State Justice Institute

Fiscal Year 2015

Budget Request

March 2014

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I. Overview of the State Justice Institute

The State Justice Institute (SJI) was established by federal law (42 U.S.C. 10701 et seq.) in 1984 to award grants to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. 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.

SJI is unique in both 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.

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

- Addressing national court issues as they occur, and developing solutions to those problems;
- Placing practical products in the hands of the judges and court staff who can most benefit from them;
- Making sure that effective approaches in one state court are quickly and economically shared with other courts nationwide;
- Supporting national, regional, and in-state educational programs to speed the transfer of solutions to issues shared by courts across the nation; and,
- Supporting national technical assistance targeted at specific issues in the courts.

SJI has supported numerous grants to state courts and court-support organizations that have improved the administration of justice in the United States. These include projects that have assisted the state courts in reengineering to improve efficiency and effectiveness; addressed the impact of human trafficking and immigration issues in the state courts; improved court security; promoted fiscally-sound and data-driven policies and practices on sentencing; and provided assistance to improve access to justice. SJI has also supported many worthwhile projects that have enhanced state court performance and accountability.

SJI's federal mission to support the state courts is critical to the successful implementation of federal policies and programs, most recently in the areas of social services programs and automated justice information systems development. State court proceedings and court-based programs are the lynchpin for implementation of timely child placement decisions, civil protection orders, and criminal prosecutions. For example, state court records are a source for criminal histories, ensuring the welfare of children, and preventing family violence. These records are vital to various federal law enforcement databases, including the National Crime Information Center (NCIC) and National Criminal Instant Background Check System (NICS).

For FY 2015, SJI requests $5,121,000 to enhance its efforts to improve the quality of justice in the state courts. The request is equal to the amount included in the FY 2015 President's Budget. The request is $221,000 above the amount included for SJI in the *Consolidated Appropriations Act, 2014* (H.R. 3547).

II. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

STATE JUSTICE INSTITUTE

SALARIES & EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Authorization Act of 1984 (42 U.S.C. 10701 et seq.), [$4,900,000] *$5,121,000*, of which $500,000 shall remain available until September 30, [2015] *2016*: *Provided*, That not to exceed $2,250 shall be available for official reception and representation expenses: *Provided further*, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

Analysis of Appropriations Language

- Language includes the same funding level requested in the FY 2015 President's Budget. The request is also $221,000 above the level provided by the *Consolidated Appropriations Act, 2014*.

III. SJI Grant Programs

SJI's mission is to improve the quality of justice in state courts and foster innovative, efficient solutions to common issues faced by all courts. To fulfill this mission, SJI awards grants that benefit the nation's judicial system and the public it serves.

SJI currently awards six types of grants, detailed below:

- Project Grants – are the centerpiece of SJI's efforts to improve the administration of justice in state courts nationwide. Project Grants are intended to support innovative technical assistance, education and training, and demonstration projects that can improve the administration of justice in state courts.
- Partner Grants – allow SJI and federal, state, or local agencies or foundations, trusts, or other private entities to combine financial resources in pursuit of common interests.
- Strategic Initiatives Grants – This funding provides SJI the flexibility to address national court issues as they occur, and develop solutions to those problems. These grants are awarded at the discretion of the SJI Board of Directors.
- Technical Assistance (TA) Grants – are designed to provide state and local courts with funding to obtain expert assistance to diagnose a problem, develop a response to that problem, and initiate implementation of any needed changes.
- Curriculum Adaptation and Training (CAT) Grants – enable courts and regional or national court associations to modify and adapt model curricula or course modules to meet state or local jurisdiction educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness.
- Education Support Program (formerly the Scholarship Program) – enhance the skills, knowledge, and abilities of judges and court managers by supporting attendance at programs sponsored by national and state providers that they could not otherwise attend because of limited state, local, and personal budgets.

Each fiscal year, SJI allocates significant financial resources to support its Priority Investment Areas. In FY 2014, the Priority Investment Areas are the following listed below (in no specific order):

- **Human Trafficking Issues in the State Courts** – through the Human Trafficking and the State Courts Collaborative, addressing the impact of federal and state human trafficking laws on the state courts, and the challenges faced by state courts in dealing with cases involving trafficking victims and their families.
- **Limited English Proficiency (LEP)** – improving language access in the state courts through remote interpretation (outside the courtroom), interpreter certification, courtroom services (plain language forms, websites, etc.), and addressing the requirements of *Title VI of the Civil Rights Act of 1964* and the *Omnibus Crime Control and Safe Streets Act*.

- **Reengineering in Response to Budget Reductions** – assisting courts with the process of reengineering, regionalization or centralization of services, structural changes, and reducing cost to taxpayers while providing access to justice.
- **Remote Technology** – supporting the innovative use of technology to improve the business operations of courts and enhanced services outside the courtroom. This includes videoconferencing, online access, educational services, and remote court proceedings.
- **Guardianship, Conservatorship, and Elder Issues** – assisting courts in improving oversight of guardians/conservators to prevent fraud of the elderly and the incapacitated, to include establishing court visitor programs, electronic reporting and monitoring, and guardian training.
- **Self-Represented Litigation** – promoting court-based self-help centers, online services, and increasing use of court-based volunteer attorney programs.
- **Immigration Issues in the State Courts** – addressing the impact of federal and state immigration law and policies on the state courts.

