



State of Maine Judicial Branch
Administrative Office of the Courts
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MEMORANDUM

To: Senator Margaret Rotundo
Representative Melanie Sachs
Joint Standing Committee on Appropriations and Financial Affairs
Senator Anne Carney
Representative Matt Moonen
Joint Standing Committee on Judiciary

From: Amy Quinlan, State Court Administrator

Date: February 27, 2023

Re: Testimony of the Maine Judicial Branch on LD 258, the Biennium Budget (MCILS)

I am Amy Quinlan, the State Court Administrator, and I am testifying neither for nor against the portion of L.D. 258 that pertains to the budget for the Maine Commission on Indigent Legal Services. I am testifying “neither for nor against” the proposed budget because it is not the role of the Judiciary to tell the Legislature what policy to adopt to solve the problems that MCILS faces, but it is important for the Judiciary to tell the Legislature the problems that the Judiciary is facing because of the shortage of defense attorneys.

The shortage of defense attorneys affects the Judiciary in many ways:

- First, all of us care so very much that the constitutional rights of the people who come into the court system are protected as they face possible incarceration or the loss of their children.
- Second, our clerks are spending hours and hours trying to find lawyers in some cases. This takes them away from the workload they are already trying to manage under difficult circumstance and puts the courts even further behind in clearing cases.
- Third, our trial courts shift operations on a regular basis to accommodate the needs of attorneys strained by their case load and spread out through many counties. This means increased use of Zoom,

even when it is not otherwise effective. It means cases are continued, whether formally through motions or informally, because there is just too much to handle.

We urge these committees to consider carefully the policy choices before you and to craft and fund the policy that you think will best protect the rights of Maine residents who come into the court system and will lay the foundation for a system that guarantees access justice now and into the foreseeable future.



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Re: Testimony of the Maine Judicial Branch on LD 258, the Biennium Budget

My name is Amy Quinlan; I am the State Court Administrator for the Maine Judicial Branch. I appreciate the opportunity to come before you today to discuss the Judicial Branch budget and the new initiatives. Over the past three years a great deal has been said about the impact of the pandemic on how the courts conduct business. The justice system has undergone drastic changes transitioning centuries old processes moored by constitutional protections and the right to due process. These processes are the backbone of our system and must be followed before any individual may be deprived of any life, liberty, or property interests.

When the pandemic made it impossible for a time for the courts to bring people into the courthouses, we needed to develop new ways of doing business while meeting these constitutional and due process mandates. We did what all courts did nationwide: we introduced new technologies to allow for remote proceedings and the exchange of electronic information, and we altered operations to support these changes. You have heard a lot about the steps taken to protect the public during the pandemic and I won't repeat them here. The bottom line is that we were successful in implementing unprecedented change in a very short period of time.

We know that many of these new processes and technologies have been beneficial by providing more access to the courts particularly in our rural areas, allowing attorneys to attend remote proceedings on behalf of litigants in other locations, and for people to attend court proceedings without having to go to a courthouse in certain case types. These technologies are here to stay because they benefit the system as a whole and provide better access to justice. But these changes do not necessarily translate into more efficiencies for court staff. In fact, in many instances the opposite is true. The due process requirements that ensure a right to trial by an impartial jury and public access to many court proceedings, or the right to a court record from which to bring an appeal, or the right to confront and cross examine a witness do not easily translate to remote proceedings, although the technology has improved since 2020. Many of the requests you will see relate to continuing those technology enhancements, additional resources to manage those technology solutions, and training to support a transitioning work force.

One thing we did not do in response to the pandemic was close the courts. To be clear, the state court system remained open during the pandemic. There was a period of about 15 months where certain dockets, especially jury trials, were curtailed to comply with CDC recommendations concerning distancing and capacity. This led to a buildup of cases now referred to as the backlog that we are still trying to address.

