

AAGs Focus Group
Pavilion 3rd Fl, Montpelier VT
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Facilitator: John Douglas, Suzanne Tallarico
Note taker: Arlene Hanson

John Douglas asked people to introduce themselves and offer any topics that they hoped would be addressed during this discussion.

Topics:

More continuity, one judge staying with civil cases

Use of technology in Superior Court

Rule 75 – civil procedure – challenge discretionary determinations – heard at Superior court

Regionalization of Abuse & Neglect docket – continuity of judges within the docket

Lack of access to technology across the state. If you don't have money, you can't afford to bring in equipment. Access issue.

Regional management of all cases.

Ability of court systems to talk to each other.

Handling fluctuating dockets – ability to shift personnel.

- 1. Are there court services or administrative activities currently performed at the county level that could be performed either regionally, centrally, or electronically to improve the efficiency or cost-effectiveness of court operations?**
 - a. Can small claims, magistrate and/or traffic court matters be heard centrally or regionally and improve the efficiency of court operations?**
 - b. Can all Judiciary services be centralized into one court location per county and maintain or improve court operations?**

They thought that it was less important to centralize physically than it was to centralize docketing and administration and utilize facilities as needed. Resources could be regionalized, and rotated throughout a region. Scheduling would be more complicated for staff if regionalized. You gain continuity by regionalization; have a cadre of judges for each region. Geography is a concern for them because of access for litigants.

They emphasized that in looking at any reorganization of the courts that equity distribution is needed versus equal distribution that co-equal counties is not necessarily a good thing.

E-filing is needed. The Federal Court offers a fairly good model. However, they were not sure that the state should take the same approach as the Feds with it being a hard and fast rule. The Pro Se population has not been handled well by the Feds.

Further enhancements for the website were recommended and ability to access more information (once e-filing is available).

Some were in favor of doing status conferences and some oral arguments by phone rather than in person (sometimes this is being done now). It should depend upon the nature of the hearings.

Processes should be done uniformly throughout the state.

They suggested that lawyers might be willing to act as mediators and/or offer their services to assist pro se litigants to meet their pro bono obligations. They also thought that some ADR (alternative dispute resolution) mechanism was a good idea because they believe it reduces judge time.

Another suggestion was for an Administrative Law Judge (not necessarily a full-blown judge, but law-trained) to do things like Rule 75 hearings (not tort cases).

Shutting courthouses symbolically is not acceptable. Limited hours or days of operation might be a better strategy. Not one size fit all, different needs for different dockets.

Some thought that Family Court begs for specific judge assignments or specialized judges.

Currently, there are scheduling dilemmas especially when there are lengthy cases being tried – the docket backs up and cases do not get trial dates. They would prefer that trial dates be given sooner. A suggestion was made that having an extra judge come in when there is a back up in a docket might be helpful.

They reiterated that having the same judge on a case was important.

- 2. Is there technology that could be introduced into the court system that would make judicial operations more cost-effective or improve access to the court system, while at the same time maintaining the quality of justice services?**
 - a. If the Judiciary invests in the equipment so that notices/informations, divorce complaints, parentage complaints, juvenile petitions, etc. are filed electronically will that, in your opinion, improve access and make the courts more efficient?**
 - b. Will easier access to the Judicial computer system allow working from other locations (home/another court) improve judicial operations?**

E-filing had already been endorsed by this group. Their concern in this continued discussion was about access for pro se parties. There would need to be a place provided where either their documents could be scanned or there was access to computer equipment and help using that equipment.

They had mixed feelings about a witness appearing electronically. Several prefer to be able to see the witness. Some agreed that video conferencing might work but it would depend upon the quality of the equipment.

Another suggestion was the ability to use technology in the courthouses and courtrooms – web, trial director (computer program), trial summation (computer program), etc. There is no standardization in the courts. We don't know who to speak to about what exists, what we need to bring, how to set up, etc. They were afraid only those parties with sufficient funds to pay someone to set up and do all the electronics were able to use technology to their advantage. They were asked at this point if they thought having 2 high tech courts in the state would help? They agreed it would help. Again, the Federal Court was recommended as a model. They said you contact the tech officer who provides information as well as assistance – friendly easy to use.

- 3. What can be done to allow more flexibility in the use of judicial resources (people, facilities, dollars), particularly as workloads and funding levels increase and decrease?**
 - a. What would be the effect of making all Court Managers and Court Staff all state employees?**
 - b. What would be the effect of eliminating side judges and hiring law trained judges with the savings?**
 - c. How much of an impact would the cross training of all staff have on workloads, etc.?**
 - d. Can and should we “float” judges along with staff to handle peak workloads as they occur?**

Regionalization of administration and scheduling was recommended.

Team for TPRs.

Team of judges for each region, this design will still allow for rotation through different dockets and courts for hearings.

Same judge, same case.

All but one person agreed that side judges' judicial duties needed to be eliminated.

- 4. Are there ways in which the types of cases heard in our various courts (superior, district, family, environmental, probate, judicial bureau) could be**

- reallocated in a way that would increase the effectiveness of judicial operations or improve court efficiency?**
- a. What would be the impact of uniting Probate into Family Court?**
 - b. Could the Environmental Court be absorbed into the Superior Court?**
 - c. Would it be feasible/cost effective to: Have Magistrates hear child support contempt cases; move civil suspensions to Judicial Bureau; and eliminate de novo appeals hearings in Superior Court?**

They agreed that rolling some contested Probate cases into Family Court and Superior Court might work. Also, they thought that regionalizing the Probate courts was reasonable as long as some type of physical access was available in each county.

Rule 75 needs to have a centralized qualitative review process and a priority given to cases where someone can assign those cases that truly need to be fast tracked.

They thought that expanding the magistrates' jurisdiction to hear child support contempt cases sounded sensible.

They were against moving civil suspensions to the Judicial Bureau.

They did not offer a definitive answer on whether to eliminate de novo appeal hearings in Superior Court. They thought it would depend upon the case type.

Wrap Up – Summation

John Douglas asked people for their last thoughts:

There is so much discretion available to Superior Court judges but it's not being used. They need to use it more.

Sloppy practice has been allowed by the Judiciary; it has a cost.

We have rules for a reason; judges need to abide by the rules and enforce them.

Charge other fees (attach to filing) – encourage the less serious not to file and make more money for the courts.

Courts need to take credit cards. (It was noted that one county can not accept credit cards at the courthouse because of a statute.)

Summary judgment cases could move dockets along; judges are too forgiving and holding up the docket. They should place the burden on counsel. It might be rough going for a year or two, but they (lawyers) would get use to it.

Judges need to rule more often from the bench. Written findings can be requested if desired.

When we were talking about mediation, it might help to coordinate a part of the mediation with some judge time to get the view of the judge. This might end the fight forever attitude of some parties.

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