Between FY 2010 and 2013, SJI received an average of $4,086,534 in grant applications[1] per fiscal year. There are several reasons why the demand for SJI grant funding remains stable: 1) the state courts are dealing with severe budget constraints, and need financial assistance in order to conduct critical projects; 2) SJI has increased its visibility with the state courts through outreach, which combined with very limited federal funds for the state courts in general, has led to an increase in applications; and 3) SJI increased the maximum amount available for TA and CAT grants in FY 2010. TA Grants were increased from $30,000 to $50,000, and CAT Grants were increased from $20,000 to $30,000. This has provided more flexibility to the state courts to conduct larger projects.

In addition to Project, TA, and CAT grants, in FY 2012 SJI released a special Strategic Initiatives Grants (SIG) program solicitation on self-represented litigation and the state courts (one of SJI's Priority Investment Areas). The response to this solicitation was overwhelming – SJI received 47 concept papers totaling $4,770,208. The selection process was highly competitive, given that there was only $300,000 set aside for the special solicitation. The projects awarded will all have state and/or national impact.

While SJI is excited about the continued interest in grant opportunities, there is limited grant funding available. SJI reviews all grant applications on a competitive basis and does not allocate grant funding by quarter. Therefore, SJI has encouraged potential applicants to submit their grant applications as soon as possible, since SJI funding is on a first-come, first-served basis for grant applications that merit funding.

[1] Only includes Project, Technical Assistance, and Curriculum Adaptation & Training Grant applications. Strategic Initiative Grants and Partner Grants are considered outside of the normal grant application process. In addition, Education Support Program (ESP) applications are also considered under a separate process.

The state courts are unlikely to experience any budget relief in the near future. Therefore, SJI expects the demand for TA and CAT grants to remain steady. These grants are critical to state and local courts, and this budget request will support these projects while continuing to use the other larger grant programs to address national court issues.

Project Grants

Project Grants are the centerpiece of SJI's efforts to improve the administration of justice in state courts nationwide, and are intended to: 1) formulate new court procedures and techniques, or creatively enhance existing procedures and techniques; 2) address aspects of state judicial systems that are in special need of attention; 3) develop products, services, and techniques of national significance that may be used in other states; and/or 4) create and disseminate products that transfer information and ideas developed for relevant audiences, or provide technical assistance to facilitate the adaptation of effective programs in other court jurisdictions.

There have been many successful Project Grants funded by SJI. These include support to implement an Adult Guardianship Special Assistant program in Maryland (SJI-14-N-009). This program will provide support to the courts to assist with monitoring of guardianship cases, and assistance for guardians in Maryland. SJI has also awarded Project Grants to the Missouri Office of State Courts Administrator for a pretrial and probation services assessment (SJI-14-N-012); the West Virginia Supreme Court of Appeals for a judicial workload assessment; the Connecticut Judicial Branch for an evaluation of the Foreclosure Mediation Program in direct response to the housing crisis (SJI-12-N-002); the Minnesota Judicial Branch to develop an online conservator reporting system that will improve conservatorship case processing and monitoring (SJI-12-N-128); and the Wisconsin state courts to implement statewide court-related evidence-based strategies that enhance public safety, reduce recidivism, and address criminal and addictive behaviors (SJI-10-N-003).

Between FY 2010 and 2012, SJI received an average of $2,449,717 in Project Grant applications per fiscal year. SJI experienced a decrease in Project Grant applications in FY 2013. Many state courts simply do not have the capacity or funding to support large projects because of significant budget reductions over the past several years. SJI will continue to promote the Project Grant program and encourage state courts to consider larger projects when possible.

Partner Grants

Partner Grants enable SJI to collaborative with federal, state, or local agencies, and foundations, trusts, or other organizations to combine financial resources in pursuit of common interests. These grants allow SJI and its partner to fund projects that will have a national impact on the courts. They also increase coordination between SJI and other federal grant-making departments and agencies such as the Department of Justice (DOJ). Partner Grants are critical as SJI continues to work with outside agencies to maximize grant funding for the state courts.

In FY 2011, The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) and SJI entered into Partner Grants to support the Executive Session for State Court Leaders: Phase II, and to support updates to the National Association for Court Management (NACM) Core Competencies. Both projects will include significant technical assistance and education on current and future issues impacting the state courts, including reduced court budgets and increased caseloads.

SJI also partnered with BJA in FY 2010 on the Alabama Sentencing Training project. This project trained Alabama judges on evidence-based sentencing policy and practice to hold offenders accountable, reduce recidivism, and decrease costs to the justice system in that state. The Partner Grant also complemented SJI's focus on evidence-based practice within the context of state court reengineering. In addition, SJI and BJA partnered on the 4th National Symposium on Court Management, which provided training on the future issues of the state courts and their workforce in the next 10 years. This training was critical to anticipating the challenges that the state courts will face in the next decade.

In FY 2010, SJI continued to work with the U.S. Marshals Service (USMS) to support a component of the USMS Judicial Security Fellowship Program. This program provides an opportunity for state and local law enforcement officers charged with court security to train with the USMS, which includes training on high level executive protection and court security operations. During the program, the Judicial Security Fellow (JSF) is exposed to all aspects of USMS judicial and court security, and travels to sites of ongoing high-threat trials and protective details. JSFs are full-time sworn officers of a duly constituted law enforcement agency, and have at least five years court security experience.

The USMS/SJI Partner Grant directly supported a component of the JSF program that included joint training with court administrators at the National Center for State Courts (NCSC). This training included coordination of public and media relations in high visibility trials, coordinated approaches to policy and procedures, and consolidated training for court staff in security awareness and response. Furthermore, the NCSC helped the JSF and his/her court counterpart develop close working relationships for analyzing security needs and formulating action plans to improve security in the state or local jurisdiction they represent. The JSFs also achieved an understanding of court security requirements from a court perspective.

