

Alaska Court System
FY2011 Operating Budget Request

FY2010 Final Budget (724 PFTs, 61 PPTs & 23 NPPs)	\$88,943,900
Less: Mental Health Trust Authority Funding	(975,300)
Add: JRS Increase from 26.2% to 36.2%	1,197,400
Add: Health Benefit Cost Increase (\$178/month/full-time employee)	<u>1,539,100</u>
FY2011 Adjusted Base Budget (729 PFTs, 46 PPTs & 17 NPPs)	\$90,705,100
Operating Increments - General Fund	5,317,400
Operating Increments - Interagency Receipts	100,000
Operating Increments - Mental Health Trust Authorized Receipts	<u>955,300</u>
Total FY2011 Court System Operating Budget Increments	<u>6,372,700</u>
FY2011 Budget Request (755 PFTs, 46 PPTs & 17 NPPs)	<u>\$97,077,800</u>

(The total change from FY2010 Final Budget to the FY2011 Budget Request is \$8,133,300, which represents a 9.1% increase over the FY2010 Final Budget. Funding requested for the No Dark Courtrooms and the Geographic Differential for Non-Judicial Employees totals \$2,848,900 or 44.7% of the requested FY2011 Operating Increments.)

Increments Summary (organized by budget request unit)

Appellate Courts

Court of Appeals Staff Attorney - from PPT to PFT **\$20,900**

The court of appeals' caseload is becoming more complex and is requiring more assistance from central staff attorneys, who are experienced attorneys and permanent employees. Several years ago, by eliminating an administrative assistant position, the court of appeals was able to hire a part-time central staff attorney to help self-represented defendants, assist with law clerk training, and supervise the review of incoming briefs for compliance with the appellate rules. The appellate courts are seeking the additional funding needed to increase this part-time position to full-time.

Workstations, Office Equipment, and Replacement Furniture **\$67,800**

The appellate courts have 56 permanent, full-time employees. Prior to FY10, the appellate courts received an annual operating appropriation of \$9,200 for equipment and furniture, an average of \$167 per position. In FY10, the court system requested an additional \$117,800 per year for replacement computers, printers, workstations and office furniture. The legislature approved an additional \$50,000 per year. This request is for the balance of the funding needed to insure the appellate courts have an on-going source of funding to replace outdated equipment and worn-out furnishings.

Travel for Juneau-Based Chief Justice **\$9,400**

The geographic distribution of the supreme court results in additional travel expenses, particularly when one of these justices serves as chief justice. With this position comes the responsibility to participate in interagency meetings, court functions, and official events, many of which occur in Anchorage.

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Administration

New positions

\$526,400

Human Resources Generalist, 12A, permanent, full-time

\$69,900

As a result of increased caseloads and new court initiatives, the legislature has approved additional staffing for the trial courts. An increase in the number of positions directly affects staff workload in the areas of payroll and leave processing, recruitment, classification, evaluation tracking, and direct assistance to employees. The human resources department finds it increasingly difficult to meet recurring payroll deadlines and provide responsive customer service. When this department has a vacancy or an employee is on leave for more than a day or two, the department is forced to reassign staff, delay important quality control steps, and reduce staff availability to provide core services and assistance to court personnel.

Senior Accounting Clerk, 12A, permanent, full-time

\$69,900

Fiscal operations requires an additional accounting position to handle the increased demands for management of accounting records associated with grants, reimbursable services agreements, contracts and general audit requirements. The fiscal operations department is minimally staffed within the accounting area. Efforts to improve efficiencies or save money in other areas of court system operations have resulted in increased administrative work for the accounting staff. Examples of the increased work include efforts by the travel clerk to ensure travelers are securing good fares for their travel as well as assisting travelers with finding inexpensive accommodations. Additionally, as the court receives federal pass-through funding from executive branch agencies, increased work is generated because reporting requirements for sub-recipients are extensive. Finally, the court system requires additional resources to assist with audit functions within the trial court accounting operations.

Records Technician, 10A, permanent, full-time

\$64,400

Fiscal operations requires an additional records technician for the department to maintain continuous case file document scanning and to respond timely to the public's requests for records that are only available on microfilm, which is cumbersome to access. This position will assist with the court system's imaging project, which is an effort to scan and digitize court records for improved access by court staff, other governmental entities such as the Child Support Services Division, and the public at large. With additional staffing, the records management division will be able to expedite the scanning and digitizing of court documents for more efficient and timely access.

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Administration (continued)

New positions (continued)

Contracts & Leasing Manager, 20A, permanent, full-time **\$108,700**

The court system operates 44 court facilities, most of which are leased from private landlords or other government entities. The court system has never had a permanent, full-time contracts and leasing manager, relying instead on a series of temporary, project-funded employees to perform this work. A contracts and leasing manager would work with court staff to identify space needs and technical requirements for new leases and service contracts and negotiate and manage leases and contracts for building services, such as janitorial, snow removal, and landscaping. In addition to monitoring contract compliance and fielding occupant concerns, this position will also manage small construction projects related to tenant improvements and maintenance work.

