



Mailing Address:
1 Baldwin Street
Drawer 33
Montpelier, Vermont 05633-5701

Tel.: (802) 828-2295
Fax: (802) 828-2483

STATE OF VERMONT
JOINT FISCAL COMMITTEE
1 Baldwin Street
Montpelier, Vermont 05633-5701

MEMORANDUM

To: James Reardon, Commissioner of Finance & Management

From: Rebecca Buck, Staff Associate *RB*

Date: September 7, 2007

Subject: Status of Requests

No Joint Fiscal Committee member has requested that the following items be held for review:

JFO #2297 - \$5,100 grant from the Vermont Bar Foundation to the Center for Crime Victim Services. These grant funds will support a public outreach and education campaign to disseminate information about the Parallel Justice Pilot Project in the City of Burlington for crime victims (JFO #2273 approved November 24, 2006).
[JFO received 08/08/07]

JFO #2298 - \$19,908 grant from the U.S. Department of Agriculture to the Agency of Agriculture, Food and Markets. This one year grant will be used to purchase and operate a mobile individual quick freeze unit, identify a system to address multiple forms of fruit and vegetable processing and develop a system for aggregation of supply and distribution of Vermont grown fruits and vegetables.
[JFO received 08/08/07]

JFO #2299 - \$25,000 grant from the State Justice Institute and \$5,000 grant from the National Center for State Courts to the Judiciary. This combined \$30,000 grant will be used to develop and test a disaster response/Continuity of Operations (COOP) Plan for all courts statewide.
[JFO received 08/08/07]

In accordance with 32 V.S.A. §5, the requisite 30 days having elapsed since these items were submitted to the Joint Fiscal Committee, the Governor's approval may now be considered final. We ask that you inform the Secretary of Administration and your staff of these actions.

cc: Linda Morse
Judy Rex
Roger Albee
Lee Suskin

From: "Greemore, Bob" <Bob.Greemore@state.vt.us>
To: "Michael Obuchowski" <obie@leg.state.vt.us>, "Rebecca Buck" <RBUCK@leg.s...>
Date: 8/20/2007 3:23 PM
Subject: RE: Questions/Information request from Rep. Obuchowski re: JFO#2299

CC: "Steve Klein" <SKLEIN@leg.state.vt.us>

-----Original Message-----

From: Michael Obuchowski [mailto:obie@leg.state.vt.us]
Sent: Monday, August 20, 2007 2:43 PM
To: Rebecca Buck; Greemore, Bob
Cc: Steve Klein
Subject: RE: Questions/Information request from Rep. Obuchowski re: JFO#2299

In re: Question #2. What grants fund the Center? I don't think there is one specific grant but grants focused on some of the project areas they are involved in. They get 47% of their money from federal grants and contracts, 40% from state dues and consulting services and 13% from private donations, conference fees and secretariat services for other associations. Here is the web address of their financials:
http://www.ncsconline.org/D_DEV/am/financials.asp

How much does Vermont pay in dues? About \$65,000 per year.

>>> "Greemore, Bob" <Bob.Greemore@state.vt.us> 8/20/2007 11:10 AM >>>
Representative Obuchowski and Becky, I hope this addresses the concerns. My information is provided in blue below. Please contact me if you need further info. Bob Greemore

-----Original Message-----

From: Rebecca Buck [mailto:rbuck@leg.state.vt.us]
Sent: Monday, August 20, 2007 12:15 PM
To: Greemore, Bob
Cc: Michael Obuchowski; Steve Klein
Subject: Questions/Information request from Rep. Obuchowski re: JFO#2299

Good afternoon Bob--

Representative Michael Obuchowski has the following questions/information requests regarding JFO #2299 (\$30,000 disaster response and continuity of operations grants: \$25,000 from State Justice Institute, \$5,000 from Nat'l Ctr for State Courts):

1) Would like information on the State Justice Institute. What is the organization? How is it funded? Federal Appropriation and Foundations

From the SJI web page:

The State Justice Institute (SJI) was established by Federal law in 1984 to award grants to improve the quality of justice in State courts, facilitate better coordination between State and Federal courts, and foster innovative, efficient solutions to common problems faced by all courts. Since becoming operational in 1987, SJI has awarded over \$127

million to support more than 1,400 projects benefiting the nation's judicial system and the public it serves. New Institute matching requirements have also enabled this year's projects to benefit from almost \$2.8 million in support from other public and private sources.

The Institute is unique both in its mission and how it seeks to fulfill it. Only SJI has the authority to assist all State courts - criminal, civil, juvenile, family, and appellate - and the mandate to share the success of one State's innovations with every State court system as well as the Federal courts. Key areas of interest include court budgeting, court-media relations, access to the courts, intellectual and physical threats to courts, and the relationship between State and Federal courts.

The Institute carries out its mission in a variety of ways that maximize the impact of its funding, including:

- Placing practical products in the hands of the judges and court staff who can most benefit from them
- Maintaining information clearinghouses to assure that effective judicial approaches in one State are quickly and economically shared with other courts nationwide
- Establishing national resource centers where judges and court staff obtain expert guidance, test new technologies, and learn from each other
- Convening national, regional, and in-State educational programs to speed the transfer of solutions to problems confronting courts across the country
- Delivering national technical assistance targeted at specific jurisdictions' specific problems.