In addition to the BJA and USMS Partner Grant projects, SJI and the Bureau of Prisons, National Institute of Corrections (NIC) are working together to support the California Risk Assessment Pilot Project (CalRAPP). The CalRAPP program is building on recent and on-going national and state sentencing reform activities to demonstrate one of the most promising developments in state sentencing and corrections reform – the use of risk/needs assessment information. The overall goal of this project is to use information on the risk of recidivism to guide statewide sentencing, probation, and probation violation decisions; thereby controlling costs while holding offenders accountable.

In FY 2006, SJI and the Pew Charitable Trusts (Pew) began a Partner Grant to address Foster Care issues facing both the justice system and child welfare service providers. Other participating organizations included the National Conference of Juvenile and Family Court Judges (NCJFCJ) and the NCSC. This Partner Grant provided technical assistance to courts to

improve the way foster care cases were administered by both the judicial system and child welfare agencies. Closer collaboration between the two was promoted and the reforms developed by the Pew Commission on Children and Foster Care were encouraged and supported. Another Partner Grant between SJI and Pew began in FY 2007 to address sentencing and sentencing alternatives in a collaborative approach between policy-makers, corrections personnel, and judges. This Partner Grant involved the Council of State Governments, Vera Institute, Crime and Justice Institute, the National Judicial College, and NCSC. SJI's involvement in this project assured the inclusion of state court judges in the collaborative.

Strategic Initiatives Grants

In FY 2008, SJI requested, and Congress approved, the Strategic Initiatives Grants (SIG) program. This funding provides SJI the flexibility to address national court issues as they occur, and develop solutions to those problems. Through this program, SJI applies its own institutional knowledge and expertise, as well as that of its grantees to address the key issues facing the state courts.

Human Trafficking and the State Courts

Since 1994, Congress has enacted a series of laws, most notably the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA). State courts are also beginning to see human trafficking cases under state laws, as 47 states have passed criminalization statutes for human trafficking. Judges are becoming aware that human trafficking can manifest itself in a variety of court settings, including prostitution and drug cases where the individual may be a trafficking victim, child thieves who are part of trafficker-controlled organizations, and abused and neglected children in a variety of settings. In addition, human trafficking goes beyond immigrants who are in the United States legally or illegally, but also to U.S. citizens who are victims. However, the state courts are finding themselves without the knowledge, expertise, processes, and basic infrastructure needed to address this issue.

Beginning in FY 2013, SJI is supporting a Strategic Initiatives Grant (SIG) to the Center for Public Policy Studies/The National Judicial College/Center for Court Innovation (CPPS/NJC/CCI) to form a Human Trafficking and the State Courts Collaborative focused on 4 strategic priorities: 1) increasing understanding and awareness about the challenges faced by state courts in dealing with cases involving trafficking victims and their families, and traffickers; 2) developing and testing state and local approaches for assessing and addressing the impact of human trafficking victims and defendants in the state courts; 3) enhancing state and local court capacity to improve court services affected by human trafficking-related case processing demands; and 4) building effective national, state, and local partnerships for addressing the impacts of human trafficking case processing in the state courts.

The Collaborative will result in a variety of products benefiting the state courts, including:

- A comprehensive resource inventory of background information about the demographics, scope, dynamics, and implications for the courts and justice system of various forms of human trafficking;
- Measurement framework that includes measures and tools for monitoring the impacts of human trafficking case processing in the state courts;
- Summary of changes in federal and state trafficking law, policy, and practice that might better serve the interests of the state courts;
- A human trafficking and the state courts web-based resource network and clearinghouse for judges and court personnel;
- A best practices toolkit for jurisdictions interested in establishing a specialized prostitution/trafficking court;
- A series of bench cards targeting human trafficking-related issues;
- Best practice guidelines;
- Model planning and technical assistance process and supporting materials;
- Training on human trafficking via 12 courses for judges;
- Intensive technical assistance in six jurisdictions, and proven nationally applicable technical assistance approaches; and
- Published articles in various court periodicals about the project and the issue in general.

The three members of the Collaborative each bring specific expertise to these efforts, and will work together to accomplish these goals. CPPS has already developed expertise in delivering statewide technical assistance through its work on the SJI-funded Immigration and the State Courts Initiative. NJC has previously developed training for judges on human trafficking. CCI has experience helping jurisdictions set up specialized prostitution/trafficking courts. In addition to eliminating the "stove-pipe" effect of separate organizations conducting projects with little to no coordination, the Collaborative will also establish what may become a permanent network of courts and court associations and organizations committed to this issue.

The Collaborative has a website (htcourts.org) that will serve as a portal for all the technical assistance work, education/training, and resources associated with this project. Each member of the Collaborative will provide updates on their activities using the website, providing a centralized location for all the information available on this critical issue.

Immigration and the State Courts

SJI began using the SIG program in FY 2008 to address immigration issues in the state courts at a national impact level. As part of this effort, SJI began a dialogue with the state courts to determine how immigration issues are impacting them. Two overarching themes emerged from this effort. First, the magnitude and intensity of current immigration trends is a challenge to the capacity of state courts in providing effective services (equal access to justice). Second, the intersection of federal immigration law and practice, and state law, can result in unintended consequences for litigants and state court systems (equal justice for all).

