annualization of FY24 Pay Act: \$2,633,940

The annualization of the FY24 Pay Act was included in the Governor’s Recommended Budget.

Internal Service Funds Decrease: (\$248,174)

In FY25, the Judiciary plans to separate from ADS and establish an independent IT network. The ADS allocation will revert and be re-distributed to the remaining ADS users. This adjustment will cause an overall decrease in the internal service funds for the Judiciary.

Judiciary Internal Service Fund Decrease:

ADS Allocation	(424,374)
Dept Human Resources	-
Fee For Space	74,426
VISION	60,114
Worker's Comp	13,217
State General Liability	16,471
Property & Commercial Ins.	11,972
Total	(248,174)

Two New Superior Court Judges: \$539,234

The Governor’s Recommended Budget also includes two new Superior Court judge positions. One of the new judge positions will be utilized for a “Northern Float” position assigned primarily to preside in the Chittenden, Franklin, Lamoille, and Washington Units. Adding a judge position in this geographic area would provide for additional assistance in addressing the backlog and new filings going forward. Specifically, the Chief Superior Judge would establish a “float” position as part of the annual judicial assignments. This position would be similar to the “Southern Float” position that the Legislature approved in the last session, which has proven to be enormously helpful in providing flexibility in assigning the position where backlog help is most needed in the southern part of the state.

The second new judge position will be utilized for a statewide “float” position focused on the treatment court dockets. A judge assigned as the float for the treatment dockets would preside in each of the five treatment court dockets currently in operation in the Chittenden, Rutland, Washington, and Windsor Units. Currently different judges are pulled from their regular dockets once every two weeks to preside over treatment court dockets. Having a single judge assigned to preside over the current treatment dockets would allow the several judges who now preside over treatment dockets to utilize the time they would have spent in those dockets to schedule cases in their regular dockets. This would assist in backlog reduction and the maximization of case flow for

the timely disposition of matters moving forward. It would also allow the new float judge to assist in other dockets where most needed. This extra judge position would allow the Chief Superior Judge the flexibility of an additional float position as part of the annual judicial assignments.

Decisions as to where a judge would be sitting during their term would be made by the Chief Superior Judge in consultation with the Court Administrator to assure that there are available staffing, security, and courtroom resources available. Having two additional judges would also provide needed coverage when other trial court judges are in trainings, ill, on vacation, or otherwise unavailable to address judicial matters.

Additional Needs Not in the Governor's Recommended Budget

Court Technology Fund Revenue Replacement: \$2,561,585

The Court Technology Special Fund ("Tech Fund") was created in 2007 under 4 V.S.A. § 27. It provides as follows:

There is established the Court Technology Special Fund that shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5. Administrative fees collected pursuant to 13 V.S.A. § 7252 and revenue collected pursuant to fees established pursuant to sections 1105 and 1109 of this title shall be deposited and credited to this Fund. The Fund shall be available to the Judicial Branch to pay for contractual and operating expenses and project-related staffing not covered by the General Fund related to the following:

- (1) The acquisition and maintenance of software and hardware needed for case management, electronic filing, an electronic document management system, and the expense of implementation, including training;*
- (2) The acquisition and maintenance of electronic audio and video court recording and conferencing equipment;*
- (3) The acquisition, maintenance, and support of the Judiciary's information technology network, including training.*

The three sources of revenue supporting this fund and cited above are more specifically described as follows:

- Administrative surcharge for civil violations under 13 V.S.A. §7252 (\$12.50)
- Failure to Answer fee under 4 V.S.A. §1105 (\$20)
- Failure to Pay fee under 4 V.S.A. §1109 (\$30)

The Tech Fund is no longer a viable funding source for the Judiciary's IT costs, because the number of civil violations (primarily traffic tickets) has declined significantly. In addition, recent policy initiatives to restore driver's license privileges have weakened the leverage used to enforce collections. As a result, collections of ongoing revenues have declined from a high of \$1.6M to approximately \$775,000 at present, with all indications that this decline is permanent and will likely

continue to decline further. The Tech Fund balance has decreased as a direct result of the decrease in revenues. Additional detail is described in a [JFO Issue Brief](#) published in February 2022.

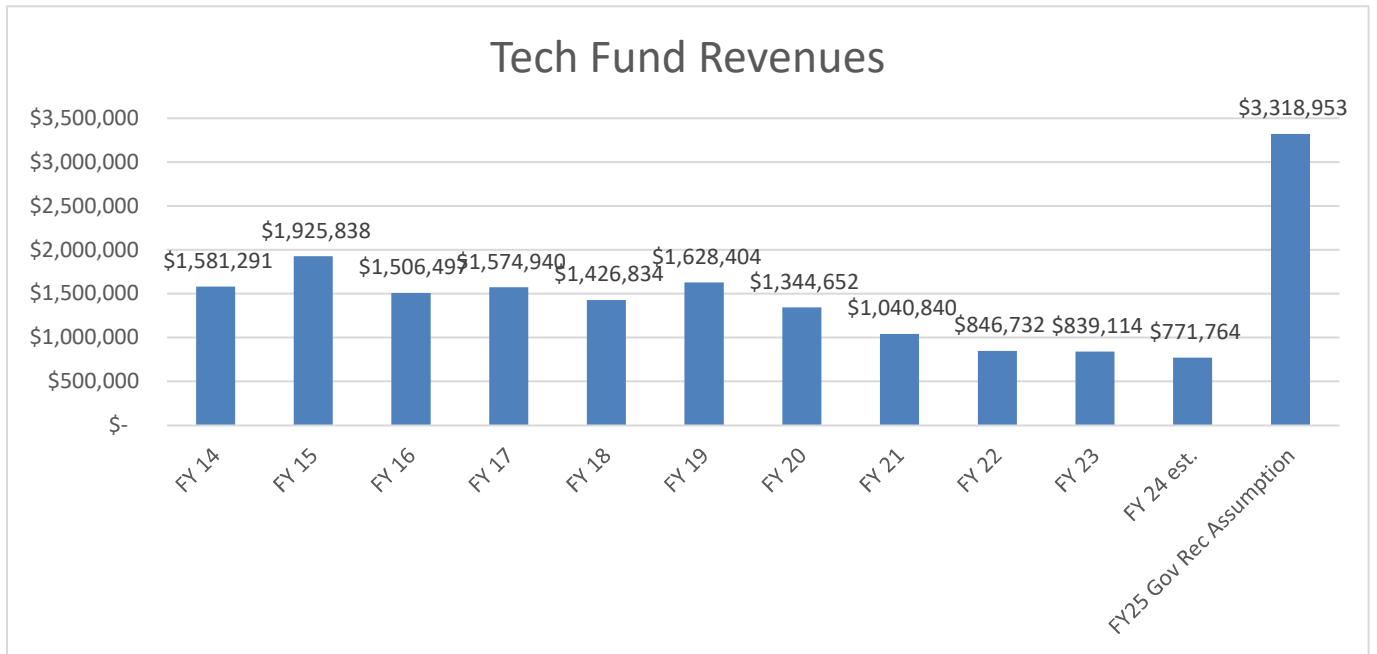
This comes at a time when the Judiciary's technology footprint has greatly expanded. To put into perspective how far technology has progressed since the Tech Fund was created, it was in 2007 when the first iPhone was released. Over the next 17 years, the pace of advancement in technology has only accelerated. Driven by advances in technology and the increasing need for efficient, transparent, and accessible justice systems, the Vermont Judicial IT systems have undergone significant evolution:

- **Digital Case Management:** The Vermont Judiciary shifted from a paper-based system to a digital case management system. This change has streamlined the filing, tracking, and management of cases, reduced paperwork and improved efficiency.
- **E-Filing and Online Services:** The introduction of e-filing now allows lawyers and self-represented litigants to submit documents electronically. The Vermont Judiciary also provides online services for case research, online payments, and court calendar viewing.
- **Virtual Hearings and Video Conferencing:** Video conferencing tools have become integral, especially since the COVID-19 pandemic. The Vermont Judiciary, along with courts around the world, adopted virtual hearings to ensure continuity of judicial processes. This shift has also increased access to justice, particularly for those in remote areas.
- **Cybersecurity Enhancements:** As judicial systems become more digital, the importance of cybersecurity has escalated. The Vermont Judiciary has invested in robust cybersecurity measures to protect sensitive personal and legal information from cyber threats.
- **Digital Evidence Management:** The Vermont Judiciary has implemented an online digital evidence management system to safeguard the integrity of digital evidence (e.g. video) and streamline the evidence management process through the Judiciary system.

These advancements reflect a broader trend towards a more digital, accessible, secure, and efficient judicial system, leveraging technology to meet the challenges of modern justice administration.

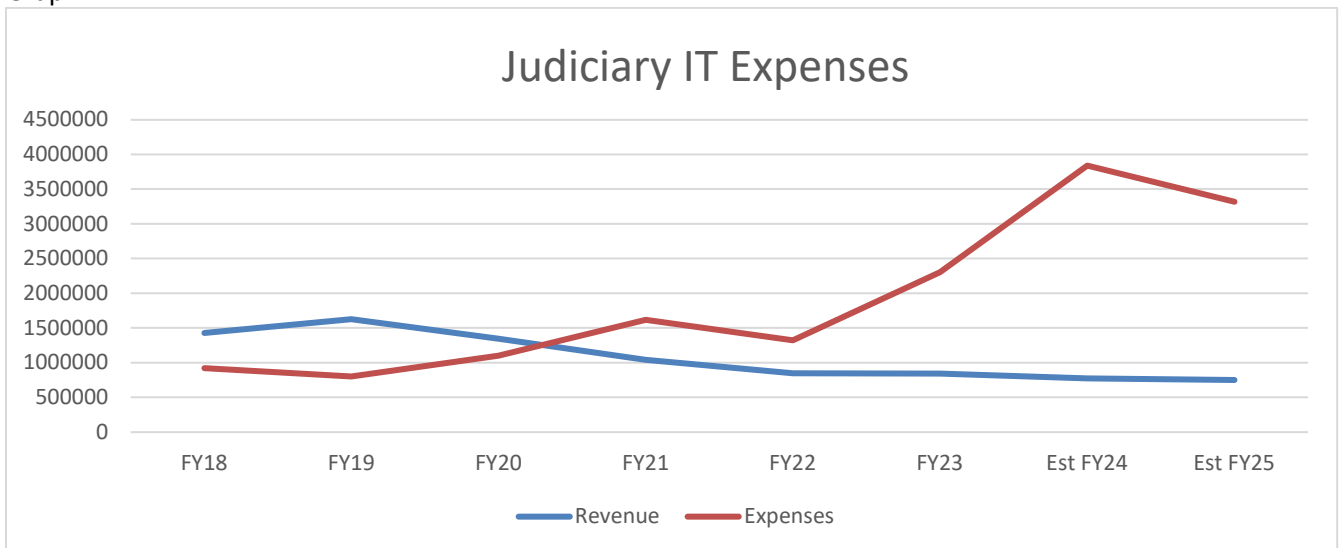
The Governor's Recommended Budget includes an assumption that \$3.3M of revenue will be produced from the three affected fees. However, based on projections using revenues from the fees to date, the Judiciary predicts that revenue will be approximately \$750,000 in FY25. The three graphs below illustrate the decrease in revenues, increase in expenses and how the ability to supplement the Tech Fund with other sources has come to an end.

Graph # 1:



As revenues in the Tech Fund have declined, IT expenses have risen, as depicted in graph #2 (below). Graph #2 shows only ongoing revenue and excludes one-time project costs.

