

COMMISSION SURVEY ANALYSIS FOR WINDSOR COUNTY
N=27

1. Are there court services or administrative activities currently performed at the county level that could be performed either regionally, centrally, or electronically to improve the efficiency or cost-effectiveness of court operations?

Responses:

- 1 Yes, electronic filing, which is used successfully in federal court, could greatly improve the efficiency of the court system.
- 2 No. (x3)
- 3 Probate court matters in the Districts of Hartford and Windsor could be combined.
- 4 I believe assistant judges are a luxury whose elimination should be at least considered.
- 5 Centralized filing for the state, if done electronically and if all filed documents and court generated documents were imaged and available online.
- 6 I don't know. (x2)
- 7 Unaware of any such activities.
- 8 Yes. (x3)
- 9 Yes. All administrative activities should be supervised at the State, not regional or county, level, such that there isn't duplication of effort and administrators are able to develop expertise.
- 10 Filing of pleadings like federal court. I do not believe that probate Courts should be changed. They operate efficient and are user friendly as they exist.
- 11 Eliminate county side judges.
- 12 It would be useful for attorneys to be able to submit filings to the courts electronically. I try to have a paperless office, and it is frustrating to have to print out so many copies whenever I file something with the court.
- 13 This is a question best put to the Clerks. The management of litigated cases could almost certainly be handled more efficiently if an electronic filing system - akin to the system used in the Federal system - were adopted.

14 E-filing.

15 If filings (notice of appearance, disco request, motions, etc.) could be done electronically that would be great. Also, if court could provide notice electronically that would save a lot of time. If all courts could see other court calendars this would help avoid schedule conflicts and would be helpful for regional arraignments.

16 Reader note: this writers practice is primarily in superior court. The shift is certainly toward electronic filing which must be evaluated. Perhaps consideration could be toward a centralized or regional superior/civil court system. With jury trials on the continuous decline, and the overwhelming success of mediation, the civil courts seem to be the most flexible to change.

17 Certainly many things can be done electronically. Virtually anything filed with or received from the Courts can be done electronically, which seemingly would cut down quite a bit on postage, paper, filing and waste costs. The way in which scheduling is done, documents are handled, and jury questionnaires are formatted and disseminated could and should be done in a uniform manner throughout the state. Some Courts are run quite well; many are not.

2. Is there technology that could be introduced into the court system that would make judicial operations more cost-effective or improve access to the court system, while at the same time maintaining the quality of justice services?

Responses:

1 Yes. (x4)

2 Computerized filing of motions and computer access to motion reactions, opinions, judgments, and other dispositions.

3 Electronic filing and access to court filings would alleviate court staff answering telephone calls for copies of pleadings. Electronic trial presentation systems would decrease trial time. In criminal cases, the "calendar call" system is antiquated. Rather than requiring all parties and all lawyers to show up for calendar call once per month, the parties should be required to agree to a pre-trial schedule after arraignment. Any requests for additional time should be submitted in the form of a motion to enlarge. In short, the criminal pre-trial discovery process should not differ substantially from the civil pre-trial process.

4 I believe it would useful to the Bar to have a substantial proportion of superior court opinions available on the Web. I think there is a lot of reinventing of the wheel that goes on in VT because there is so little published law. Electronic filing comes

immediately to mind, and this would help attorneys, but it may make things more difficult for clerk's offices and judges. I am sure the National Center for State Courts knows more about this topic than I could even begin to imagine. I do not litigate, but I would think that it would be useful for attorneys and parties to be able to access docket entries using the internet, if that capability is not already available.

5 Electronic files with all documents imaged and available online. Electronic filing would be an adjunct. Use of a "dial-in" conference bridge for a variety of conferences. I am contemplating "low tech" voice and not video. But, in conjunction with the Towns in VT, perhaps each town could have a minimum of 1 video conference facility for use for official business of the Town, County and State needs.

6 Courts should be clear as to whether parties need to appear at proceedings such as status conferences and if there is not really a need for this to conduct more of these via phone. In some courts there are not enough phone lines sometimes to handle multiple people calling in. For some proceedings (not criminal or important family court matters) use of webcams should be looked into.

7 The electronic filing and service of documents, such as is used in federal court, would significantly improve efficiency and cost-effectiveness.

8 No. (x2)

9 Using a docket/filing system like the federal system would be a major advancement. The mail is inefficient, less dependable, more labor-intensive and more time-consuming.