As SJI's technical assistance provider for the SIG program on immigration issues, the Center for Public Policy Studies (CPPS) has worked in numerous pilot learning sites, including: the Maricopa County (Phoenix, Arizona) Superior Court; the 11th Judicial Circuit Courts in Florida (Miami-Dade); and the Courts of the 8th Judicial Circuit in rural, western Minnesota, to learn what challenges they face in meeting the needs of immigrant populations that use the courts; and how best to address those challenges. CPPS also prepared a bench guide and bench cards for assisting judges across the United States in addressing the practical implications of immigration in the state courts for a variety of topics including pretrial release decisions, eligibility for and conditions of probation, the effects of guilty pleas on immigration status, and the intersection of federal and state laws – to include the impact of foreign law/treaty agreements, and federal notifications.

Subsequent grant awards expanded the impact of this project to additional states, in addition to generating bench guides and other key materials on this important issue. SJI and CPPS developed working relationships with key federal agencies, including the Department of Homeland Security/U.S. Citizenship and Immigration Services (USCIS), DHS/Immigration and Customs Enforcement (ICE), and DOJ/Executive Office of Immigration Review (EOIR). Over the years, these working relationships have led to a significant increase in understanding of the critical state court role in federal and state immigration law and policy, including a focus on human trafficking and the importance of state court records in immigration proceedings.

The rights of a non-citizen under federal immigration law can be impacted by their involvement in a state court criminal, family, juvenile, or civil case. This can make the application process to the USCIS for naturalization and other immigration benefits heavily dependent on the contents and quality of state court records. Access to court records is also needed by unaccompanied juveniles and immigrant crime victims, and state court records documenting family relationships can be critical to processing immigration matters. However, there are significant misalignments between the USCIS and state court systems that make the system especially difficult for immigrants, state court personnel, and federal immigration hearing officers. Applicants for immigrant benefits must produce certified copies of state court documents regarding cases in which they were involved. In general, USCIS does not allow these documents to be submitted electronically, even if the transmission comes from the state court. Filling these requests can be time consuming for court personnel. Furthermore, contents and quality of court records can vary greatly by state, and even within a state, so that some court actions may not appear in records at all.

With SJI support in FY 2013, CPPS will address four strategic priorities: 1) enhance state court capacity to efficiently, securely, and effectively exchange records with USCIS; 2) increase the ease of access to state court records by self-represented immigrant court users; 3) build effective partnerships between the state courts and USCIS in two pilot states (Georgia and Iowa); and 4) create a model approach and tools for effective state court/USCIS records exchange that can be used across the United States. CPPS will form and facilitate state court/USCIS records exchange development and implementation teams to assess the uses of state court records, and document best practices. The Georgia and Iowa courts, in addition to state court clerks of courts associations and USCIS field offices are committed to this project. The two states illustrate both ends of the court record spectrum – court record-keeping in Georgia is mostly locally controlled

and paper-based; whereas Iowa is implementing a centralized electronic and document filing system that will make court records paperless statewide. The project will result in a model state court/USCIS records exchange planning and technical assistance approach that can be used across the United States; best practices for records exchange and serving immigrants; and records exchange training curricula that has been tested in two states and will be adaptable.

Limited English Proficiency (LEP)

In FY 2013, SJI approved a SIG to the National Center for State Courts (NCSC) to address limited English proficiency (LEP) issues. The NCSC's newly established Language Access Services Section is uniquely positioned to provide direct technical assistance to state courts on this critical issue. Most recently, the NCSC has worked with courts across New England, assessing their language access services and helping them find ways to share interpreters on a regional level. The NCSC also assisted the Tennessee Judiciary in conducting a summit of stakeholders to plan for providing language access services at no cost in civil cases throughout the state. Under a grant from CISCO Systems, the NCSC is developing standards and best practices for remote video interpreting.

As part of these efforts, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) created the Language Access Advisory Committee (LAAC) to increase the visibility of this work, and provide a more effective means of addressing policy issues impacting each state. LAAC is composed of COSCA members, with several state level language access coordinators as technical advisors. LAAC will provide direction to the work of the NCSC Language Access Services Section that will coordinate all LEP work and policy.

For this SJI-funded project, the NCSC will:

- Assist states through CCJ, COSCA, and the LAAC in developing consistent national standards for increased ability to share resources, including the ability to share interpreters, tests, and training opportunities;
- Assist in the creation of regional and/or national databases of interpreter resources, and increase capacity through remote interpreting;
- Conduct state and local court needs assessments, including levering technology to improve business processes and performance measurement;
- Assist state and local courts with developing LEP plans, including assistance in determining when interpreter resources are required, and the necessary resources, as a part of case management;
- Develop model training for judges and court staff on cultural and interpreter use issues;
- Develop instructions and bench cards for judges to explain to courtroom participants how interpreters are best used in the courtroom;
- Disseminate information about the effective ways to respond to, and manage, the many facets of LEP individuals and their impact on the state courts;
- Evaluate gaps with meeting DOJ guidelines, and establish a plan of action to address those gaps; and,

- Establish a clearinghouse to collect data on LEP complaints in order to assist courts in addressing these issues, similar to what courts have done with Americans with Disabilities (ADA) issues and security threats.

During the 2013 CCJ/COSCA Annual Meeting, the NCSC released A National Call to Action, Access to Justice for Limited English Proficient Litigants: Creating Solutions to Language Barriers in State Courts. The Call to Action represents the culmination of a multi-year SJI-funded project aimed at addressing limited English proficiency in the state courts, which included a National Summit on Language Access in the Courts held in 2012. The Call to Action presents an overview of important data the NCSC collected during the assessment of the courts, which was conducted prior to the convening of the Summit. The report also provides a summary of the Summit, in addition to action steps that state courts can use to implement or improve language access programs.