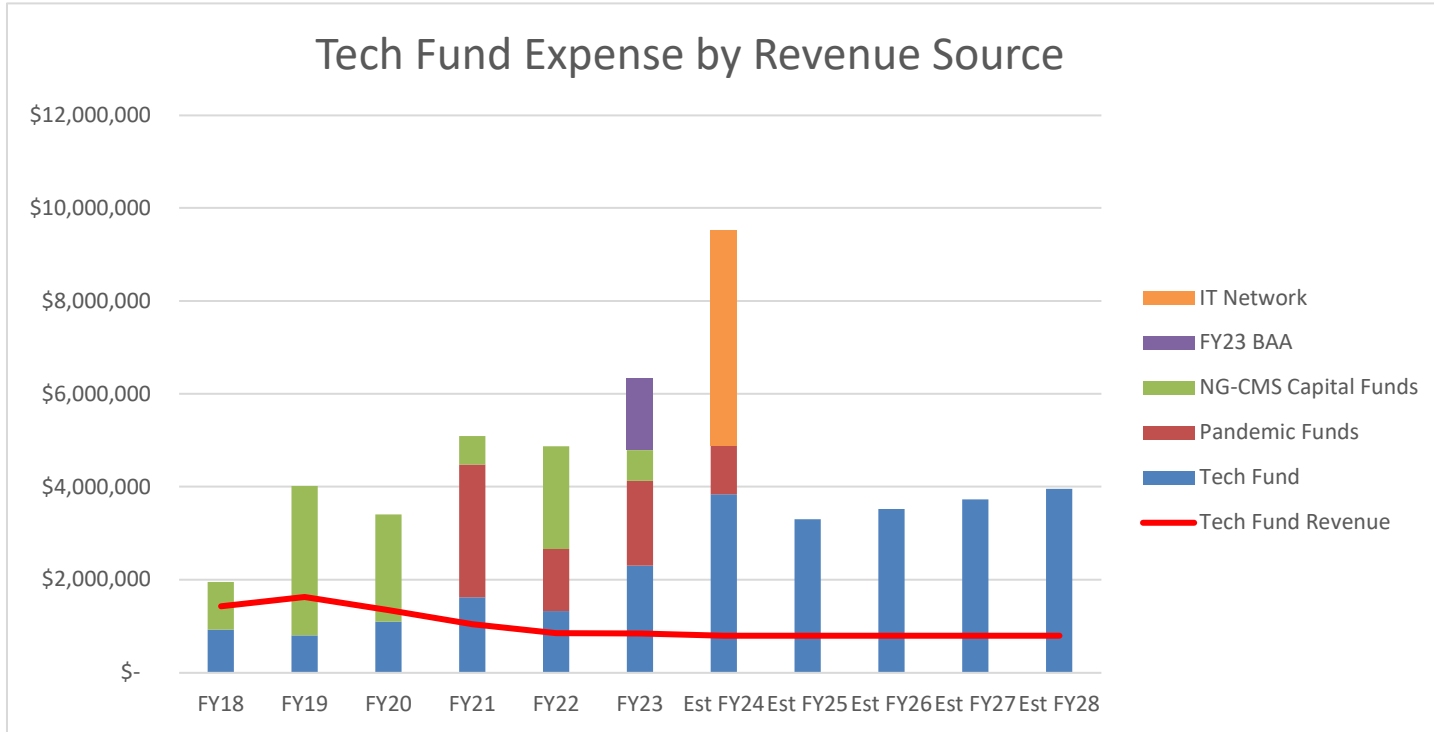
Graph #2:



In some pre-pandemic years, the Judiciary was able to supplement the Tech Fund using year-end carryforwards. Graph #3 depicts actual expenses including other sources of one-time funds. Because

the infrastructure development for the electronic case management and e-filing systems is ending, the Judiciary’s IT budget is expected to resume a normal growth pattern in FY25 and beyond.