We have spent some time in recent months while developing our FY 2024/2025 budget requests trying to understand how we got to where we are and creative solutions for reducing the backlog. We have looked at over a decade's worth of information including court filing trends, how long it takes to resolve cases, and whether we are keeping up with demand. As it turns out, the Judicial Branch was struggling to keep up with our caseload even before the pandemic. Many of these trends began back in 2010 and have increased incrementally over time. For example:

Criminal Cases

- Between 2010 to 2019, the time to resolve criminal cases significantly increased despite a drop in filings for the same time period.
- Filings in our most serious criminal cases increased by +8.6% and the felony pending caseload leading up to the pandemic grew by +9.5%.
- Both trends continued through the pandemic, with average felony filings up +9.2% from 2010 and the pending felony caseload up +84.3%.
- Between 2010 and 2019, the Judicial Branch saw an overall increase in continuance rates across all cases (+21.7%), but some of the most significant increases were in criminal cases (+21.9% overall, +19.3% in misdemeanor cases, and +41.1% in felony cases).

Mental Health

- Between 2014 and 2019, there was a marked increases in mental health-related events in criminal cases, including motions requesting mental health exams (+25.8%), court ordered exams (+99.0%), and findings of incompetence to stand trial (+81.3%). These trends were even more pronounced in misdemeanor cases and have grown exponentially since the pandemic. While these events make up a relatively small portion of the criminal caseload, mental health issues add significant complexity such that a small number of cases can have a disproportionate effect on the overall caseload.

Protective Custody

- Protective Custody cases experienced explosive growth between 2010 and 2019, with filings nearly doubling (+93.2%).

We explored how some of these changes correlate to new statutory requirements or rules changes and the advent of electronic discovery. The causes for these evolving caseload trends cannot be attributed to any one thing. The apparent reasons for delay are varied and systemwide. But one thing is clear: The pandemic was a tipping point that unmasked the reality that, even before the pandemic, the courts and judicial system were struggling to keep up with the demand.

We have made some headway this past year (thanks, in part, to the added resources received though the last Supplemental Budget). I am pleased to report that the backlog is

decreasing in some case types. In those cases where pending caseloads continued to increase, growth has slowed over the past year. But many cases are still taking too long to resolve. The simple truth is that we are under resourced and have been for some time. We need more judges, clerks, marshals, technologists, process and training support, and more. Through the Chief and my statewide visits, focus groups and discussions, and review of our caseload data and case processing information, we have developed what we believe to be a comprehensive request to address the Branch's critical resource needs. As before, our requests focus on resources to address the backlog and long-term staffing needs.

We are grateful to Governor Mills for including in her Recommended Biennium Budget 59 positions for the Judicial Branch. That includes, among other things, 4 new judges, 24 clerks or clerk support staff, and 16 deputy marshals and court attendants. We recognize that is a very large number. Yet it is less than our original ask of 83 positions -- the need we identified through our months-long budget process. And it is far less than the need identified by the recent Weighted Caseload Study conducted by the National Center for State Courts (an independent, non-profit organization focused on improving the administration of justice in state courts). Their study analyzed the need for additional judicial and clerk resources through a time study conducted in October and November of 2022. Their report identifies an additional need of 10 new judicial officers and 54 clerk positions just to keep up with current filings. The study did not focus on reducing the backlog.

We recognize that these numbers are overwhelming. We understand that sufficiently resourcing the justice system may need to be done in increments which is why we worked with the Governor's office to adjust our original ask. We also know that you must do the difficult work of considering many critical and deserving needs. And, the budget requests we present to you today are the result of thorough analysis and careful consideration to identify what resources the Judicial Branch must have to meet our mission of providing equal justice to all.

Turning to our specific requests, they are as follows:

Page A-478, #1: General Fund FY24 \$135,624 / FY25 \$143,098

This first initiative is for one Assistant Systems Administrator position. This position would provide technical support for the network and computing infrastructure used in the Judicial Branch, as well as technical user support for judges and staff. Responsibilities also include software updates for both servers and computers. Our technology staff is small. The increasing reliance on technology solutions is straining our ability to manage our technology infrastructure from our data centers, software licenses and configurations, equipment maintenance and upgrades, and security issues. Currently we have two positions that primarily focus on our infrastructure which is insufficient particularly as our reliance on technology grows. Moreover, there is very little overlap between the two infrastructure positions which leaves the Judicial Branch vulnerable should one of them become available. This new position would negate that risk by backing up these positions while adding capacity and support to those existing roles. C-A-36

