



**THE VERMONT JUDICIARY
A Guide for Legislators**

NOVEMBER 2008

November 18, 2008

Dear Colleagues,

I am pleased to present the November 2008 Guide for Legislators. This Guide outlines the role and structure of Vermont's Judicial Branch of state government. It also summarizes court programs and objectives.

The purpose of the Guide is to help legislators understand the Vermont court system so that they can better evaluate proposals that affect the Judiciary. The Guide includes descriptive summaries and charts that are organized as a quick reference document. A History of the Vermont Judiciary is included as Appendix A, and a Directory of the Vermont Judiciary is included as Appendix B.

The Vermont Judicial Branch of government was created by the Vermont Constitution to protect the rights of all Vermonters by ruling on every case fairly, impartially, and in a timely way. The role of the courts is to protect individual rights and to ensure everyone a day in court.

At this historic time of economic upheaval, the Judicial Branch stands ready to work with the Legislature and the Executive branch of government to find the best solutions to these difficult problems.

We look forward to working with our colleagues in the other branches of government to meet these challenges.

Sincerely,
Paul L. Reiber
Chief Justice of Vermont

Table of Contents

Part One: Judicial Branch Overview	5
Role of the Judiciary: Fair and Impartial Courts.....	5
Role of the Vermont Judiciary: The Vermont Constitution.....	5
Constitutional Allocation of Judiciary Responsibilities.....	6
Vermont Courts Today.....	8
THE SUPREME COURT	9
THE DISTRICT COURT	10
THE FAMILY COURT.....	10
THE SUPERIOR COURT	11
THE ENVIRONMENTAL COURT	12
THE PROBATE COURT.....	12
THE JUDICIAL BUREAU	12
Part Two: Court Personnel	13
Personnel of the Vermont Judiciary	13
Part Three: Court System Funding.....	16
Part Four: Goals and Strategies	18
Part Five: Meeting the Challenges of the Future	21
Technology in the Vermont Judiciary.....	21
Commission on Judicial Operation	21
Part Six: Public Education and Access to the Courts.....	22
Access to Justice Coalition	22
Education for Self-Represented Litigants.....	23
Relief from Abuse Education Program.....	23
Part Seven: Children and Families in the Court System.....	23
Attorneys for Children.....	23
Mediation.....	24
Parent Coordination	24
Home Studies.....	25
Guardian ad Litem Program	25
Children Coping With Divorce.....	25

Justice for Children Task Force	25
2008 Juvenile Judicial Proceedings Act.....	26
Part Eight: Court Response to Crime in the Community	26
The Chief Justice Task Force on Mental.....	26
Health and Criminal Justice Collaboration	26
Adult Drug/Treatment Court Docket Projects in	26
Rutland, Chittenden and Washington Counties.....	26
Family Treatment Court Docket Projects - Caledonia County	27
Juvenile Drug Court Docket – Franklin County.....	27
Mental Health Court Docket in Chittenden County	27
Integrated Domestic Violence Docket - Bennington County	27
Part Nine: Ongoing Programs	27
Judicial Education	27
Employee Education	28
Personnel Policies	28
Court Security	28
Judicial Ethics Committee.....	29
Bench / Bar Committees.....	29
Boards, Committees and Interagency Task Forces.....	29
Professional Responsibility Program	29
Judicial Conduct Board	30
Board of Bar Examiners	30
Character and Fitness Committee	31
Mandatory Continuing Legal Education Board	31
Adoption, Modification and Documentation of Procedures, Policies and	
Protocols; Creation, Maintenance and Distribution of Forms.....	31
Creation, Maintenance and Distribution of Records.....	31
Compilation of Management and Statistical Information	32
Maintenance and Control of Equipment.....	32
Development of Computer Systems	32
Audits of Financial Transactions and Recordkeeping.....	32
Payments of Bills and Expenses	33
Creation and Maintenance of Personnel Records.....	33
Facilities Management	33
Continuity of Operations.....	33
Appendix A: History of the Vermont Court System	34
APPENDIX B: DIRECTORY OF VERMONT JUDICIARY	37

Part One: Judicial Branch Overview

Role of the Judiciary: Fair and Impartial Courts

Fair and impartial courts are essential to provide access to justice for all Vermonters and to protect individual rights under the Constitution.