10 Yes. The State should have the equivalent of the PACER system in the federal courts.

11 Electronic filing like federal court.

12 E-mail for filings. The court could maintain an electronic instead of paper file. Also, it would be helpful to have access to all electronic court records, filings, pleadings etc on-line.

13 From my perspective making judicial operations more cost effective should not be a priority. Any changes in court operations should focus on improving access to the court system and improving the quality of justice services.

14 Permit electronic filings as long as all parties and lawyers can receive same by email.

15 Electronic filing not unlike the federal system would be a welcome option. Some states also do arraignments by videoconferencing. This could easily save lots of resources by cutting down on sheriff transports. Then if criminal defendants want bail

hearings they can be transported another time. This would likely be very unpopular with the criminal defense bar.

16 Better phone systems, with effective speakerphones, would allow courts to hold more hearings via phone.

17 Electronic filing.

18 On-line access to court filings; videoconferencing via skype or similar service.

19 Electronic filing and case management like federal system.

20 There are always technological advances to be made, and there are certainly technologies out there that would improve the cost-efficiency of the courts. However, Vermont's judicial makeup is made up of a lot of old-guard lawyers and administrative personnel - this is not meant to be offensive, just to acknowledge the difference between Vermont and other states considering these changes. Many of those individuals are not, admittedly, ready for these changes and to that end, the efforts and costs into the training and education for new technologies may prohibit growth in this area.

21 Almost any technology from about 1950 on would improve the quality of the Superior Courts in many parts of the state. Trying cases in the summer without air conditioning is ludicrous. What the courts have for "technology" for presenting evidence to judges or jurors are blackboards (which were probably in use in the 18th century) and VCRs (in many cases purchased by local bar associations); oh, and maybe an overhead projector! Even the VCRs are now out of date. The Vermont judiciary has provided most courts in the state with virtually nothing to help or enhance the presentation of litigant's cases. A lot of Courts don't even have good speaker phones. I think we would be hard-pressed to find any business or profession in the state which is as backward as the court system.

3. What can be done to allow more flexibility in the use of judicial resources (people, facilities, dollars), particularly as workloads and funding levels increase and decrease?

Responses:

1 This begs the question. The biggest issue facing Vermont's judicial system is the quality of justice being administered. To the extent that increases in available personnel improve quality that should be a priority. Will there ever come a day when litigants don't have to wait years to have their cases heard? Will there ever come a day when family court matters are always decided on evidence and not on offers of proof at a status conference? Will there ever be a meaningful review of judges? These are more pertinent questions that how to rearrange the deck chairs on the Titanic, which, I believe, is what your question is really asking.

2 I come from out of state, and I was astounded by the fact that some of the courthouse employees work for the state and some for the county. If all were Judicial Dept. employees, I would think the Dept. could respond more readily to changes in funding and need. As it is now, the Dept.'s hands are tied to a significant extent.

3 If it is possible to consolidate the administrative tasks, then it may be possible to build "courtrooms" that could be shared, secure facilities, and used by the Town for meetings of the Select board, etc. There are common needs, including recording systems, video capabilities, etc. for public meeting spaces. If these were a shared expense, then any public body needing that type of forum could schedule its use. I believe that holding "electronic" hearings by video does not comport with the public's expectation of a "fair hearing".

4 There are simply too many cases on the docket to think of closing courts. For example if you were to close the family court in Chelsea how many of those cases would be transferred to WRJ? What courtroom would be used? Where would we park? There is not enough room there now to take on any additional cases. I would support doing away with side judges as one way to save money. I would also incorporate more mediation into the court process (case managers should/could do more actual mediation and should be trained to mediate effectively).

5 I don't know. (x3)

6 1) Telephone appearances 2) Batch mail 3)Change small claims system.

7 Motion hearings, calendar calls, etc. should be eliminated. People in family court proceedings, or any other proceedings for that matter, should be discouraged from appearing pro se.

8 I see no reason not to centralize Superior Courts as they age even more with new District/Family Court buildings even though I love to practice in the old Court Houses.

9 Allow judges who start cases to complete them, even if they change counties or reduce rotations (especially in Family Court). I don't mean with respect to hearings that have already started but with complex cases even before contested hearing.

10 It would be good to see more cross-training of court staff so all staff members can do all the different parts of things that need to be done. An unexpected illness on the part of a clerk or other staff member could cripple operations, especially if staff levels continue to decrease and/or not have positions be re-filled.