Page A-478, #2: General Fund Revenue FY25 140,739

This next initiative establishes one Legal Process Specialist position for our criminal caseload. We currently have one position charged with overseeing all criminal processes for the Judicial Branch. This is insufficient. By adding an additional position, we would be able to better assist the clerks and judges with developing alternative schedules to manage caseloads, analyze

caseloads, prepare public information documents and online training, assist the clerks in developing a plan for management of the shrinking roster of court appointed counsel and provide training statewide to bail commissioners and jail staff. C-A-37

Page A-479, #1: General Fund FY24 \$102,308 / FY25 \$108,148

Establishes one Form Development Specialist in FY24. Much of the information provided to the court and from the court is entered into official court forms. These forms are based on statute or court rule and are integral to court processes. Due to frequent changes in statute and rules, these forms need to be constantly reviewed and updated to accurately reflect those changes. Currently many positions contribute to form development in addition to other duties. But we are struggling to keep up with the demand without diminishing effectiveness in other key areas particularly as it relates to electronic forms which requires technical assistance. This position will create and maintain all electronic forms used in Odyssey. C-A-39

Page A-479, #2: General Fund FY24 \$360,956 / FY25 \$471,978

Establishes 3 Electronic Filing Specialist positions and one Electronic Filing Supervisor position in FY24 and one Electronic Filing Specialist position in FY24. These positions will help maintain our timing goals for filed documents being available for public viewing. It has become clear that centralizing this function allows for a more consistent approach to file review while reducing work in otherwise busy clerks' offices. These positions will review filings for compliance with requirements and would also provide phone support to electronic filers who need additional assistances. C-A-40

Page A-479, #3: General Fund FY24 \$239,801 / \$251,254

Continues and makes permanent two Field Operations Specialist positions. The need for these positions was so great that we established limited term positions to begin this work last fall. These positions provide support to clerk's offices in the form of resource development, training and added staffing as needed. The work performed by clerks' offices has become increasingly complex through statutory, rule, and process changes, new technology, and other factors. Turnover rates in our clerk's offices since the beginning of the pandemic have run about 34% statewide with some of our bigger courthouses near or above 50%. Inadequate staffing and lack of training are two primary causes for this strain. C-A-41

Page A-479, #4: General Fund FY24 \$163,247 / FY25 \$172,295

Establishes 2 Service Center/Violations Bureau Assistant Clerk positions effective FY24 and provides funding for related All Other costs for workstations, computers and other set up costs. The Service Center provides an array of services on behalf of the trial courts, including answering all incoming public calls for 8 superior & 15 district courts and fully resolve 79% of all inquiries and transferring the remaining questions to the appropriate court. In doing so, the Service Center efficiently provides the public contacting those regions with high quality public service by responding to public inquiries while freeing up court clerks to focus on pressing local needs. C-A-43

Page A-479, #5: General Fund FY24 \$50,000 / FY25 \$50,000

Provides funding for contracted cybersecurity services. Cybersecurity is becoming increasingly critical given the growing reliance on technology solutions. The Judicial Branch recently signed a one-time, one-year contract with Tyler Cybersecurity Solutions (formerly Sage, a Maine company) to analyze, plan, test, and develop action plans to address cybersecurity threats. The Judicial Branch anticipates the need for ongoing expertise in this area. C-A-44

Page A-479, #6: General Fund **FY24 \$135,624 / FY25 \$143,089**

Establishes one Odyssey Administrator position. This position will monitor and control the system users; monitor system alerts and develop solutions to keep the system functioning well; develop training materials; coordinate data base refreshes of non-production environments; engage with other agencies as data is exchanged and work through any issues. These tasks are currently being absorbed by other positions. It has become clear that a dedicated position is required to effectively manage these tasks as we implement the Odyssey system in additional courts statewide. If this position is not created, the Judicial Branch would need to contract with Tyler Technologies to manage these tasks which would be cost prohibitive. C-A-45

Page A-480, #1: General Fund **FY24 \$50,000**

Provides one-time funding for Alternative Dispute Resolution Information System (ADRIIS) software updates. This is the system used by Court Alternative Dispute Resolution Services (CADRES) to process payments, create schedules, and manage workflow. These critical changes will address security issues and the addition of mediation in consumer debt collection cases from last year's legislative session. C-A-46

Page A-480, #2: General Fund **FY24 \$791,390 / FY25 \$794,306**

Continues 3 limited-period Intermittent project Referee positions to address the backlog of non-jury, family, and civil cases, caused by the pandemic by providing determinations on referred cases when agreed to by the parties. The goal of this program is to add capacity to dispose of cases without using sitting judges or other Judicial Branch personnel. The All Other costs related to these positions include transcription services, minor equipment, and technology costs related to licenses and video remote hosting services.