Generally speaking, in the United States, the law is created by a combination of:

- federal and state constitutions;
- legislation passed by the Congress and by the applicable state legislature; and
- “common law” [historical rules and precedents of the English legal system that evolved in the U.S. after the time of the American Revolution through court decisions; common law is applicable unless changed by a constitutional provision or statute]. Adopted as the law of Vermont by Title 1, Section 271, of the Vermont Statutes Annotated.

Role of the Vermont Judiciary: The Vermont Constitution

The courts are an important part of our democracy and provide essential balance in state government. The Vermont Constitution provides that the Legislative, Executive, and Judicial branches of government shall be “separate and distinct, so that neither exercises the powers properly belonging to the others.” [Section 5]

The Vermont Constitution recognizes each separate branch of government as follows:

- The “Supreme Legislative power” shall be exercised by a Senate and House of Representatives [Chapter II, Section 2];
- The “Supreme Executive power” shall be exercised by a Governor; or in the Governor’s absence, a Lieutenant Governor [Chapter II, Section 1]; and
- “The judicial power of the State shall be vested in a unified judicial system which shall be comprised of a Supreme court, a Superior Court, and such other subordinate courts as the General Assembly may from time to time ordain and establish.” [Chapter II, Section 4]

Chapter I, Article 4 of the Vermont Constitution provides as follows:

“Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property, or character, every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Constitutional Allocation of Judiciary Responsibilities

Vermont Constitution	Vermont Supreme Court
Ch II, Section 29	Consists of the Chief Justice and four Associate Justices
Ch II, Section 30	Has administrative control of all the courts of the state
Ch II, Section 30	Hears appeals from all lower courts and handles related writs in all cases. [The Supreme Court hears criminal and civil appeals from District, Family, Superior and Environmental Court, as well as from Probate Court when a question of law is involved.]
Section 30	Original jurisdiction [determining facts and law, as opposed to hearing appeals from lower courts] “only as provided by law”
Section 30	Has disciplinary authority concerning all judicial officers and attorneys in Vermont
Section 31	May not be divided into geographical or functional divisions
Section 30	Rulemaking authority “not inconsistent with law” re: appeals
Section 31	Rulemaking authority “not inconsistent with law” re: lower courts
Section 31	Rulemaking authority re: establishment of geographical and functional divisions of lower courts “not inconsistent with law”
Section 37	Rulemaking authority “governing the administration of all courts and governing practice and procedure in civil and criminal cases in all courts,” provided that “any rule adopted by the Supreme Court may be revised by the General Assembly”

