

THE VERMONT SUPREME COURT

Brief History

In 1777, the first Vermont Constitution provided that "courts of justice shall be established in every county in this state." At its first session in 1778, the General Assembly created special temporary courts to hear cases until a Superior Court was established at a later legislative session that same year.

The Superior Court consisted of a Chief Judge and four other judges chosen annually by the Governor, the Governor's Council, and the House of Representatives. The Superior Court Judges met four times a year for one week at a time in four different locations around the State. Decisions of the Superior Court could be appealed to the Governor, the Governor's Council, and the House of Representatives.

In 1782, the Vermont court system was reorganized. Courts in each county were established with one Chief Judge and four or five Assistant Judges elected by county voters. The Superior Court was abolished, and the Supreme Court was created. The five judges of the Supreme Court were elected annually by ballot of the Legislature. Supreme Court Judges met once in each county during the year. Although the Supreme Court and the county courts heard many of the same types of cases, cases tried in the county courts could be appealed to the Supreme Court.

The first lawyer was elected to serve on the Supreme Court in 1786. Before 1786, many of Vermont's judges were not lawyers. Strong common sense and a distinguished record of military or community service were considered necessary qualities for judicial candidates. By 1789, however, all Supreme Court Judges were lawyers.

The professional character of the Supreme Court was further enhanced when the General Assembly passed a law in 1797 requiring each Supreme Court Judge to give his opinion in writing, to be recorded by the court clerk. In 1823, the Legislature appointed a reporter to collect and officially publish the decisions of the Vermont Supreme Court.

The Vermont court system was reorganized again in 1825. Although voters in each county continued to elect two Assistant Judges, the Supreme Court Judges became the presiding judges in county courts. Each Supreme Court Judge traveled to various counties during the year to hear cases. In addition to their individual duties in county courts, the Supreme Court Judges continued to serve as the Vermont Supreme Court when all the Judges sat together for Supreme Court terms. Supreme Court Judges were required to preside in county courts until 1906.

In 1906, the General Assembly increased the number of judges and separated their functions. The Supreme Court consisted of four judges. Terms were held in Montpelier, so that Supreme Court Judges no longer had to travel to the county courts. In 1908, the size of the Supreme Court was set at five judges and has remained the same since then. In keeping with modern practice, the judges of Vermont's highest court are now called justices.

Today, the stated terms of the Vermont Supreme Court begin the first Tuesday of February, March, April, May, June, September, October and November in Montpelier. However, the Court may hear cases at any time. When Court is in session, the Vermont and United States flags are flown at the front of the Supreme Court Building.

The present State Library and Supreme Court Building was erected in 1918. The building is constructed of light Barre granite. When first completed, the building housed not only the Supreme Court and the Library Commission but also eight other State agencies. The Vermont Supreme Court and the Vermont Department of Libraries now occupy the building.

The Chief Justice and the four Associate Justices are appointed for six-year terms by the Governor, who selects from a list of applicants recommended by the Judicial Nominating Board. The Governor's appointee must then be confirmed by the State Senate.