

State of Wisconsin

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Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: May 11, 2020

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received May 11, 2020, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Director of State Courts.

Please review the material and notify **Senator Darling** or **Representative Nygren** no later than **Friday, May 29, 2020**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:JN:jm



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary

Date: May 11, 2020

To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance

The Honorable John Nygren, Co-Chair
Joint Committee on Finance

From: Joel T. Brennan, Secretary
Department of Administration

MAY 11 2020
J. Finance

Subject: s. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	2019-20		2020-21	
		AMOUNT	FTE	AMOUNT	FTE
Courts 20.680(2)(g)	Gifts and grants		-1.5*		-1.5*
Courts 20.680(2)(h)	Materials and services		-1.0*		-1.0*
Courts 20.680(2)(j)	Court information systems		13.0*		13.0*
Courts 20.680(2)(j)	Court information systems		7.0†		7.0†
Courts 20.680(2)(L)	Library collections and services		-1.0*		-1.0*
Courts 20.680(3)(g)	Board of bar examiners		-2.0*		-2.0*

* Permanent position authority

† Project Position authority

As provided in s. 16.515, the request(s) will be approved on June 2, 2020, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

Date: May 7, 2020
To: Brian Pahnke
From: Michael R. Schmidt
Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2019-20</u>		<u>2020-21</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
Courts 20.680(2)(g)	Gifts and grants		-1.5*		-1.5*
Courts 20.680(2)(h)	Materials and services		-1.0*		-1.0*
Courts 20.680(2)(j)	Court information systems		13.0*		13.0*
Courts 20.680(2)(j)	Court information systems		7.0†		7.0†
Courts 20.680(2)(L)	Library collections and services		-1.0*		-1.0*
Courts 20.680(3)(g)	Board of bar examiners		-2.0*		-2.0*

* Permanent position authority

† Project position authority

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2019-20</u>		<u>2020-21</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
Courts 20.680(2)(g)	Gifts and grants		-1.5*		-1.5*
Courts 20.680(2)(h)	Materials and services		-1.0*		-1.0*
Courts 20.680(2)(j)	Court information systems		20.0*		20.0*
Courts 20.680(2)(L)	Library collections and services		-1.0*		-1.0*
Courts 20.680(3)(g)	Board of bar examiners		-2.0*		-2.0*

* Permanent position authority.

BP APPROVAL BP (FORWARD TO GAIL TAPPEN)



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
Brian Pahnke, Administrator

Date: May 7, 2020

To: Joel Brennan, Secretary
Department of Administration

From: Michael R. Schmidt
Executive Policy and Budget Analyst

Subject: Request under s. 16.505(2) from the Director of State Courts for the creation of 20.0 FTE permanent positions and an elimination of 5.5 FTE permanent positions.

Request:

The Director of State Courts Office requests the creation of 14.5 FTE program revenue positions and the reallocation of 5.5 FTE program revenue positions between appropriations for the Consolidated Court Automation Programs (CCAP) to address increased responsibilities related to electronic case and document filing, implementing and supporting courtroom digital audio recording systems, cybersecurity and technical support for hardware and software applications.

Revenue Sources for Appropriation(s):

The 20.0 FTE program revenue positions would be funded from the Supreme Court's court information systems appropriation under s. 20.680(2)(j). The revenue source for the positions is money received for providing services and selling documents related to CCAP; fees from the electronic filing of court documents; and certain statutory allocations of the justice information surcharge, and fees related to civil actions, garnishment and small claims actions and forfeiture actions. The appropriation is a program revenue, all moneys received appropriation, and any expenditure authority adjustments would be handled administratively.

A related deletion of 5.5 FTE positions would be in the following Supreme Court appropriations: 1.5 FTE program revenue positions in its gifts and grants appropriation under s. 20.680(2)(g), 1.0 FTE program revenue position in its materials and services appropriation under s. 20.680(2)(h), 1.0 FTE program revenue position in its library collections and services appropriation under s. 20.680(2)(L) and 2.0 FTE program revenue positions in its board of bar examiners appropriation under s. 20.680(3)(g). These appropriations are all program revenue, all moneys received appropriations, and any expenditure authority adjustments would be handled administratively.

Background:

The Consolidated Court Automation Programs provide information technology support to the state's court system. It was formed in July 2001 with the merger of two predecessor

Joel Brennan, Secretary

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departments. Organizationally, CCAP has 15.0 FTE GPR permanent positions funded by the general program operations appropriation for the director of state courts and law library under s. 20.680(2)(a) and 49.0 FTE program revenue permanent positions funded by the appropriation under s. 20.680(2)(j). It is led by a chief information officer and is divided into the following functional areas: development and technical operations, technical architecture, database administration, technical operations, customer services, application development, and purchasing and inventory.

The revenue source for the Supreme Court's gifts and grants appropriation under s. 20.680(2)(g) is money received for gifts, grants, bequests and devises that it may receive. The revenue source for the Supreme Court's materials and services appropriation under s. 20.680(2)(h) is money received for providing services and selling documents that are not related to CCAP.