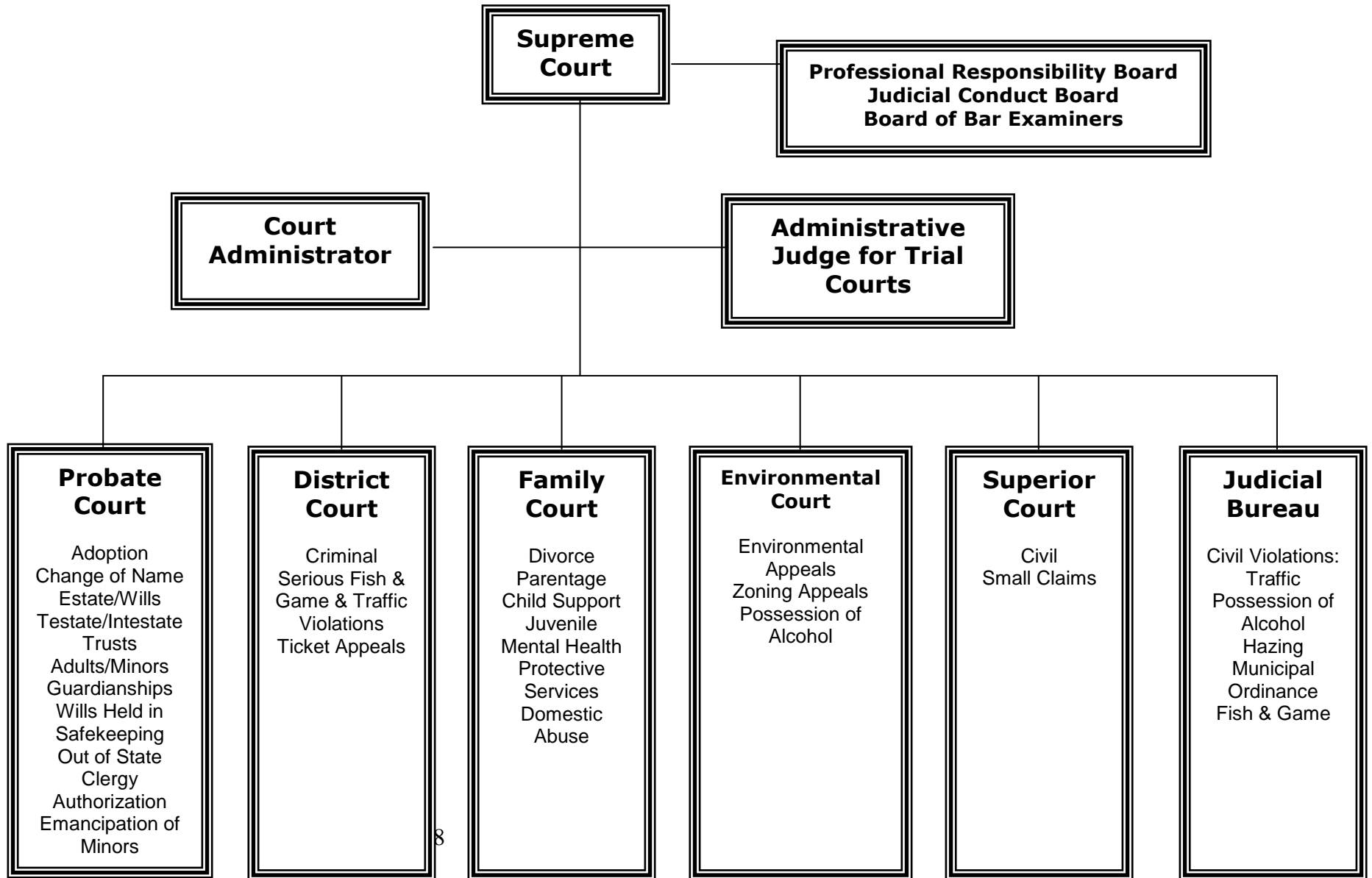
Vermont Constitution	Superior Court
Ch II, Section 4	Identified as one of the components of the unified judicial system [along with the Supreme Court and “such other subordinate courts as the General Assembly may from time ordain and establish”]

Vermont Constitution	Other Lower Courts
Ch II, Section 31	All other lower courts of Vermont shall have original and appellate jurisdiction “as provided by law”. All courts except the Supreme Court may be divided into geographical and functional divisions as provided by law or by judicial rules adopted by the Supreme Court “not inconsistent with law.”

Vermont Constitution	Assistant Judges
Ch II, Section 50	The Assistant Judges shall be elected by the voters of their respective districts “as established by law.” Their judicial functions shall be “established by law.” Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be “as established by law.”

Vermont Constitution	Judges of Probate
Ch II, Section 51	Judges of Probate shall be elected by the voters of their respective districts “as established by law. “ The General Assembly may “establish by law” qualifications for the election to and holding of such office. Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be “as established by law.”

Vermont Courts Today



THE SUPREME COURT

The Chief Justice and the four Associate Justices constitute the Vermont Supreme Court.

Justices are appointed by the Governor from a list of qualified candidates submitted by the Judicial Nominating Board and confirmed by the Senate for six-year terms. When a justice's term expires, the General Assembly votes whether to retain the justice in office.

THE SUPREME COURT'S JUDICIAL DUTIES

The Supreme Court is the court of final appeal in Vermont. It hears cases primarily in Montpelier. The court hears appeals from the Superior, Family, District, and Environmental Courts, from certain administrative agency proceedings, and from Probate Court when a question of law is involved. It also may, in its discretion, accept the appeal of certain Judicial Bureau and small claims cases. In special types of cases, the Supreme Court has original or exclusive jurisdiction. This is when a case is brought directly to the Supreme Court without having to be heard first in one of the lower courts.

The five justices of the Supreme Court resolved 585 cases in the 2008 fiscal year by deciding whether the trial court judge accurately applied Vermont law to the facts in the case. In its appellate role, the Supreme Court does not take evidence, listen to witnesses or receive exhibits in a case. Instead, the court focuses on the legal issues in the case and determines whether the lower court correctly applied the law to the facts. Decisions of the Vermont Supreme Court are final unless the case presents a federal question involving the United States Constitution, statutes, or treaties. If there is a federal question, decisions of the Vermont Supreme Court may be appealed to the United States Supreme Court.

THