

CAO & Supreme Court Staff Notes  
Focus Group in Montpelier, June 18, 2009, PM  
National Life, with John Douglas (JD)

JD talked about the purpose of the focus group. Then he asked those present to name burning issues that they would like to have considered. The issues raised are as follows:

I am interested in e-filing, XML enabled tech solutions and hot docs.

Having a non-professional arm of the Judiciary, the ability to apply for grants, grant evaluations, administrative support.

I don't understand why we have state and county courts.

Consolidation is a double edged sword – you need to keep in mind the responsibility to the public and having backlogs grow. It needs to be balanced.

Just consolidation of women prisoners to one facility at St. Albans means a 3.5 hour drive to Bennington. We don't do well trying to manage incarcerated litigant travel – it extends hours and overtime for security staff.

I do a lot with making things electronic, putting things on line. In so doing I saved a lot of money in postage and time. Look at more things we could put on line or e-mail to people – manuals for courts, etc., looking at going back to basics, go to courts and be outside eyes to offer new ideas and see what can be done for consistency; to see the budget, e.g., savings with supplies, limit what is purchased.

The administrative arm of our organization to be organized in a way to best serve trial courts' needs.

In the old days before technology, the Judicial Bureau and family courts had worse backlogs; consolidate without eliminating.

Technology is an issue – it would be nice to get everyone up to speed.

Move the Judicial Bureau to a more central geographic location; get rid of postage machines, get postage by phone.

Technology could be used to create more efficiencies, elimination of Adobe full version; with it gone it makes Citrix safer.

JD – what about court services being provided with technology, regionally, centrally, and electronically? Make all court employees state employees under the Chief Justice?

Yes.

In a consolidated building with superior court, it is like the Mason-Dixon Line. We are at the mercy of the assistant judges who own the building. The county clerk is a state employee, staff members are county employees. Pay raise, entitlement goes to one side, not the other.

JD – Can we file cases centrally or electronically?

Citrix is not compatible with imaging, can it be?

It is coming down the pike.

JD – Centralized juror pool, payments, panels, notices?

Payments – yes.

JD – Let Montpelier handle all the money?

We have discussed this but don't know what it would take. You would need a smooth interface between courts and Montpelier.

With closed courts, we don't have accessibility.

Not necessarily – take a five-county area; have one site that does all criminal; one that does all family; move us into one, three, and five-year plans for needs.

You still need people if you are going to maintain the flow.

Regionally would be helpful to taxpayers.

People might have to travel to an adjoining county.

It would cut out a lot of overhead.

JD – what about local culture, illiteracy?

It is choices we make.

Should offer some point of service in each locale – limited.

We need accessibility in each county. I suggest we have some way to providing that.

I agree with that – accessibility (save travel) and automation.

You could maybe have a big chunk of cases handled at an access point – no dangerous criminals.

Would it depend on case types?

Frequent flyers – court in Burlington, live in Brattleboro.

Having someone and a computer available at the library?

We don't want to bend over backwards for people – that would cost the taxpayers.

Accessibility should not discriminate against litigant type. It needs to be thought out and thought out well.

We need people to be able to file, but if we move to electronic acceptance, it would cut down a lot of problems.

We have case managers locally who were designed to streamline, cut down the use of judge time.

We might want to explore some of the commonalities with our state partners – have a kiosk or telephone system to obtain services.

There is some part of the population that won't be reached that way. Right now, some litigants travel one hour within their own county.

JD – Should we do away with county lines for filing, holding hearings, etc.?

VCASE will allow that.

Have a venue option to avoid experiencing longer waits.

Some courthouse hours might be reduced; there could be regional, well equipped courthouses for high technology trials.

But still have access in each county.

Transportation could be an issue; litigants with functional impairments, people need to have local help, quick and easy access.

Working with “agency partners” – diverting cases from court up front into treatments courts.

Catch people at every intercept point to reduce the number of people in court. Treatment providers are either county or AHS service locale based.

Put out there the benefits of more stipulations; parties make their own decisions.

Mediation.

Make it more extreme – have the state offer stipulations.

Divorces for free – or e-file for free.

VCASE will have a module for e-filing down the road.

There is a video conference pilot in Burlington – communication – courtroom to Department of Corrections. Public defenders would have to interview clients two times, fax 80 pages of criminal records.

Attorneys are a beast in themselves.

Everyone has to get in line for the changes.

