

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

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TO: Sen. Jane Kitchel, Chair, Senate Committee on Appropriations

FROM: Teri Corsones

RE: Request for FY23 Budget Adjustment

DATE: February 3, 2023

The Judiciary respectfully requests that your Committee consider the following one-time funding adjustment to the Judiciary FY23 Budget as part of the Budget Adjustment Act, to address serious issues impacting the Judiciary's ability to conduct essential trial court operations.

Judiciary Information Technology (IT) Infrastructure Modernization Project

The two most substantial investments in the Judiciary's technology in recent years were the implementation of a Next Generation Court Case Management and E-Filing System (Odyssey) and provisioning of Webex technology to support remote hearings in each courtroom throughout the state. Experience with both the new Odyssey e-filing system and the new Webex remote hearing technology has shown that the underlying IT infrastructure that enables and secures the new systems must be modernized in order for both systems to function as intended. The total one-time cost to modernize the Judiciary's information technology infrastructure is \$6,230,000, the bulk of which cost is allocable to separating from the Executive Branch's Agency of Digital Services (ADS) system and implementing a separate network system.

Vermont Judiciary IT Network Replacement \$4,680,000

The current network system is controlled and managed by ADS. Experience with the ADS system has unfortunately revealed that it is woefully incapable of supporting daily court operations. The system has proven to be undersized, outdated, unreliable, lack redundancy, and does not include secure Wi-Fi in Judiciary facilities. The Judiciary has experienced 13 separate major network outages since June of 2022 alone. These outages have been largely caused by a bottleneck within the ADS firewall and a lack of diverse internet connectivity at each site, creating an unsustainable environment for conducting day-to-day trial court operations. This has severely hampered the

Judiciary's ability to adjudicate cases in a timely manner. Thousands of cases and litigants have been adversely impacted, just when the courts were finally able to resume full and in-person hearings and trial schedules. Internet connectivity is not only critical to support hybrid or remote hearings but also for our Odyssey case management system to function. These major outages prevented judges from issuing orders, court staff from accessing filings and litigants from connecting to their hearings. The outages have also been accompanied by intermittent network congestion every week causing further disruptions and lost productivity. The network slowdowns are occurring regularly during peak traffic times on the ADS network, which ADS has indicated can be expected to occur every Tuesday through Thursday for the foreseeable future. Incidents of degraded network performance due to technical issues with the ADS firewall have also occurred on other days of the week.

Given the failings of the ADS system and the need for the Judiciary to provide timely and reliable access to justice to Vermonters, the Judiciary proposes implementing, maintaining, and supporting its own network system. We note that the Legislative Branch separated from the ADS system for reasons that we understand were similar to those experienced by the Judiciary, and that the Legislature now runs its own separate network infrastructure.

The Judiciary's Technology Services Center (TSC) proposes a new network that will have a backup system (to provide redundancy and maximize uptime), improve security, and increase speed. Every courthouse and Judiciary office space (24 locations) will have a network firewall and a secondary backup network system for redundancy. In addition, secure Wi-Fi for staff and judicial officers will be added, eliminating the need for Judiciary laptops to be hardwired to the network and thus removing the problem of losing connectivity when moving around a courthouse. Most of the network issues the Judiciary has experienced with ADS are caused by their firewall lacking the throughput to handle the network traffic of the combined Executive and Judicial branches. This proposal includes firewalls that are sized for the current state of traffic at the Judiciary and allows for traffic to double before seeing a slowdown. In addition, the plan includes virtual firewalls in the cloud that will allow the Judiciary's network traffic to continue even when there is a firewall outage on site.

This proposal has considered the current staffing levels and expertise of the Judiciary's TSC team and includes outsourced security operations center staff that will monitor the Judicial network 24/7/365 and respond to any attacks to our network. This team would engage the TSC staff when needed and provide recommendations, financial guarantees, and assistance in case of a breach of the Judicial network. The security operations center would also provide and manage training for all judiciary staff, keeping our staff current with network security principles. The proposal also allows for us to have an advanced network monitoring system. This system will alert TSC staff to anomalies in the network as well as any outages that may occur. This advanced warning will allow TSC to respond and communicate to the Judiciary before we are contacted by end users flooding the help desk with call. This system will ensure that we not only respond to outages but also anything that may slow down network performance.

The proposal includes advanced next generation network firewalls, capable of not only blocking unwanted and potentially dangerous traffic but also responding to unknown threats and unusual patterns of behavior. This firewall bundle also includes a network monitor that checks all traffic within the network, responding to and blocking malicious behavior. The proposed solution will only allow known devices on our network, segregating unknown devices to the public side of the network. Along with the next generation firewalls, the Judiciary has included advanced federally compliant Wi-Fi devices in the plan. These devices will allow the Judiciary to provide public Wi-Fi in all our facilities along with private Wi-Fi for the Judiciary’s users.

