

# Vermont Commission on Judicial Operation

Date: November 20, 2008

Present: Hon. Paul Reiber, Hon. Denise Johnson, Hon. John Dooley, Eileen Blackwood, Esq., Stephen Dale, Stephen Dardeck, Esq., Joan Gamble, Linda McIntire, Hon. M. Kathleen Manley, Deborah Markowitz, Esq., Richard Marron, Stephan Morse, Charles Smith, Representative Donna Sweaney, Patricia Gabel, Esq., Robert Greemore

## **Welcome and Introductions:**

Members were welcomed by the Chief Justice. The agenda for the meeting was set. The Chief Justice provided a historical perspective of the Vermont Judicial System.

Introductions were made.

## **Opening Remarks from Chief Justice Paul L. Reiber:**

The Chief Justice summarized the current financial situation for the Judiciary. This summarization included information about the effect of the pay act not being funded in the past, the current rescission, and the inflexibility of the current structure of the Judiciary to allow the Supreme Court to meet future financial challenges in a meaningful, effective and efficient manner.

## **Remarks from Associate Justice Denise Johnson:**

Justice Johnson explained that the Commission will review the constitutional requirement that the court be managed as a single entity. She said that the Judiciary needs to be able to act as a single entity to respond to crisis. When hot spots arise, the Court is currently limited as to what it can do.

She expressed her appreciation for the breadth of experience that Commission members bring to this process. She acknowledged that some members may have vested interest in this process, but the Court is asking them to set aside those interests (to be objective) in their work as a member of the Commission.

Justice Johnson stated that members were to consider everything on the table; that there would be nothing held back from consideration. It does no good to start this process by saying, "You can't touch that."

She also noted that while we are looking for cost effectiveness, we are not looking for it at the cost of our values. We need to preserve the accessibility of the system. We're looking for a way to have a cost efficient and effective single entity system.

Finally, she mentioned that we have received a grant so we can contract with the National Center for State Courts (NCSC) to provide consulting services to help us define our work plan and data needs.

The floor was opened to members for their initial thoughts.

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### **Presentation by Bob Greemore, Director of Administrative Services, regarding the state budget process and the Judiciary Budget:**

Bob Greemore explained in more detail about the state budget process and the Judiciary's budget. He handed out some charts and reviewed some figures with the members. Some of the information that he passed along included that 1.7% of state spending (excluding federal funds) is allocated to the Judiciary; more than half of the Judiciary's budget is for court services; 28% of the overall budget is set by statute for salaries, and this amount cannot be altered by the Judiciary without a change in legislation. The operating expenses part of the budget is the same as it was in 1989 between 2.7 and 2.8 million dollars. There are budget challenges, when you have over 60 courts in over 30 locations. To make cuts by only reducing staff has its consequences.

It was noted that where consistent with the law, we have tried to combine middle management roles. This combination of roles has not always been possible because of disagreements among the various entities involved in appointing these positions.

There was discussion among members about the fact that the Commission's report should mention the constraints placed upon the Judiciary, like statutory salaries, the structure of the current system, etc.

### **Presentation by Associate Justice John Dooley regarding the VCASE Project:**

Justice Dooley provided some figures about caseloads and some history about the current system and the search for a new system. Technology has made a difference, taking us from 100 pages in a case file in 1968 to 4 pages in a case file when VTADS was introduced 20 years ago. The system was once state of the art, but it is now obsolete.

In recent years, opportunities to use technology or the kinds of technology have grown in many ways, offering new opportunities to look at how we do things. We want to replace the paper file with the electronic file. Justice Dooley believes that technology is a clear path to better serve self-represented litigants ("pro se"). We have a high rate of pro se litigants, and this type of technology would allow them to use more self-service, which would significantly improve productivity of staff.

Also, it's about place. We have numerous courts distributed all over the state. We have 350 employees. It is difficult to reduce costs and maintain that many locations at the current level of service. Currently, we have a physical file stored in the place where it was created. With an electronic file, it doesn't matter where the person does the work. Technology would allow us to bring all one activity to a single location if we wanted to. It would increase public access because they won't have to travel to a court.

Because of the phase we're in on this new VCASE system, the Judiciary is in a position to be in sync with this Commission. You should consider in what ways the Judiciary may want to use technology. You should then tell us, so the Judiciary can include your needs in the design.

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### **Commission Member Thoughts:**

The floor was opened to hear from Commission members.

The members agreed that the legislature needs to be asked either to change the existing statutory structure of the courts or to fund the current structure. More information was requested by several members. Case load studies and other data were suggested. **This information will be provided to members.**

On the issue of restructuring, the members offered a couple of suggestions: it is necessary to have clear goals, to balance efficiency with access and quality, to look at the long term effects of any changes, and to identify how to better serve Vermonters and other constituencies.

The idea of using technology was praised by many members. Some advice was offered about how implementing new technology requires a realistic timeframe and one of the biggest hurdles when changing to electronic documents is cultural, and cultural change is especially difficult. Several of the members have been through recent technology changes at their offices, and they offered some expertise from their staff should the Court need it.

Several members talked about the need to keep filters in place (such as mediation); these filters serve to make the system more efficient as long as they are available to all people.

Identifying constitutional versus statutory issues was mentioned. Most members felt that the key issues were statutory not constitutional.

**The next meeting will be December 16<sup>th</sup> at 10:00 am.**