The Board of Bar Examiners is an 11-member board appointed by the Supreme Court, which evaluates the skills, character and fitness of attorneys licensed to practice in Wisconsin. It is also responsible for creating and grading the Wisconsin Bar Examination. The board does not receive compensation, but the revenue source of its duties in the Supreme Court's board of bar examiners appropriation under s. 20.680(3)(g) is attorney licensing exam fees and attorney licensing fees.

The State Law Library is maintained by the Supreme Court for the use of Wisconsin officers and employees, attorneys and the general public. The David T. Prosser, Jr., State Law Library is in Madison and there are two satellite branches, established through contracts, in Milwaukee County and Dane County. The Milwaukee County Law Library and Dane County Law Library are located at their respective courthouses in Milwaukee and Madison. The revenue source for the Supreme Court's library collections and services appropriation under s. 20.680(2)(L) is money from fees or other charges for photocopying, copying from microfilm, optical discs or electronic storage; computer services; book sales and other services.

The Director of State Courts Office's request was originally submitted pursuant to s. 16.505 dated March 24, 2020. The March 24, 2020, request included a reallocation of 3.0 FTE SEG permanent positions in the Supreme Court's mediation fund appropriation under s. 20.680(2)(qm) to its court information systems appropriation under s. 20.680(2)(j). Because the procedures provided in s. 16.505(2)(a) apply to program revenues or program revenues-service fund sources, the Director of State Courts Office submitted an amended request dated April 1, 2020. Except for the elimination and reallocation of position authority related to the Supreme Court's mediation fund appropriation under s. 20.680(2)(qm), the original and amended requests were the same.

A summary of the current position authority, the request and result of approving the request is outlined in Table 1.

Table 1. Summary of FTE and Request

Appropriation	Title	Current FTE	Requested FTE	Resulting FTE if Approved
20.680(2)(g)	Gifts and grants	5.5	-1.5	4.0
20.680(2)(h)	Materials and services	1.0	-1.0	0.0
20.680(2)(j)	Court information systems	49.0	20.0	69.0
20.680(2)(L)	Library collections and services	1.0	-1.0	0.0
20.680(3)(g)	Board of bar examiners	8.0	-2.0	6.0

Analysis:

I. Elimination of 5.5 FTE Program Revenue Permanent Positions

For the reduction in position authority, the Director of State Courts Office indicates that the positions are vacant, are no longer needed and the reduction would not impact the associated functional areas. More particularly, the position authority in the Supreme Court's gifts and grants appropriation was used to staff the State Law Library branches and that the reduction would be absorbed by using limited term employees. Also, the reduction of position authority in the Supreme Court's materials and services appropriation is related to former support that was provided by services and selling documents related to CCAP and is no longer available since those funds were moved to the Supreme Court's court information systems appropriation in 2017 Wisconsin Act 59, the 2017-19 biennial budget. Further, the Director of State Courts Office indicates that revenue from the Supreme Court's library collections and services appropriation is insufficient to support the current position authority and that any reduction would be absorbed by other State Law Library staff. In addition, the Director of State Courts Office indicates that the position authority in the Supreme Court's board of bar examiners appropriation is no longer needed after a restructuring of the board.

II. Creation of 20.0 FTE Program Revenue CCAP Permanent Positions

The Director of State Courts Office requests the creation of 20.0 FTE program revenue permanent positions for CCAP in the functional areas as outlined below.

A. Statewide Mandatory Electronic Filing (eFiling) (7.0 FTE)

The Director of State Courts Office requests 7.0 FTE program revenue permanent positions to support the statewide implementation of mandatory electronic filing. In April 2016, the Supreme Court mandated statewide electronic filing in circuit courts, which was implemented on a rolling basis for three years depending on the circuit court and case type. The Director of State Courts Office anticipates that filing will be mandatory for all filings in the Court of Appeals and the Supreme Court in the coming years.

B. Statewide Digital Audio Recording (4.0 FTE)

The Director of State Courts Office requests 4.0 FTE technical support engineer positions. The engineers would support the ongoing implementation and support of courtroom digital audio recording systems and equipment in the more than 290 courtrooms and more than

100 hearing rooms throughout the state's court system. Digital audio recording systems are necessary to ensure a verbatim record of proceedings, which are particularly important for appellate review. The request notes that there is currently a shortage of qualified stenographic court reporters due to the retirement of qualified reporters and fewer graduates from court reporting schools. Traditionally, a court reporter is trained in shorthand or stenographic methods using a stenotype machine and reporter's notes to compile a transcript of a proceeding. A digital court reporter is trained in recording equipment and court reporting software and takes notes and creates the log identifying the speaker and keywords.

C. Network Security Program (2.0 FTE)

The Director of State Courts Office requests 2.0 FTE technical support engineer positions that would serve as security engineers for cybersecurity. The request notes that government computer systems are potentially lucrative computer malware targets. The request indicates that the current staff level is insufficient and the current use of two contractors is inefficient because security systems and processes must be implemented with continuity and forethought.

