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THE IDAHO SUPREME COURT'S BUDGET PRIORITIES FOR THE 2018 LEGISLATIVE SESSION

Budget Priorities

The following have been identified as the Court's budget priorities for the 2018 legislative session:

1. Continued Funding of the iCourt Project

The Idaho Judiciary is in process of implementing a transformative technology initiative, branded "iCourt," to greatly improve access, convenience, and information sharing for all stakeholders who participate or interact with the courts. The vendor for Idaho's existing 25+ year-old, state-wide case management system (ISTARS) declared the product at "end of life." As a result, the Court launched a comprehensive 5-year plan to replace the system. In 2014, the Legislature agreed to fund and support this transition to a comprehensive product suite produced by Tyler Technologies.

The Legislature identified two new sources of revenue, in addition to existing fee funding, for the Court Technology Fund to support this required update in technology:

- \$12.68 million estimated, one-time project costs were spread over five years, characterized as "multiple one-time appropriations" of which the Legislature funded \$4.85 million in FY2015, \$2.18 million in FY2016, and \$2 million in FY2017, and \$1.85 million in FY2018. One further one-time appropriation is scheduled of \$1.80 million in FY2019.
- An increase in revenues from filing fees to the dedicated Court Technology Fund (I.C. § 1-1623) which was accomplished by House Bill 509 (2014).

During this deployment, the Supreme Court is faced with the challenge of continuing operations while the courts transition to iCourt. This requires maintaining the current ISTARS system, securing the necessary bandwidth, providing technological and change management support to the counties, as well as the implementation needs. As a result, the Administrative Office of the Courts had to "surge" personnel resources to ensure that counties are fully supported and transitioned, which increased the costs of the project.

Fee revenues into the Court Technology Fund fluctuate due to variables which are beyond the Court's control, including the number of case filings and collection rates. Since 2014, the actual revenues received have not met the projected estimates. It is now clear that the revenues deposited into the Court Technology Fund will be inadequate to meet the projected needs outlined in the 2014 5-year business plan. Specifically, in 2016 the Court estimated the cumulative fee revenue shortfall is expected to be in the range of \$3,769,000 through the roll-out. The combination of these two factors – declining fee revenue and increased project costs – place the time line to complete the project in jeopardy.

In 2017, the Idaho Legislature responded to this revenue shortfall by appropriating an additional 1.88 million representing one-half of the expected loss in the fee revenues. In 2018, the Supreme Court seeks both the originally identified one-time appropriation of \$1.80 million, as well as an additional one-time General Fund appropriation of the second-half of the expected cumulative loss in fee revenues, totaling \$1.88 million, for an appropriation request of \$3.68 million for FY2019.

\$3,684,500 General Fund

2. Strengthening Judicial Recruitment by Increasing Compensation for Justices and Judges Remains a Priority.

The recruitment and retention of highly-qualified judges is, and remains, essential to the Court's constitutional mission to ensure fair processes and the timely, impartial resolution of cases. That judicial salaries are not sufficiently competitive with attorneys in the workforce has been repeatedly identified as the primary impediment to judicial recruitment. Recruitment challenges persist, and compensation continues to be a priority of the judiciary.

Pursuant to the statewide budget instructions from the Division of Financial Management, the Court has included a 1% salary increase placeholder in its budget for calculation purposes only. Although the Court does not present a specific compensation proposal for all judges in FY2019, it would seek consideration of at least the same percentage level of CEC as other state employees may receive. Pursuant to I.C. § 59-502, separate legislation will be required to any judicial compensation increase.

\$241,554 General Fund (each 1%)

To attract and retain well-qualified court personnel in the Judicial Branch, the Court must also seek an increase in non-judicial employee compensation at the same percentage level as other state employees may receive. The Court has also included a 1% salary increase placeholder in its budget, pursuant to the statewide budget instructions from the Division of Financial Management, and lends its full support to the other branches of government to continue to address adequate compensation for state employees. The Court has non-judicial employees who are paid from General Funds as well as some who are paid from Dedicated Funds. This request addresses only those employees paid from the General Fund.

\$126,016 General Fund (each 1%)

3. Additional Judicial Resources - Where the Needs are the Greatest to Ensure Cases are Heard Timely and Fairly

The need for additional judicial resources continues in distinct parts of the State, whether this is for additional judgeships or increased Senior Judge days. While the number of total case filings statewide fluctuates or even decreases, judicial resource demands occur for a variety of reasons, including: significant population growth in certain regions, case loads are increasingly complex and time consuming, felony case numbers are increasing, coupled with other related challenges such as a significant increase in self-represented litigants, non-English language access needs, and an increase in the number of problem-solving courts.

For the Legislative Session of 2018, the Supreme Court received a request for a new magistrate judge in Jerome County, located in the Fifth Judicial District. Despite experiencing significant population and case load increases in this region, the Fifth Judicial District received its last magistrate judgeship in 1985.

\$125,700 General Fund (for 9 months of FY2019 to correspond to the County's fiscal year)

4. Substance Use Disorder Treatment Funding Rate Increase (SUD)

On August 31, 2017, and at the urging of the 2017 JFAC Committee, an agreement was signed by the Directors of the Department of Correction, Department of Health and Welfare, Department of Juvenile Corrections, and Idaho Supreme Court to cooperatively seek a General Fund appropriation to implement a rate increase for the SUD Treatment provider network serving their collective clients. It was agreed that the departments would seek to raise the current rates by five percent (5%) for all treatment services starting July 1, 2018. This agreement does not apply to recovery support services. A copy of the letter containing the agreement is being provided with the Court's budget request.