C-A-47

Page A-480, #3: Other Special Revenue **FY24 \$(788,997) / FY25 (\$793,729)**

This initiative is a house-cleaning item and reduces our funding to align with projected available resources for our Other Special Revenue Accounts. C-A-51

Page A-480, #4: General Fund **FY24 \$114,620 / FY25 \$114,620**

Provides funding for an increase in active retired justices' and judges' per diem rates from \$350 to \$500 per day and from \$200 to \$300 per half day. At this rate the active retired judges are paid \$43.75 to \$50.00 per hour, which is lower than court appointed attorneys, guardian ad litem and most other service providers. Language for this change is reflected in PART LLL.

C-A-52

Page A-480, #5: General Fund/Other Special Revenue **FY24 GF \$104,327 / FY25 GF \$105,393**
FY24 OSR \$(104,327) / FY25 OSR
\$(105,393)

Transfers one Manager of Court Alternative Dispute Resolution Services (CADRES) position and reallocates the cost from 65% Other Special Revenue Funds and 35% General Fund to 100% General Fund within the same program. The reallocation of this position is necessary for the continued ability to fund this critical role. The services provided by the CADRES program have increased, but fees are sometimes waived when parties are not able to afford the cost. Since fees are waived for parties who cannot afford to pay, increasing fees is unlikely to support the expenses in this account. This leaves the program susceptible to revenue shortfall and projections show that the account will not be able to sustain the continued cost of this position. Existing staff do not have the ability to absorb the workload. C-A-1

Page A-480, #6: General Fund FY24 GF \$250,000 / FY25 GF \$250,000

Provides one-time funding for increased Maine Judicial Information System (MEJIS) support costs. We retain contractors to maintain the system software that is an Apple language and not commonly used. The contractor rates have increased to \$150/hr from \$100/hr that was set 10 years ago. C-A-4

Page A-481, #1: General Fund FY24 \$50,000 / FY25 \$50,000

Provides funding for increased Google Enterprise Licensing costs. Google is used currently as the Judicial Branch email provider as well as for document storage. C-A-5.

Page A-481, #2: General Fund FY24 \$180,000 / FY25 \$180,000

Provides funding for increased Microsoft SQL Server licensing costs. These servers are used for the new court management system, Odyssey. C-A-6

Page A-481, #3: Other Special Revenue FY24 \$283,600 / FY25 \$299,975

Continues and makes permanent one Accounting Technician position and one Collections Coordinator position, and one Court Fine Screener position. These positions support revenue collection throughout the state, from assisting clerks with processing payment issues, tax and lottery offset, revenue recording, reconciliations, research death records, coordinating collections efforts, and providing guidance and assistance to individuals who have failed to pay fines in accordance with court orders. These positions were established pursuant to 4 MRS § 20 and are funded through the money collected. C-A-7

Page A-481, #4: Other Special Revenue FY24 \$260,909 / FY25 \$272,271

Continues one limited-period Assistant Clerk position and 2 limited-period Collections Clerk positions. These positions support collection efforts statewide. These positions were established pursuant to 4 MRS § 20 and are funded through the money collected C-A-8

Page A-481, #5: General Fund FY24 \$62,000 / FY25 \$62,000

Provides funding for increased courier services costs. These contracted services provide courier services between the courts and banks, as well as to other courts. C-A-9

Page A-481, #6: General Fund FY24 \$10,000 / FY25 \$10,000

Provides ongoing funding for credit card terminal replacements. Technology updates and bank requirements for security (PCI Compliance) mean most machines now have a three-year life. This funding helps us keep the machines compliant and avoid non-compliance fees. C-A-10