D. Operating Systems Technical Support (7.0 FTE)

The Director of State Courts Office requests the creation of 1.0 FTE technical unit supervisor position, 4.0 FTE technical support engineer position for security, 1.0 FTE technical support project manager position, and 1.0 FTE database administrator-expert position. The positions would provide support for remote access, e-mail, virtual private network, videoconferencing and necessary additional security that those systems require. The request highlights that an increase in the use of remote systems has become necessary due to the public health emergency caused by the coronavirus disease 2019 (COVID-19) pandemic. The request indicates that the positions would be required on a continuing basis to support virtual systems and ensure continuity of operations. The request notes that, in addition to the pandemic, recent statewide disruptions (e.g., severe winter weather events and a July 2019 fire in Madison) could not be addressed as quickly as necessary because of a lack of technological support. The request also notes that in addition to statewide disruptions, there are also local disruptions due to fire, flood and extreme weather events.

III. Fiscal Effect

The Director of State Courts Office indicates that its request would have a total net annual savings of \$290,552 program revenue. The estimate was based on: (a) a \$300,200 decrease in salary and fringe benefit spending associated with eliminating 5.5 FTE program revenue permanent positions, (b) a \$2,097,968 increase in salary and fringe benefit spending associated with creating 20.0 FTE program revenue permanent positions and (c) a \$2,088,320 decrease in contractor costs due to no longer using 17 contractors to supplement CCAP.

Table 2 outlines the estimated decrease in salary and fringe benefit costs associated with the elimination of 5.5 FTE program revenue permanent positions by appropriation. The

table includes an estimate from the Director of State Courts Office and the amount budgeted for the positions in 2019 Wisconsin Act 9, the 2019-21 biennial budget.

Table 2. Estimated Annual Fiscal Effect of Eliminating 5.5 FTE Program Revenue Positions

Appropriation	Title	Director of State Court's Office Estimate	Act 9 Budgeted Amount
20.680(2)(g)	Gifts and grants	-\$82,600	-\$84,200
20.680(2)(h)	Materials and services	-71,700	-71,700
20.680(2)(L)	Library collections and services	-63,200	-64,500
20.680(3)(g)	Board of bar examiners	-82,700	-84,400
Total		-\$300,200	-\$304,800

The reduction in spending associated with eliminating the positions could potentially be more than estimated. The estimates were based on vacant positions during budget development and do not account for an adjustment due to a 2 percent general wage adjustment in January 2020 and the possibility that wages for filling the position may be higher.

Table 3 below outlines the estimated increase in annual salary and fringe benefit costs associated with the creating 20.0 FTE program revenue permanent positions for CCAP by functional area. The table includes an estimate from the Director of State Courts Office. The table also includes a cost estimate based on the requested position classifications and the average filled position salary in those classes as budgeted in Act 9 with a 2 percent adjustment to account for the January 2020 general wage adjustment.

Table 3. Estimated Annual Fiscal Effect of Creating 20.0 FTE Program Revenue Positions

Functional Area	FTE	Director of State Court's Office Estimate	Act 9 Average Filled Position Class Estimate
Statewide Mandatory Electronic Filing (eFiling)	7.0	\$782,845	\$733,300
Statewide Digital Audio Recording	4.0	373,329	344,400
Network Security Program	2.0	186,715	172,200
Operating Systems Technical Support	7.0	755,079	849,700
Total	20.0	\$2,097,968	\$2,099,600

The Director of State Courts Office estimates that creating the positions would result in a \$2,088,320 annual decrease in costs due to no longer using 17 contractors to supplement CCAP. The estimate was based on the hourly rate for each of the contractors, which vary between \$45 and \$77 per hour, multiplied by 2,080 hours. Regarding whether there would be additional costs due to an overlap of when contractor agreements would end and onboarding employees, the Director of State Courts Office indicates that some of the contractors could be hired as permanent employees and there may be an overlap for training purposes, but that it would be short-term.

The Director of State Courts Office indicates that current funding in the Supreme Court's court information systems appropriation would have sufficient revenue to fund the

20.0 FTE program revenue permanent positions and the ongoing support for the court system's information technology applications. Table 4 illustrates the annual revenue and expenses, and the difference between the two, for the Supreme Court's court information systems appropriation under s. 20.680(2)(j) according to PeopleSoft

Table 4. Court Information Systems Revenue and Expenses

	2015-16	2016-17	2017-18	2018-19	2019-20*
Revenue	\$7,448,646	\$9,498,633	\$13,777,699	\$14,412,476	\$12,230,853
Expenses	7,273,057	8,601,256	12,201,829	10,740,074	10,203,557
Difference	\$175,589	\$897,377	\$1,575,870	\$3,672,402	\$2,027,296

*As of April 30, 2020.

As of April 30, 2020, the fiscal year 2019-20 revenue for the appropriation by source is: \$1,278 miscellaneous revenue (e.g., selling documents related to CCAP), \$168,000 for subscriptions to Wisconsin circuit court data through its Simple Object Access Protocol interface, \$5,728,283 from electronic filing of court documents fees, \$2,853,347 for certain statutory allocations of the justice information surcharge, and \$3,479,945 for statutory allocations of certain court actions.

