

## THE VERMONT SUPREME COURT

### A Typical Session of the Vermont Supreme Court

Among the requirements to bring a case to the Vermont Supreme Court, the attorneys for the parties must file briefs, or written arguments, explaining in detail the basis of the appeal and the law that applies. Before a case is argued in the Supreme Court, the justices read the attorneys' briefs to become familiar with the facts and the points of law involved. Appeals are considered either before a three-justice panel or the full Court, depending on whether the Court may be establishing a new rule of law or it is a legal issue of substantial public interest. Cases may be orally argued or considered on the briefs submitted.

A Court session begins when the justices are ready to enter the courtroom from their chambers. The bailiff, who is seated at the left in the courtroom, stands, bangs the gavel, and the justices enter. All persons in the courtroom rise. The bailiff announces, "The Honorable, the Supreme Court." When the justices are seated, the bailiff announces the case number and name and the attorneys present. The bailiff bangs the gavel again. All persons in the courtroom sit down. The Chief Justice sits in the middle chair at the bench. The attorneys begin their oral arguments.

The first to argue before the Court is the attorney for the appellant, seated on the right side of the courtroom. The appellant is the party who has brought the appeal to the Court. When the attorney for the appellant has finished speaking, the attorney for the appellee, seated on the left side of the courtroom, rises to make his/her argument before the Court. The appellee is the other party in the case and is defending against the appeal. The justices ask questions of both attorneys during oral argument to clarify points and to bring out any additional information needed to make a decision in the case.

After the attorney for the appellee finishes speaking, the attorney for the appellant may speak once more in rebuttal. This rebuttal time is used to respond to the appellee's argument in a way that takes advantage of its strengths and weaknesses.

When all the arguments for the case have been heard, the bailiff stands and bangs the gavel for exit. All persons in the courtroom rise as the justices file out. During the courtroom session, flash photography is not permitted, and quiet must be maintained in the lobby and corridors near the courtroom.

After the hearing before the Supreme Court, the justices undertake the difficult work of making a decision and writing an opinion. Under the usual procedure, one justice is assigned to prepare a written opinion which states a proposed decision and the reasoning behind it. The proposed opinion is then circulated to the other justices who sign it if they agree, write a dissenting opinion if they disagree, or write a concurring opinion if they agree but have different reasoning. A majority must agree on the decision of the Court.

Once decided, the opinions are filed with the Clerk of the Supreme Court and released to the public. The decisions of the Supreme Court are final in Vermont and must be followed by lower courts and other officials. The only possible appeal from a Vermont Supreme Court decision is to the United States Supreme Court, if a question of the United States Constitution or a federal statute is involved. Since the United States Supreme Court accepts only a small number of the cases that are presented to it, very few cases travel from the Vermont Supreme Court to the United States Supreme Court.