Graph #3



The Tech Fund structure needs to be redesigned as a result. Revenues from civil violations have declined over the past ten years and cannot support the increasing cost of technology given the new era of remote hearings, web access, electronic filings, and cybersecurity threats.

As has been pointed out during the last several budget cycles, without additional Tech Fund funding the Judiciary will not be able to support the technology features that are now critical to base court operations. This constitutes a significant financial crisis if left unaddressed.

Fifteen New Court Staff Positions: \$1,319,507

Trial courts have been under-staffed since before the pandemic and backlogs existed in part as a result. The pandemic significantly exacerbated the backlog situation. Courts are not able to address the backlogs, let alone meet their core functions, without adequate staffing. The Judiciary has requested funding for fifteen new staff positions towards that end. Funding for new staff positions was not included in the Governor’s Recommended Budget.

The Judiciary proposes that fifteen new court staff positions be used as follows:

Number of Positions	Job Description	Total Cost
10	Judicial Assistants	\$ 847,090
2	IT Help Desk Analysts	\$ 160,000
2	IT Centralized Service Analysts	\$ 182,650
1	Database Administrator	\$129,767
15	Total	\$1,319,507

Ten Judicial Assistants

Based on a system-wide analysis of court staffing levels, taking into consideration the number of new filings per year per unit, the number of permanent Judicial Assistant (JA) positions allocated per unit, experience levels and factors unique to each court, we propose that ten JAs are needed to ensure equitable and adequate staffing levels system-wide. Six of the ten positions would be placed in the trial courts where court staffing levels are lacking now. The remaining positions would be allocated to the Information Center and the Central Review Team. The Information Center fields incoming calls to courts so as to provide consistent information to court users and so as to allow court staff to work uninterrupted. Adding positions to the Information Center would allow coverage for those courts whose calls are not currently covered and which have requested coverage. The Central Review Team currently processes incoming e-filings in certain divisions. Adding positions to the Central Review Team would enable the Team to provide e-filing processing services to more divisions, enabling local staff to better implement backlog reduction measures. It will also enable us to expand coverage to other dockets to assure that filings are being processed in a timely manner. These additional JA positions will ensure adequate staffing to assist with backlog reduction, consistent court processing, a more equitable distribution of resources and improved customer service to our litigants.

Two IT Help Desk Analysts

The Judiciary’s Technology Services Center (TSC) operates a Helpdesk for end-user (internal and external) technology support. They receive over 5,000 tickets/year, equating to the need for three positions based on industry standard average time to resolution and based on our own experience. The Judiciary currently has only one permanent position in this role. For the other two positions, we have either utilized contracted helpdesk staff at an annual cost of \$300,000, or most recently we hired two limited-service staff, at half the cost. To avoid spending excessive funding on contracted services, we request two additional permanent positions to staff the Helpdesk in a fiscally responsible manner resulting in a savings of \$140,000 annually.

Two IT Centralized Service Analysts

The TSC's Application Services Team (AST) is unique in the sense that it supports the business usage of our Judiciary IT systems, including specialized user access to ensure that users can only view and update the information for which they're authorized. Two members of the AST are currently in limited-service staff positions with an end date of June 30, 2024. Recently, Tyler Technologies unexpectedly informed us that they are sunsetting their Public Portal application in 2024 due to cybersecurity concerns. The Public Portal is a web-based platform that offers court users and members of the public customized role-based access to court records, hearing calendars and other data. The Public Portal also provides a convenient way to pay court fines online from anywhere on any compatible device. Tyler Technologies' solution is to replace the Public Portal's functionality with two other products: "Defendant Access" (for online payments) and "reSearch" (for online case information retrieval).