SJI is a non-profit corporation governed by an 11-member Board of Directors appointed by the President and confirmed by the Senate. By law, the President must appoint six State court judges, one State court administrator, and four members of the public (no more than two of whom may be of the same political party). More information about the Institute is available on the SJI web site (<http://www.statejustice.org>), including:

- The Institute's annual Grant Guideline, monthly newsletter, and other publications
- Forms and instructions for all grant programs, including Project Grants, Technical Assistance Grants, Curriculum Adaptation and Training Grants, Partner Grants and Scholarships
- A list of all grant products delivered to SJI since its inception.

<http://www.statejustice.org/>

2) Would like information on the National Center for State Courts. What is the organization? How is it funded? State dues, grants and project billing

The National Center for State Courts is the Judiciary's equivalent of the National Council of State Governments or the National Council of

State Legislatures. From the web page:

At the First National Conference of the Judiciary, held in Williamsburg, Virginia, in 1971, Chief Justice Warren Burger called for the creation of a central resource for the state courts* a "national center for state courts." The National Center for State Courts began operations that same year at the headquarters of the Federal Judicial Center in Washington, D.C., before moving to its permanent headquarters in Williamsburg in 1978.

The National Center for State Court's current mission, improving the administration through leadership and service to the state courts, springs logically from its original purpose* serving as an information clearinghouse so that innovations in one court can benefit all courts. Initially, the National Center concentrated on helping courts to reduce backlogs and delay. This work included the publication of the groundbreaking Justice Delayed: The Pace of Litigation in Urban Trial Courts in 1978. The National Center also gave judges and court administrators a vital national perspective on court operations through its Court Statistics Project (started in 1978); the work of its Knowledge Information Service, which handled more than 1,000 requests for court-related information during its first year of operation (1979); and the holdings of its Library, the largest collection of court administration-related materials in the world.

Since its founding in 1971, the National Center for State Courts has played a key role in the development of court administration worldwide.

Important National Center initiatives include

- * Developing the skills of more than 1,000 court leaders through the Court Executive Development Program of the Institute for Court Management

- * Improving how courts treat jurors through the work of its Center for Jury Studies and the promotion of innovations in jury system management

- * Promoting the use of technology to improve court operations through National Court Technology Conferences (starting in Chicago in 1984), original research, and direct technical assistance

- * Developing in partnership with courts standards for evaluating how well courts serve the public, such as the Trial Court Performance Standards (1987)

- * Working with court associations, such as the Conference of Chief Justices and National Association for Court Management, to improve public trust and confidence in the courts by conducting and building upon the first National Conference on Public Trust and Confidence in the Judiciary (1999)

- * Working with courts in other countries to improve the rule of law worldwide

<http://www.ncsconline.org/index.html>

3) Since there is a very specific plan/course of action for the total \$50,000 expenditure, what bid review requirements do you have to go thru for? This is essentially a sole source contract with the National Center for State Courts who are the national experts on Continuity of Operations planning for Judiciaries in the United States. The project requires the consultants to work with and coordinate our plans with the Emergency Management operation in the Department of Public Safety. The State Justice Institute considers the grant a 'technical assistance' and has designated the National Center for State Courts as the best provider

of this assistance. The National Center is also committing \$5000 to the effort. Therefore there will be no formal bidding process on this project.

4) What specifically is the source of the \$20,000 state match?

The match will come from general funds appropriated to the Judiciary for enhancing security in the courts.

Please cc me your response to Representative Obuchowski. Thank you.
--Becky

From: Michael Obuchowski
To: Bob Greemore; Rebecca Buck
Date: 8/20/2007 2:42 PM
Subject: RE: Questions/Information request from Rep. Obuchowski re: JFO#2299

CC: Steve Klein
In re: Question #2. What grants fund the Center? How much does Vermont pay in dues?

>>> "Greemore, Bob" <Bob.Greemore@state.vt.us> 8/20/2007 11:10 AM >>>
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From: Rebecca Buck
To: bob.greemore@state.vt.us
Subject: Questions/Information request from Rep. Obuchowski re: JFO #2299

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Please cc me your response to Representative Obuchowski. Thank you. --Becky

CC: Klein, Steve; Obuchowski, Michael



Mailing Address
1 Baldwin Street
Drawer 33
Montpelier, Vermont 05633-5701

Tel.: (802) 828-2295
Fax: (802) 828-2483

STATE OF VERMONT
JOINT FISCAL COMMITTEE
1 Baldwin Street
Montpelier, Vermont 05633-5701

MEMORANDUM

To: Joint Fiscal Committee Members

From: Rebecca Buck, Staff Associate *RB*

Date: August 14, 2007

Subject: Grant Requests

Enclosed please find three (3) grant requests which the Joint Fiscal Office recently received from the Administration:

JFO #2297 – \$5,100 grant from the Vermont Bar Foundation to the Center for Crime Victim Services. These grant funds will support a public outreach and education campaign to disseminate information about the Parallel Justice Pilot Project in the City of Burlington for crime victims (JFO #2273 approved November 24, 2006).
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[JFO received 08/08/07]

The Joint Fiscal Office has reviewed these submissions and has determined that all appropriate forms bearing the necessary approvals are in order.