\$231,330 General Fund

5. Substance Abuse Treatment Fund - Increase in Spending Authority to Fund a Full Continuum of Care

Projected revenues for this fund are forecasted to exceed current spending authority of \$3,614,000 by approximately \$57,000 in FY2018. In FY2019, revenues are projected to exceed spending authority by approximately \$96,000. In an effort to utilize the fund's projected revenues to support increasing treatment needs, we are requesting this increase in spending authority.

\$100,000 Dedicated Fund - Increased Spending Authority

6. Language Access Coordination & Operations

In recent years, the Legislature appropriated over \$400,000 in funds to support language access services for the Idaho courts. A portion of the funds were one-time to purchase video remote interpreting equipment for all trial courts. This equipment was deployed statewide in July of 2017. The Administrative Office of the Courts is monitoring the use of this equipment and the associated, ongoing direct services funds. The remainder of the appropriation was to support a new FTP dedicated to language access, as well as direct services funds for the Third and Fourth Judicial districts.

More specifically, in FY2018, the Court allocated \$147,500 to support direct language access services in the districts, as well as another \$30,800 to support direct services for video remote interpreting. The Statewide Language Access Manager provides both coordination and direct services to trial courts, with salary and travel expenses covered by the Court (\$144,396).

The seven Judicial Districts request increased financial support for their Language Access programs to meet the expanding language needs of their trial courts within the districts. It is estimated that as many as 40 different spoken languages are experienced in trial courts across the state each year.

While I.C. § 9-205 provides that language access services are to be paid for out of the county district court fund, the districts repeatedly convey their counties do not have sufficient local funds to cover these increasing expenses, and ongoing assistance of the state is necessary to ensure constitutional obligations are met. As a result, the districts are asking for an enhancement of \$114,300.

\$114,300 General Fund

7. Custodian - Supreme Court Building

In August 2017, the Court's entire Information Division moved into the newly remodeled basement of the Supreme Court building for which the Legislature had previously provided funding to renovate from its long-standing use as book storage. Prior to this move, the Information Division had been located in rented space off site. This FY2019 request for a new custodial position is to accommodate both the increase of personnel as well as the need to clean the previously unoccupied floor in the Supreme Court building.

\$58,532 General Fund

8. Judicial Performance Evaluations Mentor Judges

The Mentor Judges request is for the necessary training and operations funding needed to fully implement the remainder of the Judicial Performance Evaluations (JPE) program. The full JPE funding request initially went to the 2015 Legislature which funded part, but not the entire, program. JFAC invited the Court to resubmit the remaining request once the program was formally initiated. A request of \$293,700 was re-submitted to the 2016 Legislature and the Legislature responded by appropriating \$118,000 for FY2017 to begin using the new survey tools that had been developed, a full-time position in the Human Resource Division to administer the program, and some limited funding for educational opportunities.

Following hiring of the position, development of procedures and communication strategies, and refinement of the feedback surveys, the first group of judges received evaluations in early 2017. Each month, 3-5 additional judges are now being evaluated. The funding provided in FY2017 provided the framework for judicial performance evaluations. This FY2019 on-going request is to add the heart of the JPE request, the mentor judges. These judges will engage in courtroom observations and review the results of the evaluation with the judge being evaluated as well as make any recommendations for additional training, education, or other resources that may assist the judge with self-improvement.

\$153,500 General Fund

9. Access to the Courts - A.D.A. Consultant

The FY2019 Access to the Courts request is to provide additional funding for an Americans with Disability Act (A.D.A.) consultant. For FY2017, \$27,500 in one-time funding for an A.D.A. consultant was provided. The consultant's services have been invaluable, whether assisting the courts with a Department of Justice audit of a county's facilities in FY2017 or providing assistance on individual questions that have arisen regarding access to court facilities, services, and programs statewide. In FY2019, the Court seeks to continue working with the consultant through a one-time appropriation of General Funds of \$68,750. The consultant will be assisting the Idaho courts with expert, technical assistance regarding the physical standards for accessibility in county courthouses around the state.

\$68,750 General Fund

10. Vacation Leave Payout

In FY2018, the Court received one-half of its' budget request of \$165,000 for vacation leave payouts. The FY2019 request is an ongoing request for the other half of the original FY2018 request.

Utilization of salary savings or absorbing the costs in the operating budget to pay out vacation leave balances was the business practice prior to receiving the FY2018 appropriation. An average of \$165,000 per year, over the previous five fiscal years, has been paid out to employees as separation payments for vacation leave. In the first four months of the current fiscal year, we have already paid out \$81,000 - which is almost 98% of the FY2018 appropriation. If we continue at this rate for the year, we will pay out an approximate \$129,600 for FY2018.

\$82,500 General Fund

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Mission Statement of the Idaho Courts

*As the Third Branch of
Government, we provide
access to justice by ensuring
fair processes and the timely,
impartial resolution of cases.*

The Idaho Courts stand for:

*Integrity
Fairness
Independence
Respect
Excellence
Innovation*

The Idaho Courts strive to:

**Provide Timely,
Impartial Case
Resolution through
Legally Fair Procedures**

Ensure Access to Justice

**Promote Effective,
Innovative Services**

**Increase Public Trust
and Confidence in
Idaho Courts**

Approved by the
Supreme Court
October 2, 2017

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