By implementing its own network system, the Judiciary can also assume independent help desk operations including Microsoft software license management and Microsoft cloud (Azure) management. Again, the situation today is that these functions are controlled and managed by ADS through its Ivanti system. The current Service Level Agreement (SLA) from ADS states that help desk tickets should be resolved within 10 business days (maximum). However, the Judiciary entered 522 service requests to ADS Ivanti in calendar year 2022 with an average time to resolution of 18 days. In addition, on December 1, 2022, ADS uninstalled a critical software application, Silverlight, from all computers attached to its network with no prior communication to the Judiciary. Silverlight is critical to running the case management system, Odyssey. This issue crippled the ability of our staff to adjudicate court cases for a period of time.

The Judiciary’s TSC is prepared to assume the responsibility of managing its own Microsoft licensing and controlling its own network infrastructure inhouse, which we believe will provide a greater level of customer service and a more stable operating environment. TSC staff will be able to respond to and resolve most tasks within a matter of hours versus the average of 18 days with ADS. There will also be a cost savings to the Judiciary to operate these services independently, versus the Internal Service Provider (ISP) arrangement with ADS. The projected cost savings is \$3.5 million over five years. Below is a chart detailing the savings.

	FY23	FY24	FY25	FY26	FY27	FY28	Total
ADS Allocation	\$ 535,000	\$ 561,750	\$ 589,838	\$ 619,329	\$ 650,296	\$ 682,811	
ADS SLA	\$ 540,152	\$ 567,160	\$ 595,518	\$ 625,293	\$ 656,558	\$ 689,386	
							\$ 6,237,938
Comparative Judiciary Costs	\$ 460,000	\$ 483,000	\$ 507,150	\$ 532,508	\$ 559,133	\$ 587,090	
							\$ 2,668,880
						Estimated Cost Savings	\$ 3,569,058

The Joint Fiscal Office has recommended that the Judiciary undertake an Independent Review (IR) of the network replacement project in keeping with a protocol that applies to Executive Branch projects that exceed \$1 million dollars in cost. The Judiciary has commenced the IR process and anticipates results in April. In conjunction with that process the Judiciary is also collaborating with ADS to review recent plans that ADS has developed to improve their network performance and reliability. This will allow for an informed decision in April as to whether the possibility exists for a joint network project with ADS or whether it remains more advantageous for the Judiciary to separate from ADS and operate its own independent network.

Internal Network Cabling \$750,000

The Judiciary's need for a reliable high-speed network has increased exponentially with the rollout of Odyssey and the introduction of remote/hybrid Webex hearings. Vermont's courthouses have internal CAT3 network cabling (capable of 10Mbps, which is not adequate for today's network intensive applications) and need to be upgraded to CAT6 wiring (1 Gbps). The total cost to upgrade the internal network cabling upgrade is \$1,500,000. Pandemic funding is being utilized to cover the other half of the total cost of the internal cabling upgrade.

Vermont Courthouses Sound System Replacement \$500,000

All of Vermont's courthouse sound systems are outdated and inadequate for use with the Judiciary's modernized systems. In addition, as sound system equipment breaks or requires a reconfiguration, a technician must travel to address the issue on-site at each courthouse across the state. Funds for this project will allow the Judiciary to replace the sound mixer with a modern robust system that can be managed and configured remotely. It will also replace the amplifiers in each facility with an appropriately sized one. The plan calls to install chamber microphones that will allow for chamber conferences to be recorded to the For The Record (FTR) court transcription. This paves the way for more advanced audio recording such as simultaneous interpretations and those hearings requiring the use of American Sign Language interpreters. This new equipment will also address the issue for media access to hearings by providing a more robust audio output, fix the public address (PA) systems in all the courthouse, and will allow for a more robust hearing assist system in the courts. It is expected that the new systems will last a minimum of ten years before needing to be replaced.

Correctional Facilities Remote Hearing Improvement \$300,000

Vermont's correctional facilities lack the required infrastructure and equipment to adequately conduct remote hearings; this deficiency is a contributor to the increased backlog of court cases stemming from the pandemic. Pandemic funding was utilized to increase the number of Webex devices at Vermont's correctional facilities including at least one hardened large screen, hearing device, and multiple mobile units that will allow for confidential calls with clients, breakout rooms,

attorney calls to clients, etc. Funding is needed for the facilities to be upfitted with sound proofing materials to increase sound quality and provide confidentiality. In addition, a secure Judiciary Wi-Fi network needs to be installed in every facility so that the new Webex mobile units can be utilized.

Below is a breakdown of the total project cost. Please let us know if you have any questions or if you would like any additional detail. We very much appreciate your consideration of our request for one-time funding to address the issues impacting our ability to provide access to justice to Vermonters.

Project Components	Cost
Vermont Judiciary IT Network Replacement:	
Aruba Network with 5-years of support	\$1,800,000
Palo Alto Firewalls with 5-years of support	\$ 750,000
Professional Services for Installation and 5-years of support	\$2,130,000
Total Network Replacement Cost:	\$4,680,000
Internal Network Cabling	\$ 750,000
Courthouses Sound System Replacement	\$ 500,000
Correctional Facilities Remote Hearing Improvements	\$ 300,000
Total Project Cost:	\$6,230,000

cc: Sen. Andrew Perchlik
 Sen. Richard Westman
 Sen. Robert Starr
 Sen. Dick Sears
 Sen. Philip Baruth
 Sen. Virginia "Ginny" Lyons