It should be noted that the expenses include contractor costs that are anticipated to be reduced by creating the positions. According to PeopleSoft, expenses for information technology services and professional services in the court information systems appropriation were \$890,271 in fiscal year 2015-16, \$1,101,689 in fiscal year 2016-17, \$1,410,632 in fiscal year 2017-18 and \$1,689,375 in fiscal year 2018-19. The Director of State Courts Office indicates that additional contractors have been hired to meet demands related to the court system's technical environment.

As noted, a portion of the revenue for the court information systems appropriation comes from \$6 of each \$21.50 of the justice information system surcharge. The surcharge is collected by the Department of Administration under the justice information fee receipts appropriation under s. 20.505(1)(id) and is distributed to appropriations in the Department of Justice, Department of Corrections and the Circuit Courts. The Department of Administration is also required to lapse \$700,000 of justice information surcharge revenue in each fiscal year to the general fund. Approving the creation of the 20.0 FTE program revenue permanent positions may impact any ongoing, or future, reviews of the use of justice information surcharge funds. Table 5 below outlines the overdraft in the justice information fee receipts appropriation since fiscal year 2015-16.

Table 5. Justice Information Fee Receipts Overdraft

	2015-16	2016-17	2017-18	2018-19
Overdraft Amount	\$2,343,341	\$3,471,171	\$4,500,137	\$5,379,794

It should also be noted that on March 22, 2020, the Supreme Court suspended civil and criminal jury trials until May 22, 2020, due to the public health emergency caused by the COVID-19 pandemic. Also, in a separate, related order on March 22, 2020, the Supreme Court suspended all in-person proceedings in all circuit courts until April 30, 2020, which the Court extended until further notice on April 15, 2020. It appears that the public health emergency may be impacting program revenue in the Supreme Court's court information

Joel Brennan, Secretary

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systems appropriation under s. 20.680(2)(j). According to PeopleSoft, revenue for April 2020 (\$972,645) is approximately 18 percent less than March 2020 and 14 percent less than April 2019.

Recommendation:

Approve the request to eliminate 5.5 FTE program revenue permanent positions. Modify the request by approving 13.0 FTE program revenue permanent positions and create 7.0 FTE two-year project positions for CCAP operating systems technical support. This would provide the opportunity for a holistic review of programs supported by the justice information surcharge and evaluate the ongoing need for the positions beyond the public health emergency caused by the COVID-19 pandemic.

Memorandum

STATE OF WISCONSIN
DIRECTOR OF STATE COURTS



DATE: April 1, 2020

TO: Sen. Alberta Darling, co-chair
Rep. John Nygren, co-chair
Joint Committee on Finance
Brian D. Pahnke, State Budget Director, Department of Administration

FROM: Randy R. Koschnick, Director of State Courts
Supreme Court of Wisconsin

SUBJECT: Under s. 16.505(2), Wis. Statutes, Request for Transfer of Positions and Expenditure Authority Between Appropriations (Amended).

REQUEST

Under the provisions of s. 16.505(2), Wis. Statutes, the Supreme Court requests a transfer of 5.5 FTE permanent positions from appropriations s. 20.680 (2)(g) Gifts and Grants, (2)(h) Materials and Services, (2)(L) State Law Library, and (3)(g) Board of Bar Examiners to appropriation s. 20.680(2)(j), Consolidated Courts Automation Programs (CCAP) and additional position authority of 14.50 FTE permanent positions for the increased workload related to the on-going development, maintenance and training of the mandatory electronic case and document filing (eFiling) throughout the Court System; statewide installation and support of courtroom Digital Audio Recording (DAR) systems; implementation and maintenance of the court's Cyber security program to protect the court system's digital assets; and technical support for court system operating systems and applications, including those necessary for remote and video access.

The positions would be budgeted under the CCAP program revenue appropriation for court automation programs. The position transfer as well as new authority is shown in Table 1.

Table 1

<i>Ch. 20</i>	<i>Description</i>	<i>Source</i>	<i>FY 19-20 FTE</i>	<i>FY 20-21 FTE</i>
20.680(2)(g)	Gifts and Grants	PR	(1.5)	(1.5)
20.680(2)(h)	Materials and Services	PR	(1.0)	(1.0)
20.680(2)(L)	State Law Library	PR	(1.0)	(1.0)
20.680(3)(g)	Board of Bar Examiners	PR	(2.0)	(2.0)
20.680(2)(j)	Consolidated Court Automation Program	PR	20.0	20.0

REVENUE SOURCES FOR APPROPRIATION

CCAP operations are funded through the CCAP Program Revenue (PR) appropriation 20.680(2)(j) under the Supreme Court. CCAP receives revenue from a variety of court-related fees and surcharges including a CCAP fee, imposed on most court filings and forfeiture actions. CCAP receives \$6 of the \$21.50 justice information system surcharge imposed on most court filings and forfeiture actions.

As part of the 2007-09 biennial budget, statutory language was created authorizing the Director of State Courts to establish and charge a fee for the use of the circuit court eFiling system (Wis. Statutes 758.19(4m) and 801.17(7)(c)). Revenues from the eFiling fee are deposited to the CCAP appropriation.