Page A-481, #7: General Fund FY24 \$520,000 / FY25 \$520,000

Provides funding for operational costs for the York Judicial Center. These costs include snow removal, janitorial, utilities and landscaping costs and reflect savings from closing Springvale and Biddeford District Courts and turning them over to DAFS for disposition; leaving Alfred Superior Court where most costs were paid by the county; and maintaining York District Court for file and furniture storage on a temporary basis. C-A-11

Page A-482, #1: General Fund FY24 \$275,000 / FY25 \$275,000

Provides funding for mediation service rate increases in the Court Alternative Dispute Resolution Services Account (CADRES). Mediation for dispute resolution is an effective way to divert and resolve certain types of cases and is mandated in certain cases. This initiative provides funding to increase Family mediation rates by \$35 per session to a rate of \$125 per

session and small claims mediation rates by \$30 per session to \$100 per session. These rates are per session and not hourly. Average session last 2.5 hours. Increasing fees in the past has resulted in more waiving of fees as more parties cannot afford the cost. Therefore, increasing fees is not a viable solution to support any increases. Not supporting the program will result in a judge hearing more cases. C-A-12

Page A-482, #2: General Fund FY24 \$290,000 / FY25 \$290,000

Provides funding for increased facility operation costs. These statewide costs include utilities, snow removal, janitorial, and landscaping costs.

Page A-482, #3: Other Special Revenue FY24 \$500,000 / FY25 \$500,000

Provides funding for increased capital improvement costs. This increase provides a total of \$800,000 in statewide capital improvement costs for all facilities. The Judicial Branch is currently authorized up to \$300,000 per fiscal year of fee revenue collected to support capital expenditures. This funding cap has not been increased since it was established in Public Law 2009, Chapter 213, Part QQ section 2. That is no longer sufficient. For example, several of our HVAC units are at end of life or beyond. In 2023, it will cost \$750,000 to replace one HVAC system in West Bath. Language in PART KKK has been updated. C-A-15

Page A-482, #4: Other Special Revenue FY24 \$126,930 / FY25 \$132,949

Continues and makes permanent one Facility Engineer position. There are 4 positions (including this one) to manage all Judicial Branch facilities statewide. This position was created to assist with providing project management oversight of the construction of the York Judicial Center and would continue to manage facilities at that location. The position will be permanently assigned to the York Judicial Center and funded by IV-D Other Special Revenue. C-A-16

Page A-482, #5: Other Special Revenue (IV-D) FY24 \$306,600 / FY25 \$318,749

Continues 3 limited-period Law Clerk positions. These positions assist the judges to decrease the time to resolution for many case types filed in Maine courts. These positions are funded by IV-D Other Special Revenue. C-A-17.

Page A-482, #6: General Fund FY25 \$23,577

Continues 2 limited-period Law Clerk positions and 2 limited-period Assistant Clerk positions. These positions were created in Public Law 2021 Chapter 635 through June 14, 2025 with an erroneous end date of June 8, 2025. This initiative aligns the term of these limited-period positions to a standard end date. C-A-18

Page A-482, #7: Other Special Revenue (IV-D) FY24 \$165,220 / FY25 \$173,840

Continues 2 limited-period Service Center/Violations Bureau Assistant Clerk positions. These positions provide statewide court services in support of the DHHS IV-D Cooperative Agreement which assist the courts in ensuring child support and recovery cases are handled timely within the timeframes set by 45 CFR 303.4 and 303.6. C-A-19

Page A-483, #1: General Fund FY24 \$96,300 / FY25 \$96,300

Provides funding for increased insurance rates in accordance with the rates published by Risk Management for both FY22-23 and FY24-25. The rates for the last biennial were not known in time to include in that request. C-A-20

Page A-483, #2: Federal Fund **FY24 \$159,094 / FY25 \$161,099**

Continues one limited-period Child Protective and Juvenile Process Specialist position. This position is funded by the federal Court Improvement Grant through the US Department of Health and Human Services Administration on Children and Families. This grant is targeted to improve Maine's system of justice regarding the safety, well-being, and permanency of Maine's most vulnerable children – those within the child welfare system. This position is responsible for assisting in the implementation of grant requirements. C-A-21

Page A-483, #3: General Fund/Federal Fund **FY24 GF \$279,074 / FY25 GF \$287,392**
FY24 FED \$14,851 / FY25 FED \$15,292