State Court Reengineering in Response to Budget Reductions

In addition to struggling with immigration issues, the state courts are also facing severe budget reductions as a direct result of the current economic situation in the United States. In fact, at least 45 state courts were facing shortfalls in FY 2010 that ranged from 2 to 16 percent; a trend that is likely to continue into the future.[2] This has had a direct impact on state court budgets. For example, in 2009 the state courts in New Hampshire halted all jury trials for a month because of the budget crisis in that state. In 2008, the Vermont judiciary closed its district and family courts a half-day per week for the remainder of the fiscal year.[3] An NCSC survey of State Court Administrators found that 46 percent reported that federal stimulus dollars were having no impact on their courts systems, and that they were still making cuts.[4] Given that 90 percent of state court budgets are personnel costs, it is not surprising that courts are reducing staff; as evidenced in Florida where the court system laid off 9 percent of its workforce in 2008.

The budget crisis in the state courts is an emerging and national issue that is being addressed by the SIG program. The short-term cost reductions taken by the state courts such as hiring freezes, furloughs, and layoffs, will have long-term effects, but are not enough to meet the current economic demands for reduction in costs. SJI awarded a Strategic Initiatives Grant (SIG) to the National Center for State Courts (NCSC) in FY 2009 to focus on reengineering in the state courts in response to severe budget cutbacks. NCSC began Phase I of these efforts by establishing the Budget Resource Center (BRC) – a website to track the latest budget issues and cost saving measures in the state courts, listed by state. NCSC also provided direct technical assistance to several sites, including: 1) Vermont Judiciary – A workload study for judges and court staff was completed. Using the information from the workload study, various recommendations with potential savings were developed. A final report was provided to a commission charged with overseeing the project. The project began with the state legislature directing the judiciary to look

[2] National Center for State Courts. 2010. *Future Trends in State Courts.*

[3] Goodnough, Abby. 2008. *Jury Trials to be Halted in One State Feeling the Pinch*. The New York Times.

[4] Conference of State Court Administrators Budget Survey, 2009.

at the court system and find efficiencies. Major legislation was recently passed that unified the courts in Vermont, which was a direct result of the final report's recommendations; 2) 6th Judicial District of Minnesota – NCSC assisted the Court in adjusting to reduced staff by instituting a change management process; 3) Salem, Oregon, Municipal Court – The goal of this project was to help the Court improve its collections processes. A final report was developed with recommendations, and the Court is currently implementing the recommendations; and 4) Taylorsville, Utah, Municipal Justice Court – NCSC assisted in documenting and recommending operational efficiencies.

Additional phases of this program include new technical assistance sites in Alabama, Arkansas, New Hampshire, Nebraska, and other states that will be identified as the project continues. In addition, it includes the continuation of the BRC and budget monitoring nationwide, and the development of a Toolkit for reengineering that will provide guidance in making policy decisions and implementing changes in areas such as centralized traffic tickets and payables; centralized jury operations; video conferencing; and utilizing technology. BJA has also been committed to supporting state court reengineering over the past two fiscal years, and has provided SJI direct funding for additional technical assistance sites.

Other Critical SIG Programs

With the number of self-represented litigants increasing, especially within domestic relation cases, the state courts are seeking to respond by improving access to justice and making courts more user-friendly by simplifying court forms, providing one-on-one assistance, developing guides, handbooks, and instructions on how to proceed pro se, offering court-sponsored legal advice, developing court-based self-help centers, and using Internet technologies to increase access. This has not only empowered people to solve their own problems and improve the public's trust and confidence in the courts, but also has benefited the courts through smoother caseflow and increased quality of information presented to judges. For FY 2012, SJI released a special SIG program solicitation on self-represented litigation and the state courts. The response to this solicitation was overwhelming – SJI received 47 concept papers totaling $4,770,208. The selection process was highly competitive, given that there was only $300,000 set aside for the special solicitation. Awarded grants will: 1) enable the California, Indiana, and South Carolina courts to maximize the use of college and law student volunteers to provide self-help services to self-represented litigants in urban and rural locations; and 2) at a national level, develop standardized definitions and counting rules for these cases, case triaging techniques, and promote additional funding sources for providing these services.

In FY 2009, SJI awarded a SIG Grant to NCSC that focused on court security and continuity of operations. The project built on NCSC's work in developing best practices, and steps to achieving those best practices, for court security. Specifically, the project developed a companion piece on funding strategies for state courts to enable them to increase court security resources using sound performance data. An instructional DVD was also developed for state courts so that they can better understand the threat level and ramifications of the H1N1 flu virus.

The budget request includes $1,500,000 for the SIG program in FY 2015, the same level provided in FY 2014. The funding is used for grants or contractual services, and any remaining balance not used becomes available for SJI's existing grant programs. The grants are typically awarded at the discretion of the Board of Directors and SJI staff outside the normal application process (i.e., SJI initiates the project).

Technical Assistance Grants

Technical Assistance (TA) Grants provide state and local courts with funding to obtain expert assistance to diagnose a problem, develop a response to that problem, and initiate implementation of any needed changes. While much smaller in size, scope, and awarded amount than Project or Partner Grants, TA Grants are still valuable to state courts because they help them address significant issues such as caseload, strategic planning, and court procedures.

