

A GENERAL DESCRIPTION OF THE CURRENT VERMONT PROBATE BENCH

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Introduction: In Vermont probate judges are elected by county elections every four years. There is no requirement that the candidates for election as probate judge be attorneys or be admitted to the bar. There are currently 17 sitting probate judges.

Qualifications: Of the 17 sitting probate judges, all are members of the Vermont Bar except one. Of the 16 members of the bar, two probate judges "read the law" (were admitted to the bar by clerkship study). On average, a Vermont probate judge who has been admitted to the bar, has been admitted for 27.12 years (total years admitted to the bar before and after being sworn in as a probate judge). The average length of service as a probate judge is for 13.9 years. Two of the Vermont probate judges have experience as Vermont prosecutors. A number were honors graduates from law school. Several have law review experience. Most of the probate judges have some experience in other positions such as the following: school board members, Vermont Lottery Commission, Zoning Boards, Environmental Board, District Environmental Commissions, Water Resources Board, Town Moderator, hospital boards and committees, and planning commissions. Of the 17 probate judges, eight, or so, practice law in addition to their duties as a probate judge. Of the 17 probate judges, some have been admitted to practice in other states such as New Hampshire, Massachusetts, Arizona, New Mexico, South Dakota, New York and Connecticut. Many of the probate judges have been past presidents of their county bar associations and one probate judge was a past member of the Board of Bar Managers of the Vermont Bar Association.

Compensation: The probate judges are compensated based upon a case-load ratio which was performed by Harry O. Lawson in November of 1985 (the "Lawson Study"). Thus, the county with the highest caseload (Chittenden) is currently paid the highest (\$91,402) and the county with the lowest population (Essex) is paid the lowest (\$28,853). The highest paid probate judge is paid only 74% of the salary of a District or Superior Court judge and just slightly more than a Vermont State's Attorney. The Lawson study suggested that the Chittenden Probate Court be deemed the only full-time probate judicial position. Many added duties have been placed on the probate courts since 1985, but the salary proposal of that study contemplated that probate judges in Vermont (except for Chittenden County) would probably supplement their income with private law practice.

G. Belcher 4/28/09

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