

## Vermont Commission on Judicial Operations

Date: February 20<sup>th</sup>, 2009

Present: Eileen Blackwood, Esq, Stephen Dale, Joan Gamble, Hon. Brian Grearson, Hon. Denise Johnson, Hon. Kathleen Manley, Richard Marron, Linda McIntire, Stephan Morse, Hon. Paul Reiber, Charles Smith, Thomas Clarke, Hon. John Dooley, Patricia Gabel, Esq., Robert Greemore, Daniel Hall, Robert Paolini, Esq.

### **Opening Remarks:**

Chief Justice Reiber opened the meeting by introducing a guest to the Commission, Robert Paolini, executive director of the Vermont Bar Association. The Chief also reminded everyone that Tom Clarke and Dan Hall were here from the National Center for State Courts.

The Chief Justice spoke about his address to the joint session of the legislature.

Justice Johnson noted that over time our strategy has been evolving. She then described briefly the contents of the proposed report and asked for comments.

### **Comments and reactions to report summarized:**

Many of the members were in favor of the plan, especially the suggested outreach piece, believing that buy-in is critical to the plan. Members would need to participate in this outreach.

Some members were concerned about waiting until November, believing that the momentum generated by the speech of the Chief Justice offered an opportunity to move forward. The thought was that the Commission should put something on the table.

The Unified Court Bill was mentioned. There was a suggestion made that this bill might offer some wisdom. Justice Dooley and Bob Greemore said that the Court has looked at this bill.

Next, it was noted that the courts are not alone. There are conversations going on in other agencies around similar geographical issues and the offering of services to Vermonters. It was suggested that we might want to contact some of these other agencies.

Another comment was made about how the recommendation of this commission can not be driven solely by money concerns, that there needs to be other reasons to drive the recommendation, like continuity of courts. There needs to be a tie in as to how the recommendation contributes to administration of justice, not just the money it will save.

The idea was offered that maybe we should do something similar to what they did when reorganizing the Agency of Human Services back in the 1970s. The legislature provided a brief statute offering guidelines for this reorganization. It was an enabling legislation,

## Vermont Commission on Judicial Operations

Date: February 20<sup>th</sup>, 2009

being thematic rather than detailed. Possibly, we should ask for this type of legislation now. We would ask them to include themes and principles of efficiency of a unified court. Also, it would offer budget control, with the ability to hire and fire. The themes would frame the rest of the inquiry.

Some members asked how this language was different from the legislation creating this commission.

The further legislation would include language that would lay out the principles. But maybe the language is in the commission legislation.

*It was decided that the charge of the commission was sufficient.*

Other considerations mentioned were the rural nature of the state and the lack of central transportation system. Another concern is that where the courts are centered, then that is most likely where the services and lawyers will be centered. What happens if you move or close courts? How does that affect individuals? It was noted that the Commission is sensitive to access to justice issues.

### **Description of National Center for State Courts Involvement:**

Dan Hall said that we're here to help you figure out how to proceed over the next year. We'll help you identify stakeholder groups and public groups. We have experience from working with other states on this process that we can share with you. We can identify milestones leading up to the legislation in November.

He continued that they would be working on the work plan. The first step in the design is to get everything on paper. All the alternatives that are out there are fair game and should be put on the table. The next step is filtering. You need to identify filtering mechanisms. There are 2 ways to filter; one as a group criteria filter based upon agreed upon principles and second, cost benefit analysis. For the cost benefit analysis you need information to use to apply. We need a method for weighing work load process. Therefore, we will be completing a time study, a picture of how long it takes to build a case, and the impact to functions as a case is made. A time study is a good tool for long term planning. The third and final step is feasibility. You weigh the practicality and political potential. You use focus groups at this stage to engage your stakeholders in reviewing some alternatives. We have experience in this type of engagement. You want to offer choices under certain conditions. You can then factor in the input from the public. Then your recommendations are structured.

*The National Center for State Courts will put together a detailed work plan for Commission consideration in April.*

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Some questions about the weighted caseload study arose: How is this different from current statistics? *Current stats include only judge time not staff time so it does not represent the entire cost. Also, it will supply more information about the mix of cases and the complexity of cases.* There was also concerns raised about the effect of this study on court personnel. *The study will be on-line, easily accessible, and not onerous. Some training will be provided.* Timeline? *The study will take 4 months to complete: 1 month to set up, 1 month to do, 1 month to analyze the results and 1 month for the group to review final results.* What is the task of the Commission during the time the study is being done? *To gather alternatives and define filters. We would be soliciting ideas on alternatives from our institutional partners looking for possible collateral benefits. Places that might impact other areas funded by the state. Other agencies may be working on similar problems. It would be great if we could also have collateral savings. We may want to survey service providers.*

It was noted that some meetings with partners were already being scheduled.

### **Draft Interim Report and principles:**

*The Commission members need to look at the outline and summary included in your handouts. Please email or call with your comments.*

Some concern was offered about how the Court would react in the short term to requests for more budget cuts.

*Dates for a meeting next month will be circulated by Patricia Gabel.*

The Chief and Justice Johnson ended the meeting by thanking everyone.