SJI awards numerous TA Grants each year that have a positive impact on the state courts. The SJI-funded *Vermont Re-Engineering Court Systems* project (SJI-09-T-005) helped the courts in that state develop strategies for reengineering business practices within serious resource limitations. This project was the catalyst for SJI's nationwide SIG program on reengineering in the state courts. In addition, SJI supported the *Action Plan for Strengthening the Court Interpreter Program* (SJI-12-T-008), which helped the Vermont Supreme Court develop and manage court interpreters, and assisted the state in improving access to justice for limited English proficient individuals. SJI has awarded TA Grants to the Virginia Supreme Court for a court facilities guidelines update (SJI-13-T-204); the Louisiana Supreme Court for a statewide court interpreter training program (SJI-13-T-017); the Prince George's County, Maryland, Circuit Court for a performance evaluation of the Office of the Clerk of Court (SJI-11-T-161); the Colorado Judicial Department for increased use of juvenile risk assessments (SJI-11-T-011); the Alaska Court System for court security assessments and improvements (SJI-11-T-089); the Orleans Parish, Louisiana, Criminal District Court for a technical assessment in preparation for a new case management system (SJI-10-T-150); and the Hawaii Judiciary for a courthouse security assessment, to include the Supreme Court (SJI-10-T-156). In addition to supporting TA Grants in the 50 states and the District of Columbia, SJI has also supported the judiciaries in Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Between FY 2010 and 2013, SJI received an average of $1,567,999 in TA Grant applications per fiscal year. Demand for TA Grants has remained steady because of the severe budget constraints in the state courts. TA Grants are smaller in scope and dollars, therefore the state courts are better able to obtain the resources needed to meet SJI's cash match requirements; compared to the larger Project Grants. In FY 2010, SJI increased the maximum amount available for a TA Grant from $30,000 to $50,000, to provide more funding to the state courts in this critical area. SJI anticipates that the demand for TA Grants will continue to remain high in FY 2014 and 2015.

Curriculum Adaptation & Training Grants

Curriculum Adaptation & Training (CAT) Grants enable courts and national court associations to modify and adapt model curricula or course modules to meet state or local jurisdiction educational needs; train instructors; and pilot-test curricula. More specifically, CAT Grants are intended to enable courts, court associations, and court support organizations create, modify, and adapt model curricula or course modules to meet national, state, or local educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness. In addition, CAT Grants help conduct judicial branch education and training programs led by either expert or in-house personnel, designed to prepare judges and court personnel for innovations, reforms, and/or new technologies recently adopted by grantee courts. These grants are extremely important because state court budget reductions have significantly reduced, and in some cases eliminated, judicial training opportunities. CAT Grants support in-state training and certification programs, some of which are conducted online using proven distance learning models, thereby minimizing travel costs and taking advantage of training resources that are still available.

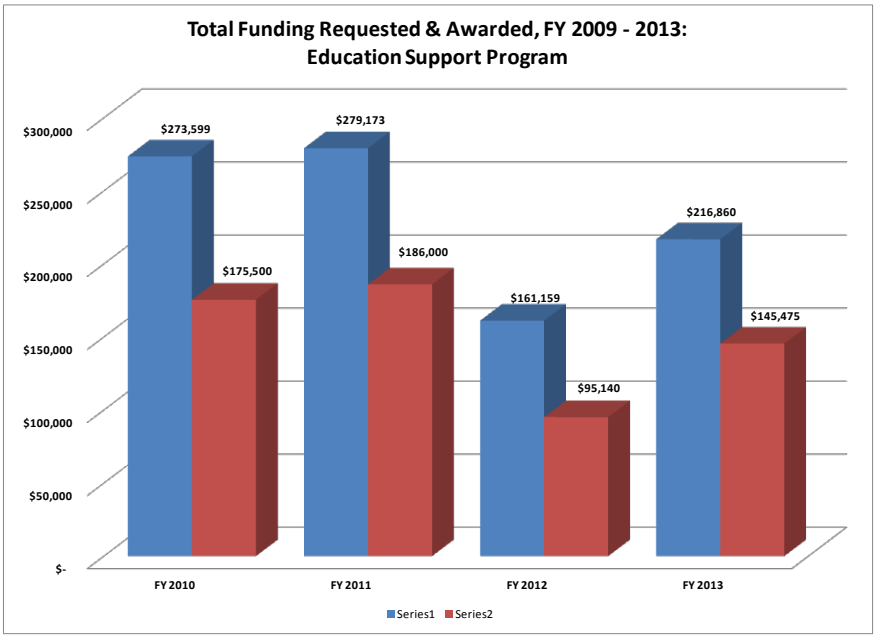
Recent CAT Grants include support to the Arkansas Administrative Office of the Courts for online training programs for court security officers (SJI-14-E-014); the Virginia Supreme Court for critical leadership training to court managers across the state (SJI-13-E-026); Legal Momentum for judge training on intimate partner sexual abuse (SJI-13-E-090); the Nebraska Supreme Court for a statewide training program on improving court processing of child abuse/neglect cases (SJI-12-E-014); the National Association of Women Judges (NAWJ) for judge training on issues related to immigrant women and their families (SJI-11-E-086); the Nebraska Judicial Branch for an elder abuse training course for judges and court managers (SJI-11-E-152); the Texas Center for the Judiciary for an immigration in the state courts training program (SJI-12-E-013); training on the use of a new juvenile risk assessment tool in Colorado (SJI-12-E-073); and the National Judicial College to develop and present judicial webcasts on critical issues (SJI-12-E-072).