These system replacements will require a significant effort equating to the need for two permanent Centralized Service Analyst positions to manage the user access, configuration, and support for these public-facing applications. For the limited-service positions to end on June 30, 2024 when the new Public Portal application is being implemented will mean a serious decrease in customer service, particularly for the 18,000+ external users of Judiciary systems that utilize the Public Portal: attorneys, self-represented litigants, the Department of State's Attorneys and Sheriffs, the Office of the Defender General, the Vermont Crime Information Center, the Department for Children and Families, the Department of Corrections, the Department of Fish and Wildlife, the Department of Motor Vehicles, the Department of Public Safety, and private citizens who are a party in a case. The specialized business knowledge necessary to fulfill the functions of these positions makes it impractical to consider outsourcing these roles with consultants.

One Database Administrator

The Judiciary does not have a Database Administrator (DBA) on staff. To fulfill this need, since implementing the Next Generation Case Management System, the Judiciary has contracted outside for part-time DBA resources, to date at an annual cost of more than \$100,000. With the current IT projects in-flight, including the development of an in-house Business Intelligence System that relies on a substantial database (Data Warehouse), it is expected that this cost will double within the next year, and it is not expected to decrease over time. Going forward we expect a contracted DBA resource to cost the Judiciary \$200,000 annually.

It would be to the Judiciary's benefit to hire a full-time DBA to manage and support the databases underlying all our critical IT systems. If we hired a Paygrade 28 Database Administrator IV, we would expect to pay at mid-pay range \$120,000 per year in salary and benefits. This would save the Judiciary \$80,000 annually versus paying a contracted DBA resource for the same work.

	Pay Consultants	Hire Staff	Savings
1 DBA	\$ 200,000	\$ 120,000	\$ 80,000
2 HelpDesk Analysts	\$ 300,000	\$ 160,000	\$ 140,000
Total	\$ 500,000	\$ 280,000	\$ 220,000

S. 17 Security Recommendations: \$2,044,331

S.17 required the Judiciary to report to the Legislature on the number of sheriff deputies needed to be made available to provide law enforcement and security services to county and state courthouses to facilitate regular courthouse operations. After extensive interaction with numerous stakeholders, it is recommended that forty -seven county sheriff-employed sheriff deputies are needed to cover screener, rover and courtroom security duties. In addition, thirty-eight Judiciary-employed security personnel and three Judiciary-employed supervisors are needed to cover security duties during hearings and trials.

S.17 also required the Judiciary to report on any needed creation of classified positions responsible for courthouse security services, similar to the classified position of transport deputy. The Judiciary recommends the creation of a new classified position for the thirty-eight Judiciary-employed security personnel who will be responsible for security in the courtroom during hearings and trials, and who may be assigned administrative duties outside the courtroom when not providing security during hearings and trials.

Lastly, S.17 required the Judiciary to include in its Report any corresponding budget request. The total budget request for the sheriff deputies and the Judiciary-employed court officers is \$2,044,331.

	Current	Proposed	Diff (+/-)	Rate/Hr.	Annual/FTE	Total Cost
Sheriff Deputy	39.98	47.05	7.07	\$ 52.89	\$ 111,069	\$ 5,225,796
Private Guard	10.25	0	-10.25	\$ 40.00	\$ 84,000	\$ -
JUD Officer I	17	17	0		\$ 84,323	\$ 1,433,491
JUD Officer II	0	21	21		\$ 90,848	\$ 1,907,808
Supervisor	2	3	1		\$ 100,000	\$ 300,000
Total	69.23	88.05	18.82			\$ 8,867,095

Current Budget \$ 6,822,764

Net New Cost (+/-) \$ 2,044,331

Language Access Program: \$120,000

The Judiciary is required to provide interpreter and translation services to court litigants. The number of litigants requiring interpreter services has increased year to year and is expected to continue rising. An estimate of anticipated costs for FY25 is as follows:

1. Court Interpreters \$75,000
2. Document Translation \$35,000
3. Operational/Technical \$10,000

This request is being submitted following the Judiciary's successful close-out in 2021 of a two-year technical assistance agreement with the U.S. Department of Justice (DOJ). The agreement was focused on improving the Judiciary's language access practices pursuant to federal law and court rule.

