

Compensation Policy for Assistant Judges

Administrative Directive No. 18 is amended to read as follows (new matter underlined, deleted matter overstruck):

Pursuant to Chapter II, Section 30 of the Vermont Constitution and 4 V.S.A. § 25 (b), the Supreme Court hereby establishes the policy that, effective July 1, 2004, assistant judges will be compensated for total time worked in a day at the per diem rate as established by 32 § 1141(a) while performing official duties. As authorized by 4 V.S.A. § 25(b), assistant judges shall be paid a minimum of one-half the per diem rate and hourly thereafter up to a maximum of the per diem rate.

Official duties shall include all activities related to judicial functions in the Superior and Family Courts for which Assistant Judges are authorized by statute to participate in making a decision in a case. See 4 V.S.A. § 22, § 112(b), § 452, 457(b), 461a, 461b, 461c, and 12 V.S.A. § 5540 and § 5540a. Accordingly, Assistant Judges shall be paid to:

1. Sit with the presiding judge on hearings and trials scheduled in the Superior and Family Courts which are expected to involve the determination of contested facts from the testimony of witnesses;

2. (a) Sit alone as a magistrate or presiding judge when authorized by statute (see above).

(b) Sit alone as presiding judge when assigned by the Administrative Judge pursuant to statute.

3. Prepare and review findings of fact on any matters in which they were authorized by statute to participate;

4. Participate in judicial training approved by the Administrative Judge.

(1) and (2) shall include time spent being present and available to sit, even though the hearing or trial is delayed or cancelled.

Assistant Judges shall not be compensated for:

1. Sitting on civil jury trials or jury drawings;

2. Sitting on juvenile matters;
3. Sitting on motions or other similar matters unless they are expected to involve the determination of contested facts from the testimony of witnesses;
4. Exercising powers and duties given by 24 V.S.A. § 131;
5. Sitting on hearings or trials after having been unavailable for any part of the testimony. See 4 V.S.A. § 112(e).
6. Participating in status conferences or scheduling conferences.

For purposes of this compensation policy, an Assistant Judge shall be compensated for a half day and for each hour thereafter in which the Judge performs compensable duties as specified herein.

Assistant Judges shall be compensated as stated above for time certified by the individual Assistant Judge when claims are submitted on proper vouchers to the Office of the Court Administrator.

Assistant judges shall work with court clerks to schedule hearings to minimize the expense to the taxpayers. Time devoted to preparation of findings shall be scheduled by the Assistant judges to best minimize the expense to the taxpayers.

This directive shall become effective on July 1, 2004.

Done in Chambers at Montpelier, Vermont this ____ day of June, 2004.

Jeffrey L. Amestoy, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Paul L. Reiber, Associate Justice