Integrated Justice Tech Support Manager, 22A, permanent, full-time **\$119,000**

Timely access to accurate information is critical to the effective operation of criminal justice agencies. The court system works with twenty other agencies through the Multi-Agency Justice Integration Consortium (MAJIC) to ensure that information sharing standards and best practices endorsed by that group are followed. An Integrated Justice Technical Support Manager is needed to implement and manage programming for information exchanges between different criminal justice data systems and databases; assist MAJIC agencies with technical design and development issues related to integrated justice projects; evaluate and make recommendations involving proposals and data exchange technologies and tools; provide quality control for MAJIC-endorsed data exchange projects; train MAJIC agency staff and contractors in relevant technologies; and assist in strategic planning for integrated justice. This position also assists with the initiatives of the Criminal Justice Working Group.

Security Analyst, 18A, permanent, full-time **\$94,500**

The court system requires a security analyst to organize and manage security projects and processes at court facilities throughout the state. The security needs of the court system are great and require a single point of contact to insure issues are being addressed systematically. This position will coordinate and oversee the installation of security systems, including access control, video surveillance, emergency communications, and badging systems. This position will coordinate with the Bureau of Judicial Services within the Department of Public Safety, local court management, and vendors and contractors to implement security controls and systems. This position will work with contractors to address statewide physical security policies and procedures as they relate to construction projects. This position will be responsible for security management and public relations, building security, information technology security, and emergency preparedness and planning.

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Trial Courts

New positions

\$1,459,700

No Dark Courtrooms

\$1,365,700

In the Alaska Court System's FY 2009 and FY 2010 budget requests, funding was sought for a new court initiative to improve courtroom operations around the state. The 2008 legislature appropriated funds for approximately one-fourth of the funding request and the 2009 legislature appropriated funding for another portion of the project, with the understanding that the court would seek further funding during the 2010 legislative session.

Past appropriations have supported projects in Palmer, Anchorage and Fairbanks resulting in courtroom efficiency through streamlining proceedings. In these locations, a second in-court clerk is now present during high volume proceedings so that case paperwork can be distributed to parties while in the courtroom, and data essential to public safety concerns can be immediately recorded in the court's electronic systems for dissemination throughout the justice system. Judgments, bail conditions, and court orders are available to defendants and attorneys without delay, promoting compliance and eliminating the need for subsequent paper processing and mailing. These improvements are not only a benefit to the court, but also to other justice agencies and ultimately the Department of Public Safety.

The court system was also able to add new court clerk positions in Kenai, Bethel, and Nome to address serious courtroom understaffing. The new positions help to ensure that no court proceedings are postponed or canceled due to the unavailability of court support staff, and reduce some of the pressure associated with inadequate staffing. The court system also added general clerical positions in Juneau, Naknek, Kotzebue, and Anchorage and was able to increase the hours of a position in Bethel.

For FY11, the court system is requesting the remaining positions needed to complete this initiative. The funding for the eighteen remaining positions will be used to hire additional range 10 clerical positions, range 12 courtroom personnel, and range 14 supervisory positions. The new courtroom positions will ensure that an adequate number of in-courts are available for court proceedings and also improve the court system's ability to train in-court staff. Given the complexity of the job, it currently takes approximately one year for an in-court clerk to be fully trained. The additional range 10 clerical positions will allow understaffed courts to keep up with data entry and distribution of orders and other documents.

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Trial Courts (continued)

New positions (continued)

First District

Deputy Clerk II, Craig, 10A, permanent, full-time

\$28,000

The Craig court is currently staffed with a magistrate III, a clerk of court, a full-time clerk and a part-time clerk. This request is to make the part-time clerk full-time to assist with the management of felonies and other superior court case filings now that the Craig court is a superior court filing site. The superior court judge based in Sitka regularly travels to Craig. The additional clerk hours will be used to support the additional work created by the superior court case activity.

Magistrate Trainer, Anchorage, 23A, permanent, part-time

\$66,000

The third district has 20 magistrates and masters. Six deputy magistrates are regularly assigned weekend duty. The recent addition of an active, dedicated statewide magistrate trainer has been very beneficial, however, more magistrate training resources are justified for a district the size of the third. Because the majority of the district's magistrates and masters are law-trained judicial officers who rarely perform clerical duties, this training is not an appropriate responsibility for the district's Rural Court Training Assistant.

