

**STATE OF VERMONT  
VERMONT SUPREME COURT  
JUNE TERM, 2010**

**Order Promulgating Emergency Amendments to Administrative Order No. 18**

1. Pursuant to the Vermont Constitution, Chapter II, Sections 30, 31, and 37, and the statutory amendments set forth in Act No. 154 (Adj. Sess. 2009) relating to the restructuring of the judiciary, Administrative Order No. 18 is amended to read as follows (deleted matter overstruck, new matter underlined).

**ADMINISTRATIVE JUDGE FOR TRIAL COURTS**

Pursuant to the Vermont Constitution, Chapter II, §§ 30, 31 and 37, the Supreme Court issues the following order creating an Administrative Judge for Trial Courts and authorizes him or her to exercise all powers necessary to perform his or her assigned duties under the direction of the Supreme Court. This order is effective January 1, 1980.

§ 1. Policy and purpose

It is the purpose of this Administrative Order to improve the administration of justice and the availability to the public of limited judicial resources by the appointment of an Administrative Judge for Trial Courts to supervise and oversee the administrative responsibilities of the judicial officers who serve in the Superior Court, ~~Environmental, Family and District Courts~~ of the State and the ~~Traffic and Municipal Ordinance~~ Judicial Bureau (trial courts).

§ 2. Appointment; term of office

An Administrative Judge shall be appointed to a four-year term by the Supreme Court from among the superior ~~and district~~ judges and shall serve at the pleasure of the Supreme Court. In the event of removal or resignation as Administrative Judge, the judge shall continue to serve in the office as superior ~~or district~~ judge.

§ 3. Staff assistance; cooperation and coordination with court administrator

(a) The office of the Court Administrator shall provide the Administrative Judge with necessary administrative and secretarial assistance from its staff.

(b) The Administrative Judge and Court Administrator shall cooperate to ensure that the trial court system operates as efficiently as possible and to preclude duplication of services and overlapping authority.

§ 4. Duties of administrative judge

(a) The Administrative Judge shall:

(1) Make annual assignments of the ~~district and~~ superior judges, including the Administrative Judge, the ~~environmental judge~~, magistrates, hearing officers, and assistant judges sitting alone as presiding judges (judicial officers), to the trial courts subject to Supreme Court Administrative Order No. 13, taking into account the skills and temperament of the individual judicial officers; and

(2) Specially assign the judicial officers to the trial courts on a daily basis, as needed; and

(3) Specially assign a probate judge from another probate district to perform the duties of a probate judge who is incapacitated for the duties of office for the reasons specified in 4 V.S.A. § 355.

(b) Assign attorneys, as required, to sit as acting judges in the trial courts, taking into account their skills and temperament to perform the judicial duties to which they are assigned.

(c) With the approval of the Chief Justice, assign active or retired justices and retired judges with their consent to the trial courts.

(d)(1) In cooperation with the Supreme Court's Advisory Committee on Judicial Education, schedule judicial continuing education programs and business meetings of the judicial officers for the purpose of enhancing the knowledge and performance of judicial officers and working toward more uniform and improved procedures in the trial courts.

(2) Implement orientation and mentoring programs and facilitate judicial performance review programs as adopted by the Supreme Court.

(e)(1) Investigate or cause to be investigated complaints with respect to the management and operation of the trial courts and take action on reports referred by the Court Administrator related to gender-biased conduct or sexual harassment by judicial officers and periodically report to the Supreme Court the results thereof. (Cf. Rules of the Supreme Court for Disciplinary Control of Judges, relating to complaints of judicial misconduct, and Section A. of the Sexual Harassment and Gender Bias Policy.)

(2) Take steps to ensure that findings are completed within a reasonable time; report to the Chief Justice the status of any findings that are not completed within a reasonable time, along with a report on steps taken and/or to be taken to address the situation.

(f) Resolve conflicting appointments of trial attorneys when necessary, rule on motions for disqualification of judicial officers pursuant to the rules of procedure, and approve jury sequestration and change of venue requests pursuant to Supreme Court Administrative Directive No. 21.

(g) Report to the Supreme Court at such times as requested by the Chief Justice on the administration of the trial courts with recommendations for revised or additional rules, orders, or statutes needed to improve the operation of the trial courts.

(h) Take steps to ensure judges provide reasonable notice of plans to take annual and personal leave time in order to ensure court coverage.

(i) In cooperation with the Court Administrator, oversee the general management of the trial courts, including procedures for docketing, calendaring, scheduling and caseflow management. This includes:

(1) Assisting each presiding judge, when necessary, to establish guidelines with the clerk/manager of each court, so that each court will have clear expectations for case disposition at the beginning of the assignment.

(2) Assisting each presiding judge and court clerk/manager, as needed, after consultation with the local bar and court users, to implement a caseflow management program that will enable that court to meet its goals.

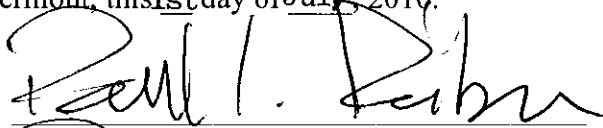
(3) Scheduling conferences and programs for judicial officers and trial court clerks/managers on continuing education and on the development of uniform and improved procedures, forms, and management reports in the trial courts.

(4) Fulfilling other administrative duties assigned from time to time by the Chief Justice.

2. Pursuant to Administrative Order No. 11 § 9, the Court finds that these emergency amendments must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11, to implement in a timely manner the statutory amendments set forth in Act No. 154 (Adj. Sess. 2009). The Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

3. These emergency amendments are to become effective on July 1, 2010.

Dated in Chambers at Montpelier, Vermont, this 1st day of July, 2010.



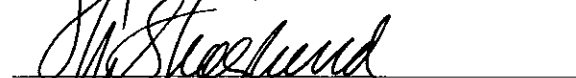
Paul L. Reiber, Chief Justice



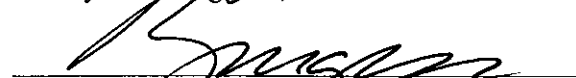
John A. Dooley, Associate Justice



Denise R. Johnson, Associate Justice



Marilyn S. Skoglund, Associate Justice



Brian L. Burgess, Associate Justice