In accordance with the procedures for processing such requests, we ask you to review the enclosed and notify the Joint Fiscal Office (Rebecca Buck at 802/828-5969; rbuck@leg.state.vt.us or Stephen Klein at 802/828-5769; sklein@leg.state.vt.us) if you would like any item held for committee review. Unless we hear from you to the contrary by August 28 we will assume that you agree to consider as final the Governor's acceptance of these requests.

cc: James Reardon, Commissioner
Linda Morse, Administrative Assistant
Judy Rex, Executive Director
Roger Albee, Secretary
Lee Suskin, Court Administrator

JFO#
2299

STATE OF VERMONT
GRANT ACCEPTANCE FORM

GRANT SUMMARY: This grant is to help the Vermont Judiciary establish continuity of operations plans for the state's courts. The State Justice Institute is passing through \$25,000 it received from the Federal Government to fund this type of local project. The National Center for State Courts is granting \$5,000 to help cover the technical assistance costs.

GRANT TITLE: Emergency Response and Continuity of Operations Plan (COOP)

FEDERAL CATALOG No.: NA

GRANTOR / DONOR: State Justice Institute
1650 King Street, Suite 600
Alexandria, Virginia 22314

National Center for State Courts
707 Seventeenth St/. Suite 2900
Denver, CO 80202

DATE: 7/19/07

DEPARTMENT: Judiciary

GRANT / DONATION: This grant is for establishing a continuity of operations plan for all Vermont courts, improving data analysis and automation.

AMOUNT / VALUE: \$30,000.00

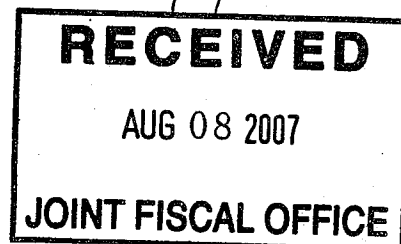
POSITIONS REQUESTED: None

GRANT PERIOD: 5/1/07 to 12/1/07

COMMENTS: This grant has a \$20,000 match from state funds.

DEPARTMENT OF FINANCE AND MANAGEMENT:
SECRETARY OF ADMINISTRATION
SENT TO JOINT FISCAL OFFICE:

(INITIAL) *[Signature]* 7/25/07
(INITIAL) *[Signature]* 8.31.07
DATE: 8/3/07



STATE OF VERMONT
REQUEST FOR GRANT ACCEPTANCE
 (use additional sheets as needed)

FORM AA-1
 (Rev. 9-90)

1. Agency: Judiciary
2. Department:
3. Program: Court Administration
4. Legal Title of Grant: Emergency Response and Continuity of Operations Plan (COOP)
5. Federal Catalog No.: None, a Not for Profit Organization, State Justice Inst., dispensing Federal Funds.
6. Grantor and Office Address:

State Justice Institute 1650 King Street, Suite 600 Alexandria, VA 22314	National Center for State Courts 707 Seventeenth St., Suite 2900 Denver, CO 80202
--	---

7. Grant Period: From: 5/1/07 To: 12/01/07

8. Purpose of Grant: (attach additional sheets if needed)

The grant will help the Vermont Judiciary to establish continuity of operations plans for all courts statewide. As was illustrated by the events in Bennington, organizations need to have back up plans, both short term and long term, in the event a facility is no longer viable to provide services or a disaster occurs that disrupts services, command and communication. The grant will be combined with assistance from the National Center for State Courts and state funds appropriated to the Judiciary for security to work with the courts and Emergency Management on a plan

9. Impact on Existing Programs if Grant is not Accepted:

Recent events nationally and in Vermont have demonstrated the need for good emergency management planning to assure that essential government services continue in times of crisis. It is essential for each agency to have contingency plans to assure the citizens that essential services will be available. This grant will assure these plans can be developed without significant diversion of program funds for this effort.

10. Budget Information:

	(1st State FY) FY 2008	(2nd State FY) FY 2009	(3rd State FY) FY 2010
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EXPENDITURES:

Personal Services	\$ 39,377.00	\$	\$
Operating Expenses	\$ 10,623.00	\$	\$
Grants	\$	\$	\$
TOTAL	\$ 50,000.00	\$ 0.00	\$ 0.00

REVENUES:

<u>State Funds:</u>			
Cash	\$ 20,000.00	\$	\$
In-Kind	\$	\$	\$
<u>Federal Funds:</u>			
(Direct Costs)	\$	\$	\$
(Statewide Indirect)	\$	\$	\$
(Department Indirect)	\$	\$	\$
<u>Other Funds:</u>			
(source) Grants from National Center for State Courts and the State Justice Inst.	\$ 30,000.00	\$	\$
TOTAL	\$ 50,000.00	\$ 0.00	\$ 0.00

<u>Appropriation Nos.</u>	<u>Amounts</u>
2120000000	\$ 30,000.00
	\$
	\$

-over-

RECEIVED JUL 1-1 2007

11. Will grant monies be spent by one or more personal service contracts?

YES NO

This is a technical assistance project from the National Center of State Courts. They will provide the personnel for the project. The grant will pay their costs.

X Robert Greenware

7-2-07

SEE ATTACHED

12a. Please list any requested Limited Service positions:

Titles	Number of Positions
none	
TOTAL Positions	0

12b. Equipment and space for these positions:

- Is presently available.
 Can be obtained with available funds.

13. Signature of Appointing Authority

I certify that no funds have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant.