The FY18-19 closing balance for appropriation 20.680(2)(j) was \$6.5 million. The current funding level provides sufficient revenue to fund the 20.0 permanent PR positions, their associated costs, and provide for expansion, ongoing maintenance and support of the court's information technology applications, local and remote infrastructure and cyber security program.

BACKGROUND

The Consolidated Court Automation Programs (CCAP) is the sole provider of enterprise technology services for the entire Wisconsin Court System. This includes the complete network infrastructure, hardware, desktop workstations, business productivity software, email, internet access, and a large suite of custom-developed software applications for circuit courts, appellate courts, the Supreme Court, and several court system administrative offices. CCAP directly supports all 72 Wisconsin counties and provides the circuit courts with case management, jury management, financial management, court calendaring, electronic document management, electronic mail, Microsoft Office Suite, information exchanges with state agencies, and courtroom digital audio recording. CCAP provides IT training and help desk services to over 2800 court system users. In addition, CCAP provides custom-developed software and eFiling support to tens of thousands of Wisconsin attorneys, support staff and members of the public via its newly created eFiling Help Desk.

Since its inception, CCAP has continuously improved and expanded its portfolio of applications and services in support of the court system, its justice agency partners, and the public. CCAP's services to the courts, justice partners and the public have grown significantly, while overall staffing levels have only increased by 1.0 FTE since 1998, which was to support 2011 Wisconsin Act 270. CCAP has accomplished these expansions by streamlining operations, standardizing its IT infrastructure through effective strategic planning and utilization of high level technical consultants. For example:

- The general public gained easy access to statewide circuit court case information through its Wisconsin Circuit Court Access (WCCA) website, which processes several million requests for circuit court information each day. Parties authorized by 2011 Wisconsin Act 270 can now access the Wisconsin Juvenile Circuit Court Access website for information about confidential juvenile cases, which ensures access to needed information for intake workers and law enforcement even when the courthouses are closed.
- CCAP implemented online services aimed at increased access to court services and information to many different audiences such as jurors, attorneys, judges, commissioners, interpreters, volunteers, and veterans.
- CCAP created the centralized infrastructure that supports many data and document exchanges with other state agencies and justice partners including district attorney offices, law enforcement agencies, the State Public Defender, and the Departments of Transportation, Justice, Corrections, Workforce Development, Children and Families, Natural Resources and Revenue. These data exchanges have generated significant cost savings for local courts and state agencies and have greatly improved the timeliness, consistency and quality of information exchanged between the courts and state agencies. Electronic exchange of data eliminates redundant manual re-keying of shared data to populate databases across the state.
- CCAP developed a court information repository to measure judicial caseload, an essential tool for identifying the need for new judgeships and for efficiently allocating resources within the court system.
- CCAP created in-court processing software that eliminates the need for clerks to take hand-written minutes in court. Clerks of circuit court, registers in probate, juvenile clerks, circuit court judges, and circuit court staff use CCAP software and hardware systems in their offices and chambers, as well as in the courtrooms. In 2018, Wisconsin's circuit courts handled over 840,000 contested and uncontested cases.
- CCAP expanded services for the public by implementing online payment of court fees, a self-help law center, the ability to file complaints against interpreters, judges and court commissioners, and providing access to information on Wisconsin Lawyers' Fund for Client Protection, Wisconsin State Law Library legal information, Americans with Disabilities Act policies and procedures and other state and federal laws.
- CCAP expanded remote virtual private network access for 2,000 users throughout the state and local court system, including support for video technology for circuit operations. This support was in direct response to the COVID-19 outbreak, as well as the requirement of Supreme Court order that the circuit courts be operational through the use of remote and video technology. Those operations will continue to need to be supported for the foreseeable future.

RECENT INCREASES TO SERVICES PROVIDED

Beyond the expansion of services as described above, CCAP is still implementing three large-scale court system initiatives which have resulted in the need to increase staff levels beyond what has been historically necessary for CCAP to successfully achieve its mission.

Two of these initiatives were the direct result of recently passed Wisconsin Supreme Court rules that significantly increased the services CCAP is required to provide to the court system and the public. Wisconsin Supreme Court Rule 14-03 requires the Director of State Courts to implement a mandatory circuit court eFiling system in all 72 Wisconsin counties. Wisconsin Supreme Court Rule 19-01 requires monitored digital audio reporting to be available as a court reporting method across the entire state court system.

CCAP's third significant initiative is to implement a robust court system cybersecurity program in light of the significant and ongoing risks posed to government computer systems. Effective development, implementation, and support of these critical statewide systems could not be accomplished with CCAP's existing staffing levels. To meet the new demands CCAP staff has been temporarily augmented by contract staff. However, all programs require permanent staffing.