Continues 2 limited-period Court Appointed Special Advocate Legal Services Advisor positions and transfers and reallocates the cost from 100% Federal Expenditures Fund to 95% General Fund and 5% Federal Expenditures Fund within the same program. These positions have historically been funded by the federal Victims of Crime Assistance grant. In prior years we received a specified portion of the grant funds available, but future grants will be moving to a competitive bid process. This process change means that we could receive less grant funding or none at all. The uncertainty of funding and necessity of these positions to complete statutorily required program functions means that to continue to confidently provide services we will need to fund these positions (at least partially) through the General Fund. Structure allows us to apply any amount of Fed funds received for the positions, should it be awarded. These positions assist the Court Appointed Special Advocate (CASA) Director and supervise the efforts of the CASA volunteers assisting children subject to abuse and neglect. The use of volunteers reduces the need for guardian ad litem funding. C-A-22

Page A-483, #4: General Fund/Other Special Revenue **GF FY24 \$(1,300,000) / GF FY25 \$(1,300,000)**
OSR FY24 \$(2,500,346) / OSR FY25 \$(2,500,346)

This is a passthrough to the Maine Civil Legal Services Fund. Transfers funding for legal service assistance providers from the Courts- Supreme, Superior and District program General Fund and Other Special Revenue accounts to the Maine Civil Legal Services Fund program's General Fund and Other Special Revenue accounts. C-A-23

Page A-483, #5: General Fund **FY24 \$ 749,455/ FY25 \$1,059,575**

Establishes 4 court attendant positions and 2 deputy marshal positions in FY24 and another 3 deputy marshal positions in FY25. The court attendant positions act as jury officers and control room attendants and are not law enforcement officers. By handling some of the tasks where law enforcement training is not necessary, these positions help to free the deputy marshals to focus on tasks where law enforcement training is essential, such as at entry screening. These positions were first established in the last Supplemental Budget to creatively address the increased need for law enforcement personnel. By contrast, the deputy marshal positions are sworn law enforcement officers and provide critical courtroom security and entry screening. COVID-19 has underscored the need for these positions and the way we meet our security needs has dramatically changed over the last 3-4 years. In prior years, we were able to supplement our security needs by using contractual positions. That is no longer possible. In recent years the ability to obtain contractual assistance to supplement the work of our full-time law enforcement officers has all but disappeared. At times, we have had to close courthouses to the public to divert personnel to provide security in priority dockets. The lack of resources also inhibits our

ability to schedule jury trials because they require the highest level of security staffing. And yet, exposing cases to trial is the key to reducing the backlog and keeping up with the current caseload. C-A-25

Page A-484, #1: General Fund FY24 \$324,060 / FY25 \$509,438

Establishes 4 Assistant Clerk positions in FY24 and 2 Assistant Clerk positions in FY25. Assistant clerks docket, process, and file matters before the court. They schedule pre-trial activities, trials, motions, and other proceedings. They manage trailing dockets and trial lists; process fines, fees, and other funds coming into the courts and maintain accounts as necessary. The work closely with judges/justices, attorneys, members of the public and state, local, county, and federal agencies concerning matters before the court. Staff are now tasked with an increasing number of duties, both regulatory and technological in nature. Frequent statutory and rule changes require new processes to be developed and incorporated into daily operations. These tasks are often time sensitive, including bail and arrest warrants, protection orders, and motions for counsel. All of this must be accomplished while responding to attorney inquiries and questions from the public who need help accessing the court. We are seeing high levels of stress with existing staff, heavy overtime just to try to keep up with current demand, employee burnout, and large turnover rates particularly since the beginning of the pandemic. Experienced staff are diverted from other duties to assist new employees as they onboard – typically a several months' long process. C-A-26

Page A-484, #2: General Fund FY24 \$264,087 / FY25 \$459,621

Establishes 3 Courtroom Technology Assistant positions in FY24 and 2 Courtroom Technology Assistant positions in FY25. These positions set up the recording devices and handle the recording of court proceedings which must be preserved for future reference and in case of appeal. As more sophisticated technology solutions are integrated into the courtroom process, we need more positions focused on managing the equipment, working with internal staff, litigants, and the public to access the technology, and troubleshoot technical issues in real time. C-A-27