Between FY 2010 and 2013, SJI received an average of $502,708 in CAT Grant applications per fiscal year. This is due to the decreased budgets in the state courts, especially funding for court education and training programs. In FY 2010, SJI increased the maximum amount available for a CAT Grant from $20,000 to $30,000, to provide more funding for education and training projects. SJI anticipates the demand for CAT Grants will remain high in FY 2014 and 2015.

Education Support Program

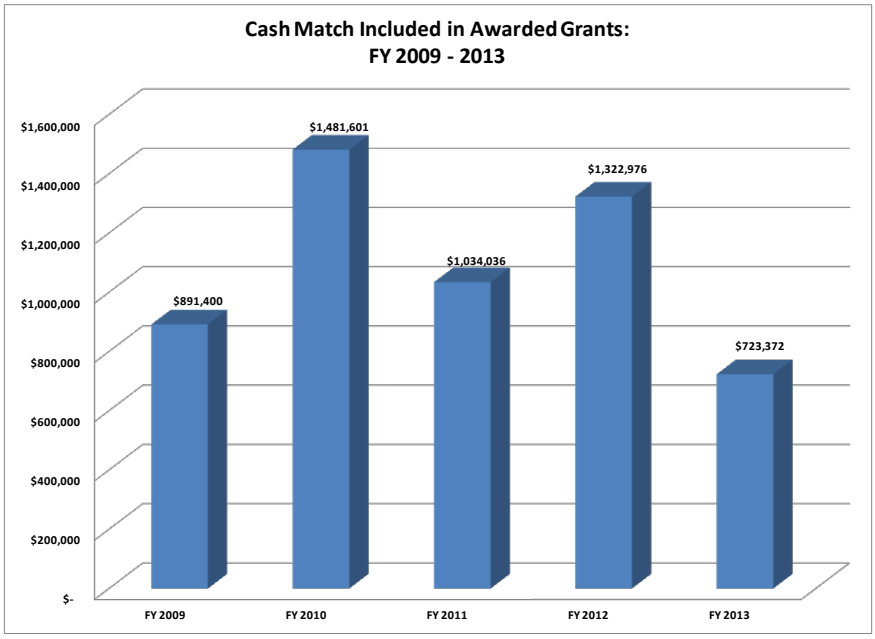
SJI's Education Support Program (ESP) enhances the skills, knowledge, and abilities of judges and court managers by supporting attendance at programs sponsored by national and state providers that they could not otherwise attend because of limited state, local, and personal budgets. The program also provides state courts, judicial educators, and court staff with evaluative information on a range of judicial and court-related education programs.

ESP awards are provided to qualifying judges and court managers to attend out-of-state, court-related educational programs within the United States, or online court-related educational programs. Between FY 2008 and 2013, SJI awarded 749 ESP awards totaling $964,123. SJI anticipates that it will be able to support the ESP awards made in FY 2015 with existing funding levels.



Cash Match

The Conference Report (H.R. 109-272) accompanying the *FY 2006 Science, State, Justice, and Commerce, and Related Agencies Appropriations Act* (P.L. 109-108) directed that successful applicants for new SJI grants provide a cash match. The impact of the dollar-for-dollar match has been profound – since FY 2005 awarded grants have included over $10.5 million in cash match.[5] The following chart illustrates the success of the cash match requirement in recent fiscal years.



This has had a significant impact on the state courts and court support organizations. After the cash match requirement was established a new dynamic emerged where the state courts and court support organizations combined their efforts to compete for SJI grants. The state courts had the funding available for the cash match requirement, whereas the court organizations had the expertise to apply for and execute grant projects. SJI now receives numerous grant applications where a state court has identified a critical issue to be addressed and a court-support organization to provide the technical assistance for the project. The result of the cash match requirement has been a far greater convergence of court needs and court-support organization capabilities; both of which have benefited judicial systems across the United States.

[5] In response to anticipated Congressional action on a cash match requirement, SJI begin requiring some levels of cash match for several new grants in FY 2005. The total amount of cash match included in new grant awards for FY 2005 was $193,764.

V. Conclusion

SJI remains the only source of federal or private funding dedicated exclusively to improving the quality of justice in the state courts. There is a strong national interest in continuing to support the state courts, as there is with federal funding for state and local law enforcement, corrections, prosecution, and public defense. The state courts handle over 97 percent of all the cases in the United States. This includes over 99 percent of all criminal and over 98 percent of all civil cases.[6] Furthermore, the incoming caseload into the state courts increased 10 percent between 1997 and 2006, with incoming criminal cases increasing 12 percent, and incoming civil cases increasing 13 percent.[7]

Many state courts are struggling to provide efficient and effective services to the public during these difficult financial times. Since 2008, civil caseloads in the state courts have increased by approximately 7 percent annually, while resources to address these needs are diminishing.[8] Civil actions – foreclosures, tort, contract, small claims, probate, mental health, and civil appeals cases – constitute a growing area for state courts as the population ages, discovery delays increase, appeals courts are inundated with dissatisfied litigants and substantive legal challenges, and rental markets are saturated with homeowners displaced by foreclosures. SJI has experienced an increase in grant applications seeking assistance to help the state courts become more administratively effective, so that they can address these issues. SJI support provides the state courts with significant opportunities to reorganize, innovate, and improve service delivery to the public.