11 Again, technology! Go paperless - it's good for the planet and more efficient for lawyers and the courts.

12 Less pressure on judges to force cases to trial merely for the sake of keeping down the average age/time of cases carried on court dockets. If both sides need more time

it seems silly for pressure from Montpelier to force the judge to force a case prematurely to trial.

13 I can't help you. My practice is limited to writing briefs and memoranda for other lawyers.

14 Standard, mandatory, self-executing discovery, as in federal court, might reduce cost to parties and the court

15 Something better needs to happen with the regional arraignment situation. It is awful. The courts are supposed to be notifying the parties, but there is considerable lag time in notification. I shouldn't be finding out that I have a client who was held without bail two weeks after his arraignment. THIS IS NOT COST EFFECTIVE! It costs the State approximately \$150.00/day to house him/her -- when I could get him/her out into residential treatment had I known they were my client.

16 In Windsor County, how about transferring the location of the District Court to the Springfield prison. That would certainly save on prisoner transportation costs, which I assume is a sizeable figure. The Superior Court could be moved from Woodstock to what is now the District Court in WRJ. This would provide a much more user friendly location for lawyers and litigants - easier travel, better cell service, more available local services, better set-up for staff and their support services and PARKING!! It would also accomplish moving the Superior Court out of what are a terrible facility and a very unfriendly town.

4. Are there ways in which the types of cases heard in our various courts (superior, district, family, environmental probate, judicial bureau) could be reallocated in a way that would increase the effectiveness of judicial operations or improve court efficiency?

Responses:

1 Improved efficiency does not equal improved quality. There are lots of ways to improve efficiency; most of them deny people meaningful access to the courts or to anything approximating justice.

2 There is no need for two probate courts in some counties. It's convenient to have them, but I do not believe they are necessary. I also suggest that the court system be truly unified so that any judge could hear any kind of case. That would lead to greater flexibility in use of judicial resources.

3 I would focus on centralization of administration and records management but keep the judging local. Perhaps a core group of judges could serve a cluster of counties depending upon the docket intensity. I think that it is important for judges to be "known" by the lawyers and by the populace in order for there to be confidence in the fairness of the system. As I have traveled in VT, there are distinct characters to the NE Kingdom,

Burlington, the WRJ area, etc. Those should be appreciated by the judiciary serving the courts.

4 Probate court family matters perhaps could be heard in family court, with probate court being reserved for estates. It seems like there is too much overlap when it comes to custody/guardianship/adoption.

5 Not aware of any such reallocations.

6 1) Small claims post Judgment procedure is in need of fixing 2) Allow more attorneys to act as small claims Judge- side Judges are not as effective.

7 All trial courts should be consolidated at the administrative level. Probate courts should be integrated into the trial court system. There is absolutely no need for side judges.

8 Mediation should be required in all family cases as soon as the parties have filed. Of course, the best process is for the parties to engage in mediation prior to filing.

9 Apply standards and requirements evenly to everyone whether represented by counsel or not.

10 Maybe. But any such changes would be worth making only if, both access to the courts and the quality of services improved.

11 Perhaps the probate courts could be subsumed by the family and/or superior courts. I am unsure how much the probate court actually does, but it seems that there are some functions that could be taken over by other courts (i.e. have adoptions done in family court, have contested probate matters heard in superior court, etc.) That could cut down on several facilities and staff. If people are still using probate courts as a place to file wills, etc., perhaps there can be a central or a few regional filing places where such documents can be held.

12 No. (x2)

13 Yes.

14 Yes, eliminate Family Court and put that docket back in the Superior Court.

15 Special assignments of one case to one judge.

16 Hearing RFA's at same time domestic assault cases like in Bennington -- sounds like it works much better. Tracking civil suspensions with DUI cases -- would be helpful.

17 I have heard a lot of complaints from superior court practitioners lately re: the placement of judges into superior courts who lack experience in civil court litigation - irrespective of their time on the bench. Clients also voice their concerns about the ability of civil cases to linger in the system for long periods of time without adequate movement - this often a result of lawyers mis-management of their own time, requiring the court to extend, often inappropriately, discovery schedules. This, undoubtedly stems from the inability of the judiciary to allocate resources to the civil court docket, given the weight of other pressing issues in some counties, i.e. family and criminal matters. Perhaps consideration should be given to more consolidation of the superior court judges into a central or regional area, with centralized docket management.