Lee Sud 7/2/07
 (Signature) (Date)
COURT ADMINISTRATOR
 (Title)

14. Action by Governor:

- Approved
 Rejected

[Signature] 8/1/07
 (Signature) (Date)

15. Secretary of Administration:

- Request to JFO
 Information to JFO

[Signature] 7.7.07
 (Signature) (Date)

16. Action by Joint Fiscal Committee:

(Dates)

- Request to be placed on JFC agenda
 Approved (not placed on agenda in 30 days)
 Approved by JFC
 Rejected by JFC
 Approved by Legislature

 (Signature) (Date)



Attachment for #11

The consultants on this project are supplied from the National Center for State Courts. The National Center is a partner with the granting agency (SJI) and is supplying a small portion of the funding. We will be doing a sole source contract with the National Center to provide the assistance. It is a requirement of the grant that their personnel be used but their personnel are the premier experts in this area of assistance to courts. They have worked with emergency management personnel in many states in developing continuity of operations plans for judicial services.

The National Center for State Courts is the primary organization that provides court assistance services to the courts around the country. It is organized similar to the national organizations that support state governments and state legislatures.

(Form B)

STATE JUSTICE INSTITUTE

Certificate of State Approval

The VERMONT SUPREME COURT
Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled EMERGENCY RESPONSE & CONTINUITY OF OPERATIONS (COOP)

prepared by NATIONAL CENTER FOR STATE COURTS (NCSC)
Name of Applicant

approves its submission to the State Justice Institute, and



agrees to receive and administer and be accountable for all funds awarded by the Institute pursuant to the application.



designates _____
Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by the Institute pursuant to the application.

Paul L Reiber / del _____ 1/29/07
Signature Date

PAUL L. REIBER
Name

CHIEF JUSTICE
Title

SUPREME COURT OF VERMONT
109 STATE STREET
MONTPELIER, VERMONT
05609-0801

CHAMBERS OF
PAUL L. REIBER
CHIEF JUSTICE

January 29, 2007

Kevin Linskey, Executive Director
State Justice Institute
1650, King Street, Suite 600
Alexandria, Virginia 22314

RE: Request for Technical Assistance Grant

Dear Mr. Linskey:

The Supreme Court of Vermont requests a technical assistance grant to hire consultants from the National Center for State Courts (NCSC) to develop an emergency response and continuity of operations (COOP) plan for the Vermont courts. The state of Vermont has adopted a State Emergency Operations Plan that encompasses continuity of operations, mitigation and recovery, and the entire range of emergency and disaster situations. The Vermont judiciary has been involved with the executive branch planning effort and continues to coordinate with executive branch officials, but there is no specifically judicial approach to disaster response and COOP planning.

The Vermont courts are under the administrative control of the five-member Supreme Court situated in Montpelier. The court is assisted in this role by an Administrative Judge and the Court Administrator. The Court Administrator's Office employs a security specialist and works to strengthen court security at the various court facilities in the state. The provision of courthouse security differs by county. The trial court system is comprised of three general jurisdiction courts: Superior, District Court and Family. These courts are located in each of the state's 14 counties, very often in the same facility. An Environmental Court, with two judges, sits in Berlin, Vermont. There are also 18 probate courts, each with one judge.

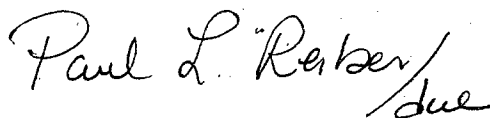
Mr. Kevin Linskey
Page Two
January 29, 2007

We recognize that disaster planning occurs within a broad intergovernmental network led by the federal government. There are regional aspects of planning and interstate compacts, as well as the Vermont statutory and regulatory enactments. Although our needs are quite court-specific, we recognize the importance of communication and interaction with state officials with responsibility for emergency planning and of having consultants familiar with the complex intergovernmental web and the experience of other state court systems. These consultants should be familiar with the functions of courts, court security, court facilities, and the way in which courts operate. The NCSC can provide this range of expertise having played a leading role in courthouse security, emergency preparedness and continuity of operations in courts.

I recognize that SJI applications require support of the court of last resort. In writing this letter, I certify that the Supreme Court of Vermont supports this proposal.

We are confident that this project will be very beneficial to the Vermont court system and would appreciate your consideration of our application.

Sincerely,

A handwritten signature in cursive script that reads "Paul L. Reiber" followed by a stylized flourish that looks like "due".

Paul L. Reiber
Chief Justice

dal
attachments

STATE JUSTICE INSTITUTE PROJECT BUDGET

(SPEADSHEET FORMAT)

Applicant: VERMONT SUPREME COURT

Project Title EMERGENCY RESPONSE AND COOP

For Project Activity from _____ to _____

Total Amount Requested for Project from SJI \$25,000

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS NCSC	IN-KIND SUPPORT	TOTAL
Personnel							
Fringe Benefits							
Consultant / Contractual	25,000	14,377.46					\$39,377.46
Travel		5,622.54			5,000		\$10,622.54
Equipment							
Supplies							
Telephone							
Postage							
Printing / Photocopying							
Audit							
Other (specify)							
Direct Costs	25,000	20,000			5,000		
Indirect Costs							
Total	\$25,000	\$20,000			\$5,000		\$50,000

Remarks:

Application Budget Instructions

Applicants may submit the proposed project budget in either the tabular format of Form C or a spreadsheet format similar to Form C1. Applicants requesting more than \$100,000 are encouraged to use the spreadsheet format. If the proposed project period is for more than 12 months, separate totals should be submitted for each succeeding 12-month period or portion thereof beyond month 12.

