

STATE OF VERMONT
VERMONT SUPREME COURT
JUNE TERM, 2010

Order Promulgating Emergency Amendment to Administrative Order No. 13

1. Pursuant to the Vermont Constitution, Chapter II, Sections 30, 31, and 37, and the provisions of 4 V.S.A. §§ 30 and 73, Administrative Order No. 13 dealing with the division of the district, superior and family courts into geographic divisions and the assignment of judges to those divisions is amended to read as follows (deleted matter overstruck, new matter underlined).

~~ASSIGNMENT OF DISTRICT AND SUPERIOR JUDGES,~~
MAGISTRATES AND HEARING OFFICERS

§ 1. The ~~District, Superior and Family Courts~~ are unified superior court is hereby divided into three geographic ~~divisions~~ regions:

(a) The North ~~Division~~ region shall consist of Washington, Lamoille, Caledonia, Essex, Franklin, Grand Isle and Orleans counties.

(b) The West ~~Division~~ region shall consist of Chittenden, Addison, Bennington and Rutland counties.

(c) The East ~~Division~~ region shall consist of Orange, Windsor and Windham counties.

§ 2. The Administrative Judge shall assign ~~district and superior judges~~ to the three geographic ~~divisions~~ regions in accordance with the caseload requirements of each geographic region. ~~District and s~~Superior judges shall serve predominantly in the geographic ~~division~~ region to which they are assigned.

§ 3. Each ~~county unit~~ within a geographic ~~division~~ region shall be divided into three functional divisions: a ~~District Court, a Superior Court~~ Criminal division, a Civil division, and a Family ~~Court~~ division.

§ 4. The Administrative Judge shall assign ~~district and superior judges~~ to the ~~District, Superior Criminal, Civil and Family Courts~~ divisions within a geographic ~~division~~ region. In making assignments, the Administrative Judge shall give consideration to the experience, temperament, and training and the needs of the court. ~~Preference shall be given to superior judges to sit in superior courts and to district judges to sit in district courts.~~

§ 5. In June of each year, the Administrative Judge shall submit to the Supreme Court for its approval proposed assignments for the ensuing year beginning September 1. These proposed assignments shall be governed by the following considerations:

(a) Existing caseload requirements should be met;

(b) Travel distances from the place of residence to the assigned courts should be minimized;

(c) Each functional division of a court should be served by at least two different judges over a three-year period.

§ 6. The Administrative Judge may modify these assignments as a result of the disqualification, disability or death of a justice or judge, or because of the vacancy of a judicial office, or because the business of the court requires.

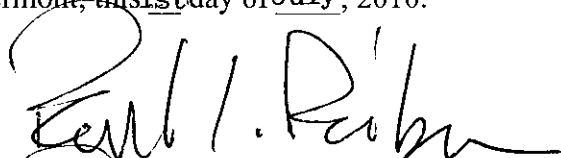
§ 7. The Administrative Judge shall assign magistrates and hearing officers to the three geographic ~~divisions~~ regions in accordance with the caseload requirements of each geographic region. Magistrates and hearing officers shall serve predominantly in the geographic ~~division~~ region to which they are assigned.

§ 8. On or before September 1, 2010, the Administrative Judge shall send to the Supreme Court a proposed amendment of this Administrative Order to provide for a new rotational system of judges consistent with Act No. 154 (Adj. Sess. 2009) relating to the restructuring of the judiciary, and shall at the same time send the proposed amendment to each superior court judge so that he or she may comment on the proposal.

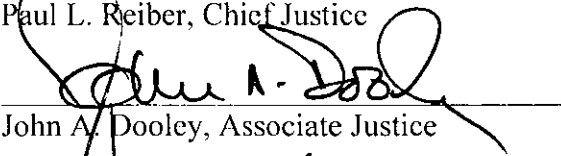
2. Pursuant to Administrative Order No. 11 § 9, the Court finds that this emergency repeal of Administrative Order No. 2 must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11, to implement in a timely manner the statutory amendments set forth in 4 V.S.A. §§ 30 and 73 reorganizing the trial courts into one unified superior court with 14 geographical units with separate jurisdictional divisions and authorizing the administrative judge to assign the superior judges among the units and divisions. 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~~ 1st day of July, 2010.



Paul L. Reiber, Chief Justice

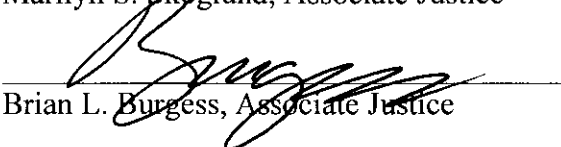


John A. Dooley, Associate Justice



Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice



Brian L. Burgess, Associate Justice