18 I'm not sure if this is entirely on topic, but I believe the system, and more importantly the litigants, would be MUCH better served if District Court judges sat in District Court, Family Court judges in Family Court and Superior Court judges in Superior Court. Litigants unfortunately are being disserved by rotating the judges in and out of the different courts.

5. Please suggest other ideas that would enhance the efficient and effective delivery of judicial services to Vermonters.

Responses:

1 It would truly upset the traditional Vermont apple cart, but I wonder whether assistant judges (side judges) actually add all that much. I do not believe these assistant judges are paid by the Judicial Dept. so that state would probably not save money by eliminating them - but the counties would.

2 It is my understanding that what most "disputing" parties seek is an opportunity to be heard by one who is perceived to be impartial. Our state should seek to use "non-judicial" impartial process in as many cases as possible -- and should have mandatory reference to an effective non-judicial dispute resolution system embedded in the process rules of the Courts and administrative agencies. The non-judicial "hearings" now occur in settings other than a court building and before skilled persons who are not judges. All reduce cost. The focus needs to be on the people and a fair process and not on operating "real estate" -- i.e., Court buildings.

3 Whatever happens, I hope the wishes of Vermonters in terms of what they would like to see happen is given high priority. It is very hard now for many people to get to court given the distance and the lack of public transportation in most counties. If you close some courts this would really create a hardship. Also, for some communities, the court is an employer and the activities of the town revolve to some extent around the court. This should be seriously considered.

4 I think the courts do a good job now.

5 File to trial should be subject to strict deadlines. Litigants, lawyers and, in particular, should be required to meet those deadlines in all cases.

6 Okay, we are back to the 80's or 90's when getting a hearing or jury trial is now even tougher because of budgets with furlough days etc. Personally my divorce trial has been bumped 3 or 4 times this year because of other priorities. The judicial system is not operating well based upon my 33 years of experience as a lawyer. It used to be something we could brag about....the timeliness of providing justice. That is changing for the worse.

7 Change the focus of the present inquiry. Instead of accepting being stiffed, in terms of funding for Vermont courts, demand that funds be provided to the courts that are equal to the funds that are provided to fund our empire and bailout our financial institutions. If we are talking about providing justice for all Vermonters, the objective of efficiency (in terms of cost) seems misplaced.

8 All judges presiding in criminal courts should be confirming at arraignment proceedings that the defendants have been informed that restorative justice is the criminal justice policy of the State of Vermont and that they have been informed how restorative justice offers an alternative means of being held responsible for the crime for which they have been charged. If the defendants say they have, then the judge would inquire of the prosecuting attorney whether a restorative justice resolution is possible in the case. If so, then the judge can turn the matter over to the restorative justice personnel (AND ENHANCE THE EFFICIENT AND EFFECTIVE DELIVERY OF JUDICIAL SERVICE TO VERMONTERS). If not, he can ask the prosecutor to submit his report as to why restorative justice has not been deemed to be an appropriate alternative means of resolution, and life (or justice) can go on as usual. I, personally, think all judges & prosecutors & criminal defense attorneys for many years have been negligent in not working in accord with the Criminal Justice Policy of the State. We have the foundation laid for a much more people-inclusive form of justice here in Vermont.

9 Do everything possible to reduce pro-se representation in family and other Courts. My experience is Pro Se representation is a major problem in the system causing all sorts of unnecessary delays and extra administrative and judicial work and also causes significant problems in the quality of the end product. Final Orders frequently do not resolve all issues that need to be resolved which causes more and more litigation. This, to my mind, is the single biggest problem in the system right now.

10 Electronic case filing and case management; state wide access for courts to other court calendars and ability to print COR; being able to pay district court surcharges and fines on-line; video conferencing -- so change of pleas/arraignments could be done at the correctional facilities if necessary; the State being required to file paperwork with the court by 11:00 a.m. for afternoon emergency arraignments so public defenders can review prior to 12:30 when sheriffs arrive.

11 It is difficult to answer some of these questions from the Bar perspective, as we do not necessarily know which courts, people and facilities are being stretched thin due to these resources, or how those who are to be affected are feeling.

12 The county court system is out of date and interferes terribly with the efficient and effective delivery of judicial services to the citizens of this state. The judicial system would be better served and I assume there would be many economic advantages to having a centralized judiciary. And I say this with some trepidation given what from time to time seems to be a dictatorial attitude on high.