ANALYSIS

CCAP requires an additional 20.0 FTE permanent positions to meet the ongoing responsibilities attributable to the three new initiatives described above, while at the same time providing the technical support for court system operating systems and applications, and remote support for all other CCAP-provided service and systems necessary for the court system and the public to utilize. The following provides details justifying the need for additional CCAP positions. Currently, the work is supported by contractors; however, the short-term nature of contract employment is insufficient to ensure well-trained and experienced staff can readily respond to user inquiries and attain the in-depth technical and business expertise required to properly design and support complex software applications, and efficiently respond to eFiling-related equipment failures, and ensure continued cybersecurity and remote support measures.

1) Statewide Mandatory Electronic Filing (eFiling) (7.0 FTE)

Background

On April 28, 2016 the Wisconsin Supreme Court Wis. Stat. s. 801.18, which mandated statewide electronic filing in the circuit courts, was approved. The mandatory eFiling system has many components including custom-developed software necessary for filing and processing electronic documents, the incorporation of document workflow throughout the suite of CCAP applications, and a significant increase in both the volume and complexity of document storage and backup systems. CCAP has implemented this system in all Wisconsin counties, for all types of cases. In 2019 attorneys and pro se litigants filed over 7 million documents on over 1.7 million circuit court cases. This represents remarkable efficiencies for the courts in addition to improved access for litigants and state agencies.

The CCAP eFiling help desk resolved 15,000 support tickets from over 10,000 eFiling customers and their support staff in 2019 alone. Circuit court staff no longer manually process the millions of documents filed in the courts each year as a result of CCAP's mandatory eFiling system and enhancements to the related applications courts use to manage electronically filed cases. Courts no longer have to purchase, create and store paper case files. Per Supreme Court Rule 72, counties must retain court records from 5 to 100 years depending on the case type. Records for the majority of case types must be retained for more than twenty years. Because of CCAP's document management system, courts no longer need to pay for case file jackets, paper document storage or the cost of retrieving files from off-site storage the eFiling system has introduced significant labor efficiencies and cost savings for court staff at the county level.

To accomplish this work, CCAP augmented its staff with several contract software engineers, business process analysts and technical support engineers. The mandatory eFiling rule has been in effect since July 1, 2016, but eFiling did not become mandatory in every county and for every case type on that date. Over the course of approximately three years, mandatory eFiling was enabled for all circuit court case types across the state. Electronic filing and paperless case processing is now the default standard in every circuit court throughout Wisconsin. For CCAP, work has shifted to programming enhancements to the system and the long-term requirement of supporting court staff and electronic filers that rely on the system on a daily basis. Additional scope has recently been added to this project to enable eFiling for the Appellate Courts and the Supreme Court. Electronic filing is expected to become mandatory for attorneys filing in all Court of Appeals and the Supreme Court in the next few years. While a small pilot is currently underway, CCAP must complete extensive programming including an Appellate Judicial Dashboard and sophisticated integrations to the Supreme Court/Court of Appeals Case Management application prior to implementation of mandatory eFiling in the high courts.

Request

Current CCAP staffing levels are not sufficient to support statewide mandatory electronic filing. Seven additional permanent staff are required for the ongoing maintenance, support, and continuous enhancement of these systems (Table 2). These staff will support the existing system and expand electronic filing to the appellate courts. The electronic filing fee will be sufficient to fund the additional positions, purchase the necessary hardware, and to provide continuous support and maintenance of the statewide eFiling system.

Table 2

FTE	Position Classification and function
3.0	Business Process Analysts dedicated to providing support to the public eFiling community.
1.0	Business Process Analyst to design, test, and support eFiling-related software enhancements, and to provide user training, documentation and online support resources.
1.0	Technical Support Engineer for installation, support and maintenance of eFiling equipment including scanners, printers, monitors, and a

	variety of central services.
2.0	Software Engineer for software functionality enhancements, upgrades and for production software support.
7.0	

Business Process Analysts (BPA)

CCAP BPAs provide a variety of important services for the court system. They work closely with judges, clerks of circuit court and county court employees, and serve as customer advocates and business process experts during software design and development. They provide training on CCAP custom suite of software applications, prepare online resources and provide support via the CCAP call center and eFiling Help Desk for CCAP and eFiling users across the state.

Three BPAs are required to staff the eFiling Help Desk. This help desk was created in 2016 when mandatory eFiling was implemented to assist attorneys and the public with using the eFiling application. In 2019, the eFiling help desk resolved over 15,000 support tickets via phone, email and chat. CCAP staffs the eFiling Help Desk with three BPAs during normal business hours. This correlates to approximately 1300 support tickets per month, and 60 tickets per work day.

The fourth BPA position is needed for eFiling software design and software quality assurance, including the eFiling expansion to the appellate courts. This BPA will work with software developers, acting as the customer representative and quality assurance specialist for all future eFiling enhancements, defect remediation, and expansion to other areas of the court system. These four BPAs represent a long-term critical need to ensure that court staff, attorneys, justice partners and members of the public have ready access to a high-functioning eFiling system.

Technical Support Engineer

CCAP technical support engineers configure, install, service, and provide technical support for all of the computer hardware installed throughout the court system. This includes the county-based desktop computers, servers, peripherals such as printers and scanners, and all local and wide area networking. They also provide direct user support for hardware-based issues via the CCAP call center.

