

FY2016 JFAC Speech

By Justice Linda Copple Trout, Interim Administrative Director of the Courts

February 12th, 8:00 am MST

The Idaho Courts

Madam Chair, Senator Cameron, Members of the Committee, I'm Linda Trout and I am the Interim Administrative Director of the Courts and here this morning to present the Judiciary's budget. Joining me is Senior Judge Barry Wood, who is the Interim Deputy Administrative Director. Patti Tobias, who appeared before you yesterday, served the Idaho courts with great distinction as the Administrative Director for over 20 years and now works with the National Center for State Courts. I am privileged to be serving the courts in the interim until her successor is appointed and am honored to appear before you today.

Our budget reflects the mission of and Constitutional mandate for the Idaho Courts to provide fair, timely, and impartial justice. We are guided by core values that I know you share. At the outset, I would like to provide a brief overview of the Idaho Courts and court funding for the newer members of the Committee. I will then describe in detail the Court's priorities and decision units in your budget book.

Overview of the Idaho Courts

A diagram of Idaho's court structure is provided on page 3-58 of your budget book. As you can see, Idaho has a unified court system, meaning that all levels of courts are part of a single system that is administered and supervised by the Idaho Supreme Court.

There are two levels of appellate courts – the Supreme Court and Court of Appeals – and two levels of trial courts – District and Magistrate. The 44 counties are divided into seven judicial districts, each with a district court and a magistrate division. By statute, at least one magistrate judge must reside in each county and there are a total of 89 magistrate judges in the state. They preside over some of the most challenging cases in the court system – high conflict divorces, child abuse and neglect, domestic violence, guardianship and conservatorship, as well as misdemeanors and civil disputes under \$10,000.

For those people coming into Idaho's courts, the vast majority will have their cases heard by a magistrate judge. There are 45 district judges, who, by statute, are chambered in 19 of Idaho's counties and hear cases throughout their district. District judges hear felony cases, complex civil and business disputes, and appeals from the magistrates' division. By statute, one district judge is assigned to the water adjudications. Altogether, the 134 trial judges handled almost 400,000 cases last year.

The next two slides illustrate sources of revenue which fund the courts, including judges, staff, courtrooms, programs, problem-solving courts, family court services, and court assistance.

State Funding of Idaho Courts

As you can see by looking at page 3-60 in your budget book, for FY2015 the Legislature appropriated \$66.3 million for the Judicial Branch:

- This includes \$40.9 million in General Funds, the majority of which is for statutorily set salaries of justices and judges.
- The other \$25.4 million is from Dedicated and Federal Funds, which provide for problem-solving court coordinators, drug testing, substance use disorder treatment, family court services, computer software and hardware, and more.

Before moving on, I would like to address the 21 new FTPs that are referenced in your budget book. These FTPs fall into two categories.

First, ten of our long standing problem-solving court and family court service managers, who provide services across a judicial district, have been reclassified from contract and county employment to full-time statewide positions. This was done to comply with Internal Revenue Service requirements and to respect the district-wide nature of their jobs, at no expense to the General Fund since they continue to be paid from Dedicated Funds. Second, additional technical assistance was needed to ensure a successful transition to Odyssey, our new case management system. These 11 FTPs are part of our 5-year technology business plan that we presented last year and for which you began a funding stream.

County Funding of the Courts

The counties also play a critical role in funding the courts. By statute, counties are responsible for facilities, staff, supplies, and other expenses of the district court. County budgets exceeded \$74.6 million dollars for county fiscal year 2014 and were used to fund: Clerks, jurors, court security, interpreters, law clerks, staff attorneys, and court operations - as well as misdemeanor and juvenile probation officers. The next slide illustrates the revenue generated by the Idaho courts and where that revenue goes.

Distribution of Court Costs, Fees, and Fines

When court costs, fees and fines are ordered by judges, the Idaho Code provides the method by which those amounts are processed by county court clerks and then distributed to various accounts. In County FY2014, almost \$50 million was collected by the clerks of the district court and distributed to more than 200 entities, including:

- \$6.4 million to the State's General Fund
- \$21.7 million to other State entities
- \$15.7 million to the Counties, and almost
- \$5.9 million to the Cities

Judicial Recruitment and Retention

Before presenting the decision units, I want to touch on the Court's priority to recruit and retain highly qualified judges to the bench. The Court is not presenting a judicial compensation proposal this year; however, this goal remains essential to our Constitutional mission to provide fair, timely, and impartial justice. With the passage last year of Senate Bill 1394, Legislative leadership expressed a desire to revisit this issue in 2016. The Court will continue to monitor retention and recruitment efforts and will make a proposal for the next Legislative Session. The Court does seek this year to increase compensation for non-judicial court personnel, in order to attract and retain highly qualified people, and we support the 3% increase recommended by the Governor.

Decision Unit 1: Odyssey (One-time Spending Authority)

Turning to the decision units on page 3-61 of your budget book. Last year, we presented to you and you adopted our 5-year business plan for court technology. For the newer committee members, we are in the process of replacing our 27-year-old statewide case management system and transitioning to electronic filing and storage of court documents for all of our appellate and trial courts.

The new case management system, Odyssey, will serve a number of critical functions, including: Case management, financial management, a judicial workbench, a supervision module and a jury application.

In addition, from remote locations, parties and attorneys will be able to electronically file new cases and court documents 24 hours per day, 7 days a week, with any court in this state. Under our current system, the Court's data repository provides public access to some limited information on court cases and calendars and is accessed almost 200,000 times per day. Once the new system is in place, we expect this traffic to increase significantly. We will also be able to provide much more accurate and timely data to you on information and statistics related to court operations.

Decision Unit 1: Odyssey - Implementation Plan

Because of your support for our technology business plan, we have entered into a contract with Tyler Technologies and system design and implementation planning are well underway. Recognizing courts must remain open and fully functional, we have a deployment strategy that will ensure a successful transition. We are set to "Go-Live" in our pilot county, Twin Falls, in late spring of this year. The system will be deployed in Ada County in fiscal year 2016. There will then be 3 regional implementations with the goal of concluding in fiscal year 2017. Electronic filing capability will follow in each deployment area 90 days after the case management system goes live.

Decision Unit 1: Odyssey - 5-Year Business Plan

The Idaho Legislature has long endorsed a statewide approach to court technology, beginning with the first appropriation in FY1989 and the creation of the Technology Fund in 1997. You once again demonstrated your commitment last year, when you approved the Court's 5-year plan and vision. Continued funding is absolutely critical to the success of this transition. At the suggestion of this committee, one-time costs of the project are being spread over 5 years in a set amount each year.

This year, in Decision Unit 1, we are asking for the 2nd of 5 one-time General Fund appropriations, in the amount of \$2.18 million. The second source of revenue for this project is the Technology Fund. Last year, the passage of HB 509 created an increase in civil filing fees, which enhanced this revenue base. This additional revenue only began to accrue in July, and has fluctuated over the past several months because it is tied to the number of case filings, over which the courts have no control. The Court will keep this Committee and Legislative leadership advised of these revenues and whether additional monies may be needed to keep the project on track.

Decision Unit 2: ILJLC Tenant Improvements

Decision Unit 2 relates to the seven year renovation of the Capital Annex (the old Ada County Courthouse) which is nearing completion and is scheduled to be occupied this summer. The new facility is known as the Idaho Law and Justice Learning Center. The University of Idaho, College of Law will be a tenant and the building will provide the Supreme Court with a permanent home for the State Law Library. It will also serve as a place for civic law-related education and judicial education. In FY2016, the Supreme Court will incur one-time tenant improvements, equipment and furniture costs associated with this occupancy in the amount of \$151,300.

Decision Unit 3: Building Alterations

We are also requesting \$549,000 in one-time funds to upgrade the Idaho Supreme Court building. This project is planned in coordination with the Department of Administration's replacement of the building's air-handlers, which is scheduled to begin later this year. In conjunction with this work, we hope to

renovate the basement, which has provided book storage for the past 44 years. The renovation will allow us to make the most efficient use of this space by transforming it into a work area for the Court's Information Division, to accommodate the transition to and implementation of Odyssey.

Decision Unit 4: New Magistrate Judgeship

Turning to Decision Unit 4 on page 3-62, we are requesting additional judicial resources to ensure we are able to continue providing fair and timely justice in those areas experiencing increasing judicial workloads. Though case filings fluctuate from year to year due to a number of factors, cases are increasingly complex, and other factors, such as a rise in the number of self-represented litigants or time limitations, place additional demands on existing resources. For FY16, the Court received requests for 6 new judgeships from around the state.