In addition to Form C or C1, applicants must provide a detailed budget narrative that explains the basis for the estimates in each budget category (see Guideline section VI.A.4.). If the applicant is requesting indirect costs and has an indirect cost rate that has been approved by a Federal agency, the basis for that rate, together with a copy of the letter or other official document stating that it has been approved, should be attached. Recoverable indirect costs are limited to no more than 75% of personnel and fringe benefit costs.

If matching funds from other sources are being sought, the source, current status of the request, and anticipated decision date must be provided.

COLUMN HEADINGS: For Budget Form C1, the columns should be labeled consecutively by task, e.g., TASK #1, TASK #2, etc. At the end of each 12-month period or portion thereof beyond month 12, the following 4 columns must be included: SJI FUNDS; MATCH; OTHER; TOTAL. Entries in these columns should include the line-item totals by source of funding per the column headings.

Budget Narrative

The total cost of the project is \$50,000. The Supreme Court is requesting \$25,000 in SJI funds. We will provide a cash match of \$20,000. The National Center for State Courts will contribute \$5000 in technical assistance funds (cash match). A line item budget (Form E) and budget narrative are attached, as is our affirmation of support and a letter from the National Center for State Courts affirming their participation.

The budget is based on the following:

Total Budget	\$50,000.00
SJI Request	\$25,000.00
Vermont Cash Match	\$20,000.00
National Center for State Courts Cash Match	\$ 5,000.00

Consulting Personnel Costs	\$39,377.46
----------------------------	-------------

Travel	\$10,622.54
--------	-------------

Airfare for three trips:	\$ 1,500.00
--------------------------	-------------

Personal car for 7 trips (1200 miles)	\$ 1,552.00
---------------------------------------	-------------

Rental car (on site)	\$ 420.00
----------------------	-----------

Hotel:	\$ 2,835.00
--------	-------------

Total 21 nights	
-----------------	--

Per Diem:	\$ 1,560.00
-----------	-------------

Total 26 days	
---------------	--

Misc. Costs:	\$ 1,330.00
--------------	-------------

Total 12 days, 4 per trip for 3 trips (\$50 per day)	
---	--

The cost of equipment, supplies, telephone, printing/photocopy, postage, audits and other items are included in NCSC's indirect cost rate.

Personnel. NCSC personnel compensation is based on the annual salary of each full-time staff member and calculated by the number of days/hours to be devoted to the project.

Fringe Benefits. NCSC fringe benefits reflect the estimated aggregate costs of the complete package of the NCSC fringe benefits. While employee benefits vary slightly with the salary of each employee, the composite rate is used for purposes of estimating the total liability of the award period. The elements and rates associated with the fringe benefit appear in the Table. This rate is in accordance with the standard policy of the NCSC Board of Directors and has been approved by the Department of Justice and provisionally approved by the U.S. Agency for International Development.

Table: NCSC Fringe Benefits

<u>Cost as Percent of Salary Worked, Excluding Time on Leave & Holiday</u>	<u>Item</u>
1.10	Life Insurance
9.00	Health, Dental & Short-term Disability
10.40	Pension & Pension Administration
.50	Long Term Disability
10.90	All Purpose Leave
4.40	Holiday Leave
.10	Unemployment Taxes
.10	Workers' Compensation
1.30	Medicare
.50	Accidental Death & Disability
<u>.20</u>	Bonus
39.50	Total

Indirect Costs. NCSC has an overhead rate of 60 percent on salary, fringe benefits, and some external consultants, and a G & A (general and administrative expenses) rate of 15.5 percent on all costs, excluding amounts over \$25,000 on subcontracts. This rate structure was effective January 1, 2005. An example of some costs that are included in NCSC's indirect cost rates are supplies, telephone, printing/photocopy, postage, and audits.

SUPREME COURT OF VERMONT



(802) 828-3278 (Voice)
(802) 828-3234 (TTY)

Mailing Address:
109 State Street
Montpelier, Vermont
05609-0801

*Original to
Carol Harrison
copy to Greeny*

March 13, 2007

Kevin Linskey, Executive Director
State Justice Institute
1650 King Street, Suite 600
Alexandria, VA 22314

RE: SJI Grant No. SJI-07-T-013
Emergency Response and Continuity of Operations Plans (COOP)

Dear Mr. Linskey:

As requested, enclosed please find an original fully executed copy of the above referenced grant award.

Thank you for your assistance with this grant application.

Very truly yours,

A handwritten signature in cursive script that reads "Deb Laferriere".

Deb Laferriere
Program Administrator

dal
enc.

State Justice Institute

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Chief Justice (Ret.)
Supreme Court of Iowa
Des Moines, Iowa

KEVIN LINSKEY
Executive Director

JANICE MUNSTERMAN
Deputy Director

March 7, 2007

Hon. Paul L. Reiber,
Chief Justice
Supreme Court of Vermont
109 State Street
Montpellier, Vermont 05609-0801

Dear Chief Justice Reiber:

On behalf of the Board of Directors of the Institute, I am pleased to inform you that the Vermont Supreme Court has been awarded a grant to support the application entitled "Emergency Response and Continuity of Operations Plans (COOP)." The project has been assigned SJI Grant Numbers SJI-07-T-013. Please use this number on all correspondence to the Institute regarding this grant.