Page A-484, #3: General Fund FY25 \$214,522

Establishes 2 Law Clerk positions in FY24. These positions help decrease the time-to-resolution for many case types filed in the Maine Courts by providing research and writing assistance to the judges. C-A-29

Page A-484, #4: General Fund FY24 \$18,000 / FY25 \$18,000

Provides funding for the development and ongoing maintenance of an electronic jury questionnaire. We are developing a pilot for a remote civil jury selection process conducted by Zoom. A component of this effort includes providing jurors with electronic versions of questionnaires that can be distributed, completed, returned, and reviewed more efficiently. A potential vendor has been identified. C-A-31

Page A-484, #5: General Fund FY25 \$132,413

Establishes one Mediator Coordinator position in FY25. This position would assist the director of the Court Alternative Dispute Resolution Service program (CADRES) with recruiting, retaining, and scheduling of mediators. During the pandemic, CADRES lost a significant number of rostered mediators. In addition, there are fewer mediators who are willing to travel to courthouses when compensation is lower than that offered by other state entities. While the Director has been able to maintain mediation services in virtually all instances, it is increasingly difficult to do so. This position would also be available to offer mediation to supplement the independent contractors. C-A-32

Page A-484, #6: General Fund FY24 \$137,668 / FY25 \$144,714

Establishes one Managing Procurement Analyst position. This position will oversee one procurement coordinator position and together the unit will help to make a consistent streamlined procurement process within the Judicial Branch. This position will advise on the legal terms of contracts, ensure compliance to procurement rules and regulations, and assist Judicial staff in navigating the procurement process to ensure successful management of branch resources. C-A-33

Page A-485, #1: General Fund FY24 \$208,438 / FY25 \$220,307

Establishes one Business Analyst Technology Trainer position and one Court Operations Trainer position. Training is one of the most critical and understaffed needs in the Judicial Branch. The lack of resources has created ripple effects branch wide contributing to high rates of turnover. As we incorporate more technology to modernize our processes, an expanded training team is needed to support our transitioning workforce. Our current staff is unable to handle all the training needs that have increased with the influx of technology solutions and the high rates of turnover during the pandemic and due to retirements. C-A-34

Page A-485, #2: General Fund FY24 \$100,424 / FY25 \$106,144

Establishes one Help Desk Technician position. Currently the staff of three technicians is not adequate for current and anticipated technology support needs. By comparison, New Hampshire which has a similar population to Maine and has deployed Odyssey, has seven of these positions. C-A-35

Page A-485, #3: General Fund FY24 \$(1,737,645) / FY25 \$(1,772,515)

Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% in each year. C-A-7500

Page A-485, #4: General Fund/Other Special Revenue FY24 GF (\$972,234) / FY25 GF (\$972,23)
FY24 OSR \$(972,234) / FY25 OSR \$(972,234)

In Public Law 2021, chap. 398, the Legislature provided funding to increase the reimbursement for guardian ad litem services from \$60 per hour to \$80 per hours. The increased funding was provided through a transfer of General fund unappropriated surplus to the Other Special Revenue account. Guardian ad litem reimbursements are typically charged to the general fund account in this program and this initiative transfers the ongoing funding to that account. C-A-7000

Page A-487, #1: General Fund/Other Special Revenue FY24 GF (\$1,300,000) / FY25 GF (\$1,300,000)
FY24 OSR (\$2,500,346)/ FY25 OSR (\$2,500,346)

Transfers funding for legal service assistance providers from the Courts- Supreme, Superior and District program General Fund and Other Special Revenue accounts to the Maine Civil Legal Services Fund Program General Fund and Other Special Revenue accounts.

LANGUAGE

PART JJJ Page 46 Judges and Justice Salary Adjustment

This language provides for an additional 4.5% increase in fiscal year 2024 in addition to the cost-of-living adjustment of 3% maximum in each fiscal year of the biennium.