After assessing where the need was the greatest, based upon caseload trends, population growth and the complexity of court workloads, we have decided to move forward with just one of these - we are requesting a new magistrate judge in the 1st Judicial District to be chambered in Kootenai County. This county has not had a new magistrate judge position in at least 25 years. The anticipated hiring date is October 1, 2015, to correspond with the county's fiscal year. The cost of this judgeship for those nine months is \$117,700. The ongoing General Fund cost beginning next year is \$154,400.

Decision Unit 5: Additional Senior Judge Days

We are also requesting \$163,100 in on-going general funds for senior judges, which will provide for an additional 400 senior judge days. The legislature established the process through which experienced, trained and educated judges could continue their service to Idaho courts upon retirement. Intended to encourage judges to continue to contribute their knowledge and time, senior judges have definitely filled a critical need. In addition to providing in-court assistance with increasing workloads, they have provided leadership and innovation in mediation, mentoring new judges, and assisting with policy development.

Senior judges provide a cost-effective alternative to new judgeships and the flexibility to allocate resources where they are most needed on a temporary basis. They also provide a cost savings to the State and counties because they do not require new facilities or full time staff and they are paid at 85% of the daily rate of a full-time judge.

Decision Unit 6: Judicial Excellence and Education Program

Idaho judges are always looking for ways to improve the way business is done, especially opportunities for engaging in self-improvement and enhancing their service to the public. The Judicial Excellence and Education Program will enhance judicial excellence and education throughout a judge's service by using a periodic improvement survey and targeted education, facilitated in part by trained mentor judges. Every one of our judges will have the tools to evaluate how they are perceived by those who appear before them and to improve their skills and knowledge. Over the last two years, the Judicial Performance Evaluation Committee designed the overall program as well as the performance survey.

As reflected in Decision Unit 6, the Supreme Court is seeking \$374,000 in on-going general funds to sustain this significant judicial improvement initiative into the future. In addition, the Court is requesting \$80,300 in on-going funding to support the continuation and enhancement of our 3 major judicial education programs—one specific for Idaho's magistrate judges, one for district judges, and the annual Judicial Conference, which also includes appellate judges and trial court administrators. The requested funds will ensure that full time judges, as well as senior judges, are educated by quality faculty and that they continue to receive essential education while serving as judges.

Decision Unit 7: GALs/CASA Program

Turning to Decision Unit 7 on page 3-63, the Court requests that the existing appropriation for the Guardian ad Litem program be increased by \$40,000. Idaho law provides that the judge shall appoint a guardian ad litem for each child under the age of 12 involved in an abuse and neglect proceeding under the Child Protective Act. We struggle to meet this obligation. Because there are not enough trained volunteer GALs, CASA staff must fill in and provide services for some of children as best they can. In 2014, an estimated 427 abused and neglected children went without a volunteer to advocate for them. While the number of children needing a GAL continues to increase, more children are receiving assistance than ever before. In 2014, you appropriated \$40,000 to increase the number of children assisted by a qualified volunteer. The funds requested this year will continue to help in serving abused and neglected children by funding the costs of recruitment, background checks, and training additional volunteers.

Closing

I am honored to be here today representing the Idaho Judiciary and court staff whose challenge each day is to address the complex and vexing legal problems facing Idaho's citizens. I can't say enough about their work ethic, empathy and dedication, which make our court system a leader in innovation and efficiency. The Judiciary had so many notable accomplishments this past year, but in the interests of time, I will mention just one.

After 27 years and the processing of almost 160,000 claims, the final decree of the Snake River Basin Water Adjudication was signed in August of last year. This is significant because no other state in the nation has been able to accomplish what we have in fully adjudicating all of those water rights. This event was marked by a dinner attended by members from all three branches of Idaho's government as well as by U.S. Supreme Court Justice Antonin Scalia. It marks a tremendous accomplishment and partnership between the Legislature, Executive Branch, and the Judiciary.

As always, the Judiciary has demonstrated its commitment to excellence and to making a difference in the lives of Idahoans. We couldn't do it without your support. Thank you so much. I stand for questions.