Enclosed are the original and one copy of the Grant Award. Please sign both the original and copy of the Grant Award and return the signed original to the Institute.

Please also note that the Institute's Grant Guideline requires submission of two copies of the progress and financial status reports 30 days after the end of each calendar quarter. Progress reports, financial status reports, and payment requests should be mailed to the attention of the manager assigned to your project. Because original signatures are required for both payment requests and financial status reports, these items should not be sent by fax machine.

A copy of the Quarterly Progress Report, Financial Status Report and payment request forms are enclosed with the Award Documents. In addition, please review all Compliance and Financial Requirements listed in the SJI Grant Guidelines. These can be found on our website at www.statejustice.org.

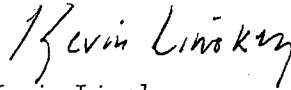
SJI

1650 King Street, Suite 600, Alexandria, Virginia 22314
Phone: (703) 684-6100 Fax: (703) 684-7618
Web site: <http://www.statejustice.org>

Hon. Paul L. Reiber
Page 2

Habel Samuel will manage this project. His telephone number is (703) 684-6100, Ext. 205 and his email address is hsamuel@statejustice.org. Please contact him if you have any programmatic or financial questions. We look forward to working with you.

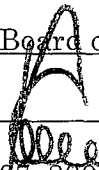
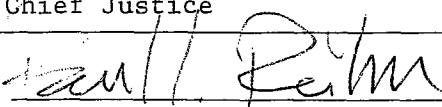
Sincerely,



Kevin Linskey
Executive Director

STATE JUSTICE INSTITUTE

AWARD

<input checked="" type="checkbox"/> Grant <input type="checkbox"/> Contract <input type="checkbox"/> Cooperative Agreement		Page <u>1</u> of <u>1</u>
1. Grantee Name and Address Vermont Supreme Court 109 State Street Montpellier, VT 05609-0801		3. Award Number SJI-07-T-013
		4. Award Period 05/01/07 – 12/01/07
		5. Award Date 03/07/07
1a. Employer Identification No.	6. Award Amount \$25,000	
2. Entity to Receive Funds	7. Type of Award <input type="checkbox"/> Initial <input type="checkbox"/> Supplemental <input type="checkbox"/> Continuation <input type="checkbox"/> Ongoing Support <input checked="" type="checkbox"/> Other: Technical Assistance	
2a. Employer Identification No.		
8. Project Title Emergency Response and Continuity of Operations Plan (COOP)		
9. Special Conditions (<i>Check if applicable</i>) <input type="checkbox"/> The above project is approved subject to such conditions or limitations as set forth on the attached _____ page(s).		
STATE JUSTICE INSTITUTE APPROVAL		GRANTEE ACCEPTANCE
10. Approving SJI Official Name (typed): <u>Robert A. Miller</u> Title: <u>Chairman, Board of Directors</u> Signature:  Date: <u>March 07, 2007</u>		11. Authorized Official of Grantee Name (typed): <u>Paul L. Reiber</u> Title: <u>Chief Justice</u> Signature:  Date: <u>March 13, 2007</u>

**EMERGENCY RESPONSE
AND
CONTINUITY OF OPERATIONS (COOP) PLAN**

for the
VERMONT SUPREME COURT

PROPOSAL

JANUARY 2007

Submitted By
National Center for State Courts
Court Consulting Services
707 Seventeenth Street, Suite 2900
Denver, Colorado 80202
303-293-3063
FAX: 303-296-9007
Federal ID # 52-0914250

Daniel J. Hall, Vice President



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Introduction

As indicated in recent disasters in New York City and New Orleans, the ability of the courts to remain operational and provide basic services is crucial to the rule of law and protection of liberty. There is a demonstrable need for courts to have in place their response to disasters and major emergencies and their plan for continuity of operations. The unique needs of the courts cannot be addressed adequately within the context of a broad statewide plan encompassing all agencies.

Understanding of Need

The Vermont courts traditionally operate on a tight state budget that permits little in the way of discretionary spending for contract services such as those outlined in this letter. The court has been able to set aside \$20,000 for this high-priority undertaking, but this will not suffice to acquire the required assistance, even with an additional \$5,000 contribution from the NCSC. The scope of anticipated services will require roughly twice the available amount of funds. We are in a position where our best efforts leave us unable to satisfactorily address this fundamentally important issue.

Our goal is to develop and test a disaster response/COOP plan for the Vermont Courts with the following features:

- Clear objectives
- Lines of authority and decision-making
- Identification of core essential functions that must be maintained
- Linkages to agencies with emergency responsibilities, including medical, Hazmat, and law enforcement agencies
- Strong local roles, taking into account any existing courthouse emergency planning and emergency communications
- Alternative sites when primary locations are unusable
- Backup systems for court records
- Damage assessment and determination of likely length of disruption
- Plan activation
- Components addressing continuity, mitigation, and recovery

Project Description

The project services will be provided by James O'Neil and Kevin Sheehan. Timm Fautsko, who oversees all NCSC courthouse and emergency preparedness projects, will have an oversight role, primarily review of deliverables, and high-level client liaison. He will be designated Project Director. The main responsibility will be on Kevin Sheehan and James O'Neil, particularly Kevin Sheehan who resides in New Hampshire and who will be the principal liaison. Kevin Sheehan will serve as Project Manager.