Facility operations, maintenance and leasehold improvements

\$378,000

Second District

Nome Court Facility

\$278,800

The Nome court facility is owned by the federal government, which has advised the court system of its intent to remove this property from its inventory. Although current tenants are eligible to take over ownership of the property, so far the court system is the only entity that has expressed any interest. The building has been offered to the court system at no cost; however, the building is over 50 years old and has significant structural and system deficiencies. Ideally, the Nome court will be included in the plan to construct a Nome State Office Building. However, if that project does not materialize, then the best long term option for the court would be to take over ownership of the federal building it currently occupies.

There are several other tenants in addition to the court system. However, even when fully leased, the building operates at a loss due to high service and utility costs. At the end of the two years, depending on market conditions, it may be possible to increase the rental rate for other tenants. However, at least until then, additional funding is needed because the cost of utilities and maintenance, janitorial, parking lot sweeping, snowplowing, and elevator service contracts exceed the amount currently budgeted to be paid to the federal government in rent.

Again, this increment is needed only if a Nome State Office Building does not materialize and the court has to take over ownership of the Nome federal building.

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Facility operations, maintenance and leasehold improvements (cont.)

Fourth District

Galena and Chevak Leased Space Increases

\$99,200

Galena and Chevak could function as district court trial sites with increased space, thus better supporting the court's fairness and access goals. Trials in the busy Chevak area are presently conducted in Bethel due to inadequate space at this facility. The Galena court facility is small and the building is very old and becoming increasingly difficult to maintain, so the court seeks newer and larger space. Space for each court would be increased to 1200SF, at a cost of \$4/SF in Chevak and \$5/SF in Galena.

Court-wide Budget Requests

Elimination of Vacancy Savings Requirement for Judicial Positions

\$574,300

Based on its size, the court system falls within OMB staffing guidelines for managing its personal services budget within a 4% - 7% vacancy factor. The court system has been managing with a 6% - 7% vacancy factor by holding vacated positions open for a 30-day period. To prevent further case backlogs, the court system has asked retiring judges to give sufficient notice to permit selection and appointment of their replacements before leaving their positions. To attain 0% vacancy of judicial positions, the court system needs to increase personal services budgets of the appellate and trial courts. Towards this effort, the court system received \$250,000 in FY09 and FY10.

Geographic Differential for Non-Judicial Employees

\$1,483,200

The Department of Administration has received a consultant's recommendation for changes to the geographic differential applied to salaries throughout the state. The differential currently paid to court employees is established by Alaska Statute 39.27.02 and was last changed over 25 years ago.

Differentials currently paid in several rural court locations under the statute are less than the differentials paid to employees under either the SU or GGU contracts. The court system's increment reflects the cost of adopting the recommended geographic differentials for locations favorably impacted by the change. Employees working in locations negatively impacted by the changed geographic differentials would remain on the existing pay schedules. As these employees are replaced, newly hired staff would be placed on the new schedules with the reduced geographic differential.

Transcripts Costs for Criminal Proceedings

\$125,000

The court system prepares transcripts of criminal proceedings when the defense is provided at public expense. With the increased criminal caseloads, the demand for transcripts has dramatically increased. Coupled with this increased demand, fewer contractors are willing to accept work from the court because the payment rates are far below market standards. The court system is currently paying a per page rate of \$2.65 - \$3.05. The federal courts are paying a per page rate of \$3.65 - \$4.85.

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Court-wide Budget Requests (continued)

Telephone and Teleconferencing Services

\$98,000

In past years the court system used prepaid phone cards extensively to save on toll costs for long-distance phone calls. These cards were particularly useful for instate calls as local carriers charged from \$0.115 to \$0.18 per minute. With a prepaid phone card, the court system was paying \$0.0283 or less than three cents per minute for calls made with a Sprint prepaid calling card. Effective October 2008, Sprint sold its interest in prepaid calling cards to a carrier that was unable to provide the instate calling services at the rates formerly offered by Sprint and did not have the facilities to insure that calls made to remote locations would be of sufficient quality to conduct court business. The court system pursued other prepaid calling card vendors, but none could provide a reliable service at less cost than amounts charged by the local carriers, two of which have agreed to charge \$0.10 per minute for instate calls. The court system is requesting \$42,000 to pay for these increased telephony costs.

The court system regularly conducts hearings telephonically. By court rule, parties inconvenienced by holding a hearing telephonically must pay the cost of the hearing. The court pays the telephone cost if the judge is able to avoid traveling to the hearing (cost savings measure). For other situations, the defendant, public defender, plaintiff or prosecution would be responsible for the cost of the call. Frequently the payer is another state agency. In the past, the in-court clerk would collect calling cards from the payers and place the calls. This was time-consuming and caused delays in court proceedings. To address the efficiency issue in high-volume proceedings with multiple parties in attendance, the court piloted a project wherein the court system used a teleconferencing service to coordinate the calls. Using the service resolved many issues and placed the burden of calling into the hearing on the parties rather than on the in-court clerk who frequently had to track down parties who may be at home, on their cell phone, at their office, etc. The vendor is extremely reliable and charges \$0.059 per minute for each caller. The court system is requesting \$56,000 in additional funding to expand the pilot project to include all telephonic proceedings and to pay the long-distance charges for telephonic proceedings that would generally be borne by another state agency.