CHINS Superior Court Judge \$0 GF; \$269,617 from Tobacco Settlement Funds

Under Act 167 (2015) the Legislature created a Judicial Master position. The statute set forth limited jurisdiction for the Judicial Master. In particular the Master was authorized to preside in juvenile proceedings, as approved by the presiding judge, to ensure compliance with existing court orders, including attendance and participation in substance abuse, mental health, and other court-ordered counseling; compliance with and modification of parent-child contact; to conduct uncontested permanency hearings; and to provide case management of juvenile proceedings. See 4 V.S.A § 38. The Master also has limited authority in other areas. Under the enabling statute the position sunsets on July 1, 2025.

The Master position is not funded through the General Fund but is paid for out of Tobacco Settlement Funds. The Legislature established a CHINS Reform Workgroup to assist in developing CHINS reform strategies and plans. Specifics as to funding and related matters are in the FY 2019 Budget Adjustment Act. The Workgroup consists of the Chief Superior Judge, the Executive Director of the Department of State's Attorneys and Sheriffs, the Defender General, and the Commissioner for Children and Families. Judge Zonay (Judiciary), Aryka Radke (Deputy DCF Commissioner), Tim Lueders-Dumont (Department of State's Attorneys and Sheriffs) and Marhsall Pahl (Office of the Defender General) are the current members.

There remain available funds in the amount of \$5.8M from the initial appropriation of \$7M from Tobacco Settlement Funds. Monies from the Fund have been used to pay for the Judicial Master, staff associated with the master position, administrative support, and development of a mediation program for all CHINS dockets in the state. The annual cost of the Judicial Master and related positions is approximately \$400,000.

The Judicial Master position was held by Rachel Malone until she was recently appointed to be a Superior Court Judge. The Special Master position is therefore now vacant.

The Judiciary requests that rather than filling the Judicial Master position, which is limited in authority and sunsets in approximately 16 months, that the Legislature create an additional Superior Court Judge position. The plan with this position would be to create a new statewide "float"

position focused on the CHINS dockets. Having a single judge who could be assigned to preside statewide over all CHINS dockets would assist in backlog reduction and maximizing case flow for the timely disposition of CHINS matters, including the ability to schedule merits hearings and termination of parental rights hearings.

The judge appointed to this new slot would not be the float judge who would be assigned to the CHINS docket. Rather, having a new judge position would allow the Chief Superior Judge the flexibility to assign a judge in the rotation schedule into a float position for the juvenile docket.

The creation of this new position, and the funding of it from the CHINS Reform Workgroup monies is supported by the CHINS Reform Workgroup. Further, the costs associated with the creation of this new position (\$269,617) are significantly less than those currently incurred for funding the Judicial Master and associated positions (\$400,000). Funding for such a new Superior Court Judge position would not impact the General Fund for a number of years, inasmuch as funds for the position could be drawn from the balance of the CHINS Reform Workgroup Funding.

Conclusion

The Judiciary greatly appreciates that the Annualization of the FY22 Pay Act, Internal Service Fund adjustments and two superior court judge positions are included in the Governor's Recommended Budget.

We respectfully request the House Committee on Appropriations to consider and approve the funding necessary for those matters not covered in the Governor's Recommended Budget, including Tech Fund costs to meet the courts' technological needs, security personnel costs to meet the S.17 Report court security needs, and court staff personnel costs to meet court operations needs in order to address the backlog and to allow the Judiciary to fulfill its core mission of providing equal access to justice, protecting individual rights, resolving legal disputes fairly and timely, and providing everyone the opportunity to have their day in court.

The Judiciary is very grateful for your consideration and welcomes your questions.

cc. Rep. Robin Scheu, Vice Chair
Rep. Patrick Brennan, Ranking Member
Rep. Tiffany Bluemle
Rep. Eileen Dickinson
Rep. Katherine "Kari" Dolan
Rep. James Harrison, Clerk
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