James O'Neil and Kevin Sheehan are NCSC security consultants both of whom served as director of court security for the State of New Hampshire and worked together

to develop the court COOP plan for the New Hampshire judiciary. They are both familiar with court operations and emergency planning for courts and have worked on NCSC projects in various courts.

Task 1 - Preliminaries and Preparation

The NCSC consultants will review the existing disaster plans for Vermont and the region and prepare an outline of the plan development methodology for discussion at the kickoff meeting. The NCSC consultants will establish contact with Emergency Management Services (EMS) and Hazmat officials at the regional and state level. They will include a check-off list of steps that must be taken to develop the plan.

The team will coordinate with the State Court Administrator on the creation of an Emergency Preparedness Operations Team (hereafter "Team") with representatives from various components of the court, court administrators, the court security officer, finance and human resources officers, technology managers, and media and communications liaison. There should be some non-court representatives drawn from the state emergency management agency, law enforcement, and the medical community. The Team should choose a plan coordinator who would chair Team meetings, handle meeting logistics and serve as the main link to the NCSC.

Task 2 - Initial Meeting to Establish Plan Development Methodology

Kevin Sheehan and James O'Neil will present an outline of the plan components and the methodology for plan development. After this, the meeting will be interactive and directed to the goal of defining the tasks to be performed in furtherance of the plan. Much of the plan development will depend upon input from Vermont, so one major object of the meeting will be to lay out the parallel roles of the NCSC and the Team. One major task for the Team will be the delineation of the command structure and responsibilities at each level of the court system in a disaster situation. Another major task is identifying those court functions that absolutely must continue, such as protective orders, bail hearings, and various juvenile proceedings of an urgent nature. The meeting should result in setting time deadlines for the in-state tasks and perhaps setting the dates of committee meetings. The meeting will result in mutual understanding of roles and subsequent actions and determine the ongoing liaison between the team and NCSC, which is essential to plan development. The meeting might address the lack of clarity that often exists in defining what constitutes a disaster. Some drastic occurrences leave no room for doubt, but below that level there is a necessity for joint understanding on the meaning and scope of the term "disaster" and what this means for activating a plan and dealing with a particular disastrous occurrence.

The NCSC will take advantage of this meeting to obtain any relevant materials, for example, copies of emergency plans developed by individual courts. The NCSC will also use the on-site period to meet with state agencies that are involved in emergency preparedness, in particular the state emergency management agency.

The NCSC in conjunction with the Team Coordinator will develop a work plan.

Task 3 - Plan Development

Parallel development: The NCSC team will draft a plan based on the agreed content and approach resulting from the meeting, completing all parts of the plan that are not dependent on Vermont input. The Team Coordinator will serve as a focal point for activities to provide Vermont input to the plan, will conduct meetings to ascertain progress and to identify and resolve issues, and will serve as central information center.

Ongoing liaison: The Team Coordinator will work with the NCSC on providing necessary materials, will keep up contact, and will transmit inputs when they are ready. The NCSC will report on the progress being made on plan development and issues that will require consideration at interim Team meetings. Kevin Sheehan will attend Team meetings as a resource to the Team and to update the Team. The NCSC is aware that this type of ongoing communication is crucial and that it will be facilitated by the proximity of Kevin Sheehan and his quick and easy access to Vermont.

Development of consolidated plan: The NCSC will incorporate the Vermont inputs into the plan and produce a plan for consideration by the Team. The plan will be simple and doable.

Task 4 - Presentation of Draft Plan and Revision as necessary

Kevin Sheehan and Jim O'Neil will present the plan for the Vermont courts at a Team meeting called to review the plan. The plan will be circulated to the Team members in advance of the meeting. It is anticipated that the close ongoing liaison between the NCSC consultants and the Team will produce a plan with few surprises and with a minimum of major issues. Such revisions as may be necessary will be quickly addressed by the NCSC and incorporated in the final version of the plan.

Task 5 - Testing Plan

The NCSC strongly recommends that the plan be tested within a relatively short period of time after the final plan is produced. Plans tend to lose reality if those who will be engaged in coping with a disaster situation have not undergone some initial simulation of a major emergency. Testing is not a one-time event; at least annually there should be tests related to the whole activation process. Testing requires some planning and training and will cause relatively minor disruption of work routines. Therefore, testing sometimes encounters resistance. The NCSC feels that testing is an essential aspect of the plan and is prepared to assist in the design of the test, training, and evaluation of the test.

Timeline and major events: The NCSC anticipates that the work described above can be accomplished within seven (7) months, including the test.

PROJECT TIMELINE

MONTHS FROM PROJECT START

Activities/products	1	2	3	4	5	6	7
Preliminaries	→						
Conduct initial Team meeting	◆						
Produce work outlines for plan development		◆					
Parallel work		→					
NCSC prepares final draft				■			
Team reviews draft					◆		
NCSC prepares final plan					■		
Design and plan for test						→ ■	
Conduct training						→	
Conduct test							◆

End Result

The accomplishment of the above tasks will enable the judicial branch of Vermont to face a major and disruptive disaster with substantial confidence that the courts will be able to continue key court functions; protect essential facilities, equipment, and records; reduce injuries to court personnel; and achieve a timely and orderly return to full service.