Pro Tem Pay Increase

\$174,700

Retired judicial officers are essential resources for the court. They are used for court coverage during judicial vacancies, to perform settlement conferences and cover proceedings when sitting judges are unavailable, and for special projects. In single judge locations, pro tem coverage is especially critical as no other judicial resource is available. Since 1997, pro tem judges have been paid a daily rate based on a \$30 hourly rate. The court system requests the daily rate pay basis be increased to \$75 per hour, which is comparable to the hourly rate for court-appointed attorneys and attorneys appointed by the Office of Public Advocacy (OPA).

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Court-wide Budget Requests (continued)

Life-Cycle Replacement of Computer Systems

\$250,000

Automation of its case management system requires the court to regularly update its operating systems to be compatible with software versions and licensing requirements. Rapid advancements in computer technology require the court system to continually evaluate and improve its base of technological equipment. In the past, the court has received sporadic grant and capital funding to replace equipment and operating systems. To ensure a planned, life-cycle approach to replacement of these systems, a sustained source of funding must be incorporated into the court's base operating budget. Experts recommend replacement cycles of three years for PCs and four years for printers. The court plans to keep its equipment in place for an additional year beyond the recommended guidelines, but requires a sustained funding source to facilitate this cycled approach.

Language Interpreter Center

\$25,000

The Alaska Court System is involved in a multi-agency collaboration to establish the Language Interpreter Center (LIC). The LIC has three goals: train interpreters on skills and ethics; train professionals on the roles and responsibilities of working with interpreters; and provide a referral service for government agencies, nonprofits, and businesses in need of qualified interpreters.

The court system is required to provide language interpreters for certain criminal proceedings. A recent interpretation of federal law suggests that parties, victims, and witnesses with limited English proficiency may be entitled to court-paid interpreter services for any type of court case. Prior to the development of the LIC, training and certification of interpreters was not available anywhere in Alaska. To support the on-going efforts of the LIC and to ensure that a pool of certified language interpreters is available to the court system, contractual funding is needed to pay for interpreter services and training.

Increase Funding for Family Law Self-Help Center (FLSHC)

\$100,000

The FLSHC assists pro se litigants (litigants without lawyers) throughout the state. Assistance is provided primarily over the phone and via the internet through the court's website for cases such as divorce, dissolution, child support and other family-related law. This operation is currently supported by federal funds that available to the Child Support Services Division, which has budgeted an additional \$100,000 for pass-through to the court system. This will be accomplished through an interagency agreement.

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Court-wide Budget Requests (continued)

Custody Mediation Program

\$125,000

Mediation offers parents an opportunity to create co-parenting plans for their children in a non-adversarial, confidential, informal setting with a trained and experienced neutral mediator. This request is an outgrowth of the success of the mediation services provided through the court system's Child Custody and Visitation Mediation Program (CCVMP) for over 10 years. Over a recent 18-month period, referrals to mediation increased sharply, resulting in a 250 percent increase in costs, an amount not sustainable by the federal grant that funds this program. The legislative intent of this recurring \$100,000 federal grant is to promote access of non-custodial parents to their children, and recent interpretation of allowable services under the grant suggests grant-funded mediation should be reserved for post-decree modifications of custody orders. While an important point for mediation, it does not offer the preventive impact of early intervention.

The court system seeks to leverage grant funds to provide an important continuum of mediation services to parents and maximize court resources. The focus of state funding will be to assist parents in conflict over physical and legal custody issues regarding their children and the initial court filing, prior to a decree. Mediation early in domestic relations cases helps parents resolve their conflicts, establish cooperative co-parenting, and reduce the negative impacts of on-going custody disputes on their children.

Mediation is not appropriate in every case and this project will develop referral protocols, including screening for domestic violence for the more than 3,000 annual filings, about 54 percent of which are pre-decree, involving custody disputes in domestic relations cases. The pool of private contract mediators will be expanded and given specialized training. The program will evaluate its outcomes, including the impact of early mediation on later litigation and expects to find that successful mediation of the initial co-parenting plan results in a significant decrease in later contested motions for modifications.

Mental Health Trust Authority Project Funds (MHTAAR)

\$955,300

The therapeutic courts are requesting Mental Health Trust Authority funds for the following projects: Treatment Funding for Therapeutic Court Participants \$500,000; Fairbanks Juvenile Therapeutic Court \$245,900; Mental Health Court Expansion - Targeted Communities \$204,400; and Access to Timely Neuropsychiatric Evaluations \$5,000.

Total Operating Budget Increments **\$6,372,700**