After-hours Relief from Abuse filings; law enforcement officer takes the person to police stations.

With agency partners we could have a standardized data exchange.

Make sure the data standards match.

The court system needs an 800 number that can direct people, answer questions, give correct numbers, direct them correctly – a live body.

We need a better phone system for calls in queue.

Parties could access searchable information on line.

Alliance 1 has a database.

To do this you would have to create a public system. It should reside outside our area – a copy of data with fields people would need. It would require offsite hosting and not be behind our firewalls.

JD – how can efficiencies add to overall effectiveness?

Attorneys who cover more than one county should be allowed telephonic conferences.

Time is wasted on status conferences where nothing happens. We need to hold people's feet to the fire to move cases along.

Defendants being brought in for status conferences not needing to be there.

You might be able to do a way with status conferences using an electronic bulletin board.

JD – at judicial college it was mentioned with the regular system one judge should see a case through to completion.

Sometimes judges pass on a motion near the time of rotation.

Or the clerk's office may not schedule cases for that reason.

Some attorneys judge shop.

A two-year rotation would be good.

One judge—one family; one judge—one case; no rotation.

Judges are dedicated to one case type – district, family or superior.

All judges should be cross trained.

When a judge is good at a case type, courts want to keep that judge.

Judges can burn out doing that.

JD – one county—one court manager?

It depends on the county.

Some deputies might be needed.

Where does probate go?

It depends on the size of the county and the caseload.

Whether we remain 14 counties or have regionalization, regionalize by demographics.

How to determine and where to site regional facilities?

JD – the weighted caseload study will help with FTE numbers; it will be a tool to help confirm staff needs.

Should like cases be kept in one area for efficiency of service delivery?

If adoptions changed to family court you would need the same courtroom settings.

Subject matter – guardianship and adoption cases could go to family court; wills and estates could go elsewhere.

JD – expand the jurisdiction of the magistrates so that they could handle contempt?

It would make sense; it would require statewide change.

We have a lot of child support litigation.

Having contempt moved to the magistrate makes perfect sense.

JD – ideas for diverting cases out of the court system?

Give judges authority to divert cases out of criminal court.

Regarding court diversion – the ability of a person to participate is determined by the prosecutor. This law should be loosened. Let the judge overrule a prosecutor who won't send a person to diversion.

For flexibility, if you regionalize, if we are offering mediation, the GAL coordinator would need to be local to a multi tenant regional facility with RIS supporting it regionally.

We used to have power users.

Now with winter terms the court manager tends to take over if there is a software problem. RIS can join the session.

There needs to be more cross training in the courts to better serve the public.

There are some courts where they are cross trained.

It is a team building issue.

People need to say, "If I can't help you, I'll find someone who can," rather than, "That's not my decision; I can't help you."

You need adequate staffing to be proactive.

We don't have a lot of control over what is prioritized by our organization; we can see a need but not a priority.

It is hard to make the highest, best use of time.

There is often short notice.

We are very poor at communicating.

Need to know who you should contact if you need help.

The interesting issue is when the Commission on Judicial Operations was put together, it got really big. So not only my boss's 100% of her time and life got taken up.

Had we foreseen this, we might have said everyone needs to focus.

It is hard to adjust to CII's charge; it's more than judicial education. The Commission came on top of that.

We are still scrambling trying to figure out CII.

Both organizational dysfunction and being understaffed.

JD – all the information we are gathering will have so much utility for the organization. How can we improve your operation in the Court Administrator's Office?

We need PR with local court jurisdictions – here's who we are and here's what we do.

PLR – Our next iteration is to go external to the public at large. There is a lot of contention between state and local. Some see this as an effort of the state to wrest control from the local. We need a dialogue about it. Many don't know about the rule of law, a distinct branch of government, and don't understand the importance of an independent bar.

There used to be a booklet on the history of courts that was given out by HR.

If we could craft a common message.

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PLR – The VBA has a downloadable PowerPoint that translates the importance of good judicial decision processes. Shari and the juvenile program have prepared a lot of good information. We have a really good website that is underutilized. We are not trying to take control but putting it under new management at less expense.

JD – We are going to the public. All states are going through this. Vermont is suffering a little more than others. We are using this as a model for other states. John Douglas provided his e-mail address – [jdouglas@ncsc.org](mailto:jdouglas@ncsc.org) . He asked people to send any other ideas, suggestions or comments to him.