Mandatory statewide eFiling and paper-on-demand case processing require CCAP to implement over 1200 scanners and multifunction printers in circuit courts throughout the state. CCAP installed over 2500 additional monitors to provide a larger “electronic desktop” in support of paperless case files throughout the courts. The additional computer equipment required to support eFiling and paper-on-demand court operations is permanent. Scanners and printers have many moving parts and are prone to failure. A well-trained technical support engineer is critical to the efficient troubleshooting, repair, and field service required to keep these systems in a functioning state. An additional technical support staff member is required to effectively maintain, support, and replace this growing equipment base.

Software Engineers

CCAP software engineers work with the BPAs to develop, enhance, and support the custom applications used throughout the court system. This includes all internal court productivity applications and web applications and services used extensively by justice partner agencies and the general public.

While the majority of the programming has been completed for the circuit court mandatory eFiling system, there are still many enhancements and new sophisticated components of the eFiling system that have not been completed due to a lack of staff resources. This position program additional features in the eFiling system as well as integrations with the case management suite of applications. The software engineer will also provide production support for all eFiling and paper-on-demand applications, ensuring these applications are consistently available when needed by the public and by court personnel. New software development will commence based on feedback from the appellate court eFiling pilot. Finally, this position will ensure that the eFiling system is properly aligned with any changes to statutes, court rules and court policies and procedures.

CCAP could continue to utilize contract staff to address all of the needs described above, however, this approach has several disadvantages. First, the eFiling system and associated case management applications are complex, and a broad-based knowledge of court operations is required in order to perform the assigned job responsibilities effectively. It takes many months of training for new staff to come up to speed in all of the areas necessary to be fully effective. The staffing required to address mandatory eFiling will be permanent and ongoing.

2) Statewide Digital Audio Recording (4.0 FTE)

Background

The ability to create an accurate verbatim record of trial court proceedings is a basic necessity of the court system. The shortage of well-qualified stenographic court reporters has reached the point where the courts have difficulty recruiting and retaining enough stenographic court reporters to consistently staff all proceedings. Significant effort is devoted to moving court reporters between courtrooms and courthouses to keep up with the demand.

Many experienced stenographic reporters are reaching retirement age and there are only a limited number of new graduates from court reporting schools. The court's proactive response to the pending shortfall was Wisconsin Supreme Court Rule 19-01, which established digital court reporting (DAR) as an acceptable alternative to stenographic court reporting in the circuit courts. Since 2015, the courts have hired 18 digital court reporters to meet the needs of making the court record. In all instances, there were no suitable stenographic applicants available. This trend is expected to increase.

To ensure all circuit courts retain the ability to take the court record, the Director of State Courts established a directive to install DAR systems in all courtrooms throughout the state. CCAP is responsible for the installation, support and maintenance of all DAR

systems throughout the courts. In response to the shortfall CCAP had been implementing DAR systems where court reporting resources are scarce. By the end of 2019, 78 DAR systems had been installed, and full statewide implementation is forecasted to be complete by 2023. High-quality compatible digital audio recording systems are also used in 48 court commissioner hearing rooms, where they record initial appearances, traffic, small claims, and family proceedings.

There are over 290 courtrooms and over 100 hearing rooms throughout the Wisconsin courts. All DAR equipment purchasing, installation and support is provided by CCAP. CCAP works with circuit court judges, clerks of circuit court, court reporters as well as county IT and building maintenance staff to ensure each courtroom receives a system that is tuned to the specific characteristics of that courtroom. Court hearings cannot take place if the courtroom DAR system is not functioning properly. DAR equipment purchasing, installation and support is provided by CCAP as well as long term storage for audio files.

Request

CCAP requires 4.0 FTE technical support engineers for the ongoing implementation, maintenance, and support of the DAR recording equipment in all Wisconsin courtrooms. Digital audio is a specialty skill – current CCAP technical support engineers do not possess the knowledge or skills necessary to efficiently install or support these systems. The systems must always be working properly in order for court proceedings to be held. These new staff will coordinate with county personnel to ensure the best possible DAR installation in each courtroom. They will then perform the DAR system implementations, be responsible for providing production support, design and maintenance of long-term storage of audio files and as ongoing upgrades and system enhancements for hundreds of installations statewide.

DAR Technical Support Engineers

CCAP DAR technical support engineers are the court system's digital audio specialists. The DAR technical support engineers configure, install, and support all of the computer hardware and software used to support digital audio recording throughout the court system. This includes DAR software, digital audio mixers, AV system interfaces, microphones, video cameras, desktop computers, network switches, and DAR backup systems. They also perform proactive system monitoring to ensure system availability, and provide direct DAR end user support via the CCAP call center.

Given the specialty skills required for the installation and support of digital audio systems coupled with the integration with courtroom A/V systems, CCAP does not have existing staff with the expertise to efficiently support these systems when a problem occurs. Trained audio visual engineers are a requirement to the successful implementation of DAR, and the necessary training can take several months.