In addition to a high influx of civil cases, the state courts are experiencing the impact of increased immigration in the United States. For example, U.S. immigrant demographics predict an increase in immigrants needing access to the state courts. According to the U.S. Census, between 1990 and 2010, the number of foreign-born U.S. residents doubled from 20 million to 40 million. Immigrants, together with the U.S. born children and grandchildren of immigrants constitute half of the U.S. population growth over this same period. The state courts have been among the first in the justice system to deal with this increased demand for access to justice from these new immigrant populations.

Many states are establishing human trafficking, domestic violence, and sexual assault laws for immigrant victims, modeled after federal laws and policies. These federal and state laws are focused primarily on law enforcement and prosecution, and the state courts need to be knowledgeable about the impact of these laws on immigrants and their families. For example, state court judges can play a significant role in identifying victims of human trafficking, and assist in certifying victims for federal protective visas or special immigrant relief. In addition to

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[6] National Center for State Courts. 2003. *Examining the Work of State Courts, 2002: A National Perspective from the Court Statistics Project*.

[7] National Center for State Courts. 2008. *Examining the Work of State Courts, 2007: A National Perspective from the Court Statistics Project*.

[8] National Center for State Courts. 2009. *Examining the Work of State Courts, 2008: An Analysis of 2008 State Court Caseloads*.

supporting direct technical assistance to the state courts, SJI will also continue coordinating with its federal partners to promote collaboration between the state courts and federal agencies on this critical issue.

The state courts will continue to experience significant budget cuts into the future. This will negatively impact their efforts to provide services to those most vulnerable and susceptible to denial of basic needs. Therefore, a strong SJI grant program is required to assist the state courts in better serving the public, and administering justice fairly and effectively. SJI will continue leveraging funding whenever possible to help the state courts address the most critical issues in FY 2015. The effectiveness of the state courts is critical to ensuring that the public experiences the justice guaranteed by the Constitution. The funding requested for FY 2015 will enable SJI to continue indentifying issues that impact all courts, fostering innovative solutions, and sharing information on successful approaches nationwide.

VI. Exhibits

A: Summary of Requirements

Summary of Requirements
State Justice Institute
Salaries and Expenses
(Dollars in Thousands)

	FY 2015 Request		
	Perm. Pos.	**FTE**	**Amount**
FY 2014 Enacted	**2**	**2**	**4,900**
Adjustments to Base			
Personnel Compensation			4
Rent, Communications & Utilities			4
Other Services			15
Supplies, & Materials			(1)
Equipment			(4)
Total Adjustments to Base	0	0	18
FY 2015 Current Services	**2**	**2**	**4,918**
Program Changes			
Project Grants			(18)
Partner Grants			0
Strategic Initiatives Grants			0
Technical Assistance Grants			157
Curriculum Adaptation & Training Grants			64
Education Support Program			0
Total, Program Changes	0	0	203
FY 2015 Total Request	**2**	**2**	**$5,121**

Summary of Requirements
State Justice Institute
Salaries and Expenses
(Dollars in Thousands)

Estimates by Budget Activity	FY 2014 Enacted			FY 2015 Adjustments to Base			FY 2015 Current Services			FY 2015 Increases/Decreases			FY 2015 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
General Administration	**2**	**2**	**756**	**0**	**0**	**18**	**2**	**2**	**774**	**0**	**0**	**0**	**2**	**2**	**774**
Grants															
Project Grants			770						770			(18)			752
Partner Grants			500						500			0			500
Strategic Initiatives Grants			1,500						1,500			0			1,500
Technical Assistance Grants			825						825			157			982
Curriculum Adaptation & Training Grants			374						374			64			438
Education Support Program			175						175			0			175
Subtotal, Grants			**4,144**						**4,144**			**203**			**4,347**
Grand Total	**2**	**2**	**$4,900**	**0**	**0**	**$18**	**2**	**2**	**$4,918**	**0**	**0**	**$203**	**2**	**2**	**$5,121**

B. Justification for Base Adjustments

Justification for Base Adjustments
State Justice Institute

Increases

Personnel Compensation: For FY 2015, this request includes an increase of $3,694 in salaries and benefits.

Rent, Communications, & Utilities: The request includes an increase of $3,910 for rent and other costs in FY 2015.

Other Services: For FY 2015, this request includes an increase of $15,000 for contract financial management consultants, General Services Administration (GSA) accounting/payroll support, and contract legal costs. Also includes a reduction of -$4,000 for staff training.

Decreases

Supplies, & Materials: For FY 2015, this requests includes decrease of $1,300 for supplies and other materials.

Equipment: For FY 2015, this requests includes decrease of $3,400 for equipment.

C: Summary of Requirements by Object Class

Summary of Requirements by Object Class
State Justice Institute
Salaries and Expenses
(Dollars in Thousands)

Object Classes	FY 2014 Enacted		FY 2015 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Salaries	2	187	2	188	0	1
Total	2	187	2	188	0	1
Other Object Classes:						
12.0 Personnel benefits		68		71		3
21.0 Travel and transportation of persons		89		89		0
23.1 Rent		153		157		4
(Multiple) Comm., util., & other misc. charges		11		11		0
24.0 Printing and reproduction		21		21		0
25.0 Other services		215		230		15
26.0 Supplies, & Materials		3		2		(1)
28.1 Taxes & Fees		1		1		0
31.0 Equipment		8		4		(4)
Subtotal, General Administration	2	756	2	774	0	18
Subtotal, Grant Funding		4,144		4,347		203
Total Obligations	**2**	**$4,900**	**2**	**$5,121**	**0**	**$221**