Maine's judges are currently the lowest paid judges (51st) in the nation when salaries are adjusted for the cost of living. Our initial request to the Governor drew upon the methodology used by the last Compensation Commission and sought a 9% increase in addition to the statutory 3% COLA. This would raise the salaries to \$158,556 in FY 2024 and \$163,313 in FY 2025, bringing them closer to the rates paid by their peers in the New England region. In addition to seeking fair compensation for our judges, the increase would help to remedy the salary compression we are experiencing across the branch. We still think this is appropriate.

The language included in the biennium budget decreased our request but still provides for an additional 4.5% increase in fiscal year 2024 in addition to the cost-of-living adjustment of 3% maximum in each fiscal year of the biennium. We are grateful to Governor Mills for recommending this much needed increase. The added funding would raise the salaries for Maine trial judges from \$145,642 to \$156,565 effective July 1, 2023, and \$ 161,262 in FY 2024. Based on recently release figures from NCSC, that increase would maintain Maine's standing at 51st lowest in the nation and far below our sister states New Hampshire (\$168,761) and Vermont (\$175,654) FY23 rates, but at least it will assist us in keeping pace with the increase in cost of living.

PART KKK Page 46

This section updates 4 MRSA section 28 that provides a formula for capital expenditures based on fees.

PART LLL Page 46

This language updates the statute concerning active retired judge pay discussed earlier.

PART MMM Page 47

The cost of the three courthouse projects (York, Oxford, and Waldo Counties) have come in under budget and funds are available for additional facility projects. This language extends the existing authority to also include purchasing property in Lewiston, Augusta, and Skowhegan for future expansion. We expect the total cost of all three to be about \$1.5 million. All three locations have property available that is adjacent to our courthouse.

Additional Items:

Change Package: General Fund **FY24 \$403,551 / FY25 \$396,881**

We understand that you will be receiving a change package from the Governor which will include 4 new Judges (1 Superior Court Associate Justice/3 District Court Associate Judges), 4 Assistant Clerk Positions, and 4 Deputy Marshals. The need for these positions is outlined above and supported by the Weighted Caseload Study. We need more positions just to keep up with the current caseload demand. We are grateful to the Governor for recognizing the need. But I want to be clear that these new positions alone will not address the backlog for the next few years to come. NCSC identified a need of 10 additional judges to meet current need.

Rate increases for Guardians ad Litem

Finally, I would like to address extending into FY24 and FY25 the rate increases for the Guardians ad Litem (GALs) gained through the Supplemental Budget. It is unclear whether this increase will be included in the Governor's Change Package. Based on the monetary transfers authorized in the Supplemental Budget, the Judicial Branch increased the rate paid to GALs to \$150/hr., up from \$80/hr. The Judicial Branch authorized this increase after confirming that MCILS increased its rates for attorney compensation to the same amount as of the same date. It is unclear whether funds to continue the GAL rate increase into FY 24 and FY25 will be included in the change package, but we need to maintain the rate of \$150 per hour to maintain the stability of the GAL program. We anticipate that the cost of keeping the \$150/hr. rate paid to GALs will be an additional \$3,402,900.00 per year for the Judicial Branch. We are asking that you appropriate funds to allow us to meet this cost increase.

By statute, both parents and children involved in child protection cases are entitled to legal representation. Parents are entitled to a court-appointed attorney, and children are entitled to a guardian ad litem. 22 MRS § 4005. All GALs paid to do child protective work must be attorneys. Me Rule GAL 2(a)(2). The Judicial Branch believes that maintaining equal pay among the practitioners appointed to a child protection case is critical to maintaining a pool of attorneys to serve as advocates for the parents and GALs for the children. Indeed, Administrative Order JB-05-5 requires it. The Judicial Branch believes that paying GALs less than their MCILS counterparts will result in a shortage of GALs and hobble the ability of the courts to handle the increasing, and increasingly complex, docket of protective custody cases. Many of the GALs credentialed to accept appointments in child protection cases also accept appointments to represent parents. The Judicial Branch fears that this disparate treatment among practitioners appointed in the same case will be a catalyst for resignations from the GAL roster. While an increase in the rate for parent attorneys may resolve the immediate need for parent representation, resignations from the GAL roster is a collateral consequence that cannot be ignored. The Judicial Branch cannot endorse a system that treats the work of GALs representing the best interest of children in child protection cases as less valuable than the work of attorneys representing parents in these matters.