3) Network Security Program (2.0 FTE)

Background

The court system is drastically improving its cybersecurity measures in light of the significant and ongoing risks posed to government computer systems. Court technology

systems are considered to be potentially lucrative computer malware targets. The courts cannot function without CCAP's stable, efficient and secure technical infrastructure. This dependence has increased dramatically with the implementation of eFiling and digital audio recording as well as expanded remote access. Courts throughout the state no longer maintain paper files and rely on the CCAP systems in order to perform their daily work, and attorneys and other state agencies rely on electronic access to CCAP systems in order to file and access court documents.

Current CCAP staffing levels do not include positions allocated for a dedicated cybersecurity team, which is critical in order to develop and maintain a mature and robust cybersecurity program. The current staffing level is not sufficient to monitor critical production systems in order to prevent, detect, or contain attacks. In addition, cybersecurity is a specialty skill area, and current CCAP staff do not possess the necessary training and expertise in cybersecurity required to establish and maintain a robust cybersecurity program.

Request

Security Engineers

CCAP requests 2.0 security engineers to serve as the court system's cybersecurity specialists. Their daily duties ensure the court system is protected from malware attacks that will affect the ability of the courts to function. Security engineers establish and maintain a cybersecurity program for the court system that adheres to the CIS Top 20 security controls, which is a widely accepted standard in the cybersecurity industry. These controls include inventory control, vulnerability management, user account management, mobile device configuration, audit log maintenance and analysis, email protections, malware defenses, boundary, defenses, and more. The security engineers also coordinate with third party cybersecurity vendors to ensure ongoing monitoring and vulnerability testing of the court's public-facing systems.

Currently CCAP currently utilizes two contract employees on its cybersecurity team; however, cybersecurity support is an ongoing need. Systems and processes must be designed, implemented, and documented with long-term stability as the goal.

4) Operating Systems Technical Support (7.0 FTE)

Background

The Governor's Executive Order announcing a state of emergency, administrative bulletins issued by the Director of State Courts closing administrative offices to the public, and Supreme Court orders suspending all in-person proceedings in all appellate and circuit courts, will result in the utilization of additional technologies, including e-mail, teleconferencing, and video conferences to maintain proceedings. These technologies will be maintained, operated and initiated by CCAP. With the additional support needed throughout the court system, as well as redundancies for all technical court operations as noted above, CCAP is requesting an additional 7.0 permanent FTE. These positions would provide technical support for remote access, email, the virtual private network, video-conferencing related operating systems, and the additional security needed to ensure the systems are safe from external security breach attempts.

Request

Current CCAP staffing levels are not sufficient to support the existing operating systems and applications. Seven additional permanent staff are required for the ongoing maintenance, support, and continuous enhancement of these systems (Table 3). These staff will support the existing systems and applications.

Table 3

FTE	Position Classification and function
1.0	Technical Unit Supervisor
4.0	Technical Support Engineer for Security
1.0	Technical Support Project Manager
1.0	Database Administrator - Expert
7.0	

Technical Unit Supervisor

IT Supervisor for team oversight. This position is necessary to oversee the additional position authority in this request. The area of support would be determined at the time of appointment.

Technical Support Engineers

CCAP technical support engineers are the court system's operating system technical specialists (Security, Email, Operating Systems, Data Center). The technical support engineers configure, install, and support all of the computer hardware and software used by court staff and users statewide.

Technical Support Project Manager

Customer Service Project Manager. This position will provide additional support for the help desk and related field services provided by the technical support engineers. It also provides oversight in the implementation of new technology services and support for users and directs the technical staff in installing and maintaining those systems

Database Administrator – Expert

This position will oversee and manage 200 production databases in support of the court system. Currently only two database administrators support these database and additional support is necessary to maintain new applications and changes.

FISCAL EFFECT

The Consolidated Courts Automation Programs appropriation is a continuing appropriation. The estimated cost of the positions is \$2,097,900 and the annual supplies and services cost estimated to be \$200,000, which will be covered by existing CCAP balances. The FY19-20 balance is currently projected to be \$11.5 million.

SUMMARY

Over the past twenty years, users of CCAP's services and applications have grown well beyond the courts to include state justice partners, county agencies and private sector businesses and citizens who rely on CCAP and WCCA in their daily work. Mandatory eFiling provided a number of efficiencies for state agencies, attorneys and circuit courts and expanded CCAP's customer base from approximately 3000 to over 25,000 in a few short years. The additional support of digital audio recording systems and cybersecurity also has also put a strain on existing staff. During this period of expanded services and support, CCAP has realized no growth in the number of staff charged with supporting these new users and new systems. In addition, the information technology needs that have resulted from the necessity to work remotely, and support those technologies have demonstrated the need for additional redundancies for the court system as well as preparedness for continuity of operations.

The Director of State Courts Office requests position authority of 20.0 permanent PR positions under appropriation s.20.680 (2)(j), Consolidated Courts Automation Programs, to support CCAP's technology services and applications. Revenue generated through the eFiling convenience fee, justice information surcharge and CCAP fee is expected to provide sufficient funding for the position and for ongoing system administration and maintenance.

If you have additional questions, please contact Bonnie Anderson, the Court's budget and fiscal officer, at 267-0702.