Likelihood of Implementation

The likelihood of having to face a disaster situation is low. There is an almost certain likelihood that the Vermont judiciary will implement the plan when the occasion presents itself. The Vermont Supreme Court is fully committed to implementing the plan. There are no barriers.

Consultant Qualifications

Timothy Fautsko is a Principal Court Management Consultant at the National Center for State Courts and director of court security services. Some examples of his consulting work include security reviews for the Fulton County (Atlanta) Superior Court, Dade

County (Miami) Circuit Court, the Supreme Court of Puerto Rico, Seattle's Municipal Court Marshal's Service, and Snohomish County (Everett) Washington Superior Court. He has provided technical assistance for Maricopa County (Phoenix) Superior Court and directed a security review for the Harris County (Houston), Texas District Court. He has directed major statewide security and emergency preparedness studies in Maryland and Kansas.

Mr. Fautsko has made presentations on court security and emergency preparedness at national conferences. He was a primary facilitator at the Center's National Security Summit in April 2005 and presented workshops on "Assessing Potential for Anger, Dangerousness, and Violence in Your Courthouse" at the 20th Annual National Association of Court Managers (NACM) conference in San Francisco in July 2005. His article "*Post 9.11 - Are Courts Really Secure?*" was featured in Trends in State Courts - 2001 Report. He has conducted seminars for the Institute for Court Management in court administration, security, and emergency preparedness.

As a court administrator for nearly 20 years, he designed courthouse facilities, security protocols, and coordinated security staff at several high visibility trials. Mr. Fautsko was a training officer at the Colorado Department of Corrections and has educated correctional and probation officers in security procedures. He earned a master's degree from the University of Colorado at Boulder and a bachelor's degree from Walsh University in Canton, Ohio. He is a certified mediator and has co-authored several books on problem solving and decision-making.

James O'Neil, in the period 1996 – 2004, served a dual role in the New Hampshire court system. He was Court Systems Security Manager and also District Court Regional Administrator. In his security role he was responsible for all policies and procedures relating to the security of the 60 courts throughout the State of New Hampshire. He trained and certified all court security officers in courthouse security, including security screening, courtroom security, building physical security, prisoner handling and control, judicial protection, and firearms. He conducted security evaluations and was responsible for choosing the technology supporting security operations. He was instrumental in the development of the emergency preparedness and COOP planning for the New Hampshire judiciary and is knowledgeable in this whole area.

As Regional Court Administrator, Mr. O'Neil was responsible for the supervision of 21 District Court Clerks. He provided guidance and direction on court operations, case management and court personnel programs, including selection, supervision and evaluation of court staff. He formulated and implemented system-wide, long range plans and participated in design and up-grade of court facilities, and technology programs for the district court.

Prior to joining the New Hampshire court system, Mr. O'Neil was a security manager in the private sector, serving from 1983-85 as the security manager for the North Andover, Massachusetts plant of Raytheon Corporation. As Security Manager of the Special

Compartment Information Facility, he was responsible for management of the facility operations and control and accountability of classified documents.

From 1961-83, he served as a U.S. Army Counterintelligence Special Agent, responsible for conducting, training for, and training others in: physical, operational, personnel, document, photographic, lock, and electronic security. He is experienced in overall security operations for both military and commercial installations and implemented operations security support and anti-terrorist programs that were integrated into military plans and policies.

Since retiring in 2004, Mr. O'Neil has been a consultant with the National Center for State Courts (NCSC) and has conducted a series of courthouse security assessments in Maryland and also participated in the Harris County (Houston), Texas project of the NCSC.

Kevin Sheehan is a security consultant for the National Center for State Courts and recently developed cost estimates for implementing NCSC recommendations for security improvement in Maryland courts. He has over 34 years experience in law enforcement and senior security management.

After an honorable discharge from the U.S. Marine Corp in 1972, he began his law enforcement career, rising to the rank of Inspector involved with major crime investigation. He was a crime scene specialist with certifications in fingerprint and crime scene photography. Along with several training schools, he also attended North Shore Community College majoring in Criminal Justice. In 1981 Mr. Sheehan started a professional security and investigation agency expanding throughout New England. As the President/CEO of a company employing over 200 people, he became a member of the American Society of Industrial Security, becoming a CPP (Certified Protection Professional).

After 18 successful years nurturing this start-up company, he oversaw its sale to a national firm. He then became the Deputy Security Manager at the Administrative Office of the Courts in the state of New Hampshire; he subsequently became the Security Manager. He scheduled, assigned, trained, and administrated to a staff of 130 certified Court Security Officers. Responsibility for 65 court locations and the protection of 150 Judges throughout the state provides challenges. He was instrumental in the development of the emergency preparedness and COOP planning for the New Hampshire judiciary and is knowledgeable in this whole area.

Throughout his career, he has lectured and trained on current security topics. For the past two years, he has worked as an independent security consultant with emphasis on court security. Along with ASIS, he is a member of the International Association of Professional Security Consultants.

Need for Funding

The Vermont courts traditionally operate on a tight state budget that permits little in the way of discretionary spending for contract services such as those outlined in this letter. The court has been able to set aside \$20,000 for this high-priority undertaking, but this will not suffice to acquire the required assistance, even with an additional \$5,000 contribution from the NCSC. The scope of anticipated services will require roughly twice the available amount of funds. We are in a position where our best efforts leave us unable to satisfactorily address this fundamentally important issue.

Project Cost

Total cost of this project is \$50,000.

Budget

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