

*Franklin and Grand Isle Counties
Bar Association*

*Serving Franklin County
And
Grand Isle County
Vermont*

September 10, 2009

Honorable Paul L. Reiber
Chief Justice
Chair of the Vermont Commission on Judicial Operation
109 State Street
Montpelier, VT 05602

Re: Proposed Restructuring of Courts

Dear Chief Justice Reiber:

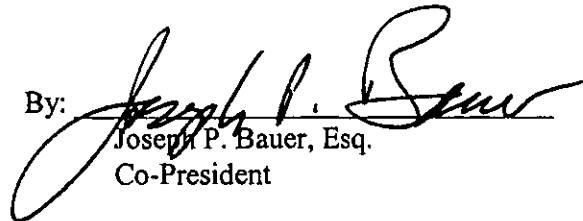
In connection with your deliberation concerning the Judicial Operations and the restructuring of the Courts, please be advised that the Franklin-Grand Isle Bar Association has adopted the following Resolution:

RESOLVED: That the Franklin-Grand Isle Bar Association supports the continued existence of the Superior, District and Family Courts as presently configured in Franklin and Grand Isle Counties.

Respectfully submitted,

FRANKLIN-GRAND ISLE BAR ASSOCIATION

By:


Joseph P. Bauer, Esq.
Co-President

Proposal for the funding of County Courts in Vermont

For over 200 years the 13 counties of Vermont have operated courts within their borders for the purpose of providing a facility for judges who travel around the State to conduct hearings and trials. The traditions within the walls of these courthouses, some almost 200 years old themselves, are part of the history and heritage of the State of Vermont. A good number of these courthouses are on historic registers and are critical to the character of these communities.

For many of these years the individual counties have funded the construction, maintenance and repairs for the courthouses within the shiretowns. Only in recent history has the State undertaken the expense of renovations and construction of new courthouses. Every year the County Assistant Judges as officials of the Counties have prepared budgets for the operations of the Courthouses, sheriff departments and other county functions. These budgets have been enacted often with no attendees at the budget hearings and the prorata tax assessments have been sent off to the towns to be included in the town budgets. Courthouse budgets have had various contributions from the State which have covered differing amounts from county to county, but include some staff, security, repairs, some utilities, equipment and lease payments. Some counties have had one courthouse for the county functions and separate courthouses for State functions. The duplication of facilities in various counties has in some cases been necessary but still costly. The effort by the Judiciary in asking counties to close their long admired and cherished courthouses is awkward and difficult. A mandate from the top down to close courthouses is probably unlikely to succeed and politically the Judiciary does not have the capital to draw on to support such a recommendation.

The proposal herein is let the Counties decide which courthouse each wants and is able to support; most likely the courthouses which contain the Probate Courts, and have the side judges as officers of the County raise the funds from a county tax to finance the maintenance, repairs, utilities, equipment, security, county (Probate) staff, and other necessary expenses. In exchange, the State of Vermont will rent space as needed and/or maintain the other existing State Courts as separate facilities. The State Judiciary will keep hands off of the County facilities in so far as tapping them for funds and the Probate Judges and Side Judges will continue to fiscally run the County Courts. Separate District and Family Courts will be State funded and Superior, Small Claims and Probate will be county financed. Traffic court will rent space as needed from the State or County courts.

The cost shifting will reduce the Judiciary's dependence on the Legislative branch for funding and the counties will retain local control over their historic buildings and facilities which are often utilized by county organizations anyway. While the cost savings may not be realized as some have suggested with shutting courthouses, the return to local control will help respond to those critics who would be outraged with a dictum from the highest level of the State that their historic Courthouse is being closed for good.

In some counties some facilities may have to be turned into assets which double as function spaces to generate income (Weddings, theaters, group functions, church groups,

etc), and some can be retained as historic sites. But in each county the local population can decide how each facility can be organized and operated. If the counties run the courthouses then the need for county officials will be retained for now and into the future. If the State Judiciary takes over all the functions of all the courts the need for county side judges and Probate Judges will soon disappear. The only step left will be for a legislative decision to have the legislature set a county tax each year to be piggybacked onto the town taxes, and the county functions will disappear altogether. We will then be placed into regional courts and the counties will be in name only.

This is the time to retain local control over our county courts, but the counties need to pay for them.