

Vermont Commission on Judicial Operations

Date: April 6th, 2009

Present: Eileen Blackwood, Esq., Stephen Dardeck, Esq., Joan Gamble, Hon. Denise Johnson, Hon. Kathleen Manley, Deborah Markowitz, Esq., Linda McIntire, Stephan Morse, Hon. Paul Reiber, Charles Smith, Representative Donna Sweaney, John Douglas (by phone), Patricia Gabel, Esq., Robert Greemore, Daniel Hall (by phone)

Also members of the public attended.

Opening Remarks:

Chief Justice Reiber updated everyone briefly about the status of the budget: the budget is still in committee but he believes that it will be brought to the Senate floor within the week.

Draft of Interim Report & Comments:

Justice Johnson introduced the draft interim report and described the organization of the report: First, the report begins with a strong problem statement. After the problem statement, a history of the Commission was also included because many people either don't know or forget that the Commission was created by the legislature. Next, there is a Judicial Branch Mission Statement, followed by the Principles of the Vermont Judiciary. The Principles are an important piece of this report. They are written at a high level (less detail) because the details will come after the outreach happens. The next section is the Commission Work Plan which includes the weighted case load and the outreach activities. Finally, there are numerous appendices.

Observations and comments:

Most members liked the report (good distillation, clear, well structured, readable, etc.). The suggestion of creating and including in the report a visual representation of the structure of the court system received nearly unanimous approval. Another suggestion was made to include a reference to the constitutional amendment made in the 1970s about the court being a single entity. To include some statistics in the body of the report to show that the Court has a large budget, but really the Court only controls a portion of that large budget was also recommended.

Another theme that arose was the need to provide more information about the focus groups. Most members believed that the groups should be identified and a timeline for the groups provided. Also, several members suggested that some more explanation should be included about how the weighted case study and the focus groups will be approached and used.

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On the principles, addition of language about the Judiciary being an independent branch of government was suggested. There were two suggestions about the addition: one that it should stand alone as a bullet point, or two it be added to bullet point 2. A couple of members believed that this language did not need to be under the principles.

Changes to the draft interim report will be made and the new version will be sent to Commission members for comments. If the visual representation is too complex to complete quickly, the Commission agreed that the interim report should be submitted without it.

Survey and Focus Groups:

In the handouts, there was a copy of the survey for the focus groups.

This survey is meant to get the conversation going with the early focus groups. The survey will help identify activities for the groups. Facilitators will have the tabulated responses to the survey to help them work with the group's ideas, expanding upon them and trying to get them to think outside of the box. One of the earliest focus groups is planned for the end of March with the court managers and superior court clerks.

The goal of these focus groups is to gather information from various stakeholders. Further discussion followed about the identity of various stakeholders and the role of Commission members at these focus groups. Also, the idea of a timeline for the groups was discussed.

Discussion returned to the survey, it was explained that the survey will be online. The content of the survey was discussed. Several changes to the survey were suggested. These suggestions included adding instructions and including examples; the focus should be refined; possibly provide a list of court functions and ask people to identify at what level each function should be done. There was discussion about open-ended versus concrete or closed questions.

It was decided that some changes to the survey would be necessary.

Weighted Case Load:

Dan Hall stated that the weighted case load study is a tool for the Committee to apply to various alternatives to assess the impact on judicial resources. It will allow the Committee to look at aspects of a proposed design to determine how the proposal impacts the functions. The Center has done this type of study for over 10 years. After doing the analysis for the study, the Center brings the information to the Committee for use in their final decision making.

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Commission Information on Judiciary Website:

It was noted that the judiciary website has a page for the Commission. This page will include briefing materials, Commission meeting minutes, the final report (when done), and meeting schedules. To find the webpage go to the judiciary's website: www.vermontjudiciary.org. Find "What's New" on the right-hand side and click on the Commission.

Other items:

There was some discussion about the information some of the members of the commission were receiving from various constituents. Since it is important for people to feel they can express a point of view, the members can continue to collect information.

Public Comment & Response:

Some criticism about the progress of the Commission was offered: lack of specifics for focus groups, lack of a timeline, and concern about time and resources to do everything.

The response to the criticism was that the Commission had been debating different issues. When Commission members wanted to pursue public outreach more broadly and sooner, the Commission adopted and embraced this new approach. We have been trying to lay the ground work; we wanted to talk to the people who work in the Judiciary first. We will divide our time to try to cover more. Also, much of the Court's time has been spent trying to determine how to deal with the rescissions for the current budget.

One person talked about the survey and also asked, "Are you still open to the system working as is, or have you already formed an opinion?"

The response was that after the 1st and 2nd rescissions when we couldn't do what was necessary to meet those needs, it was clear that the system as it is doesn't work.

Also, a member of the public offered the idea that there is a need to offer people an opportunity to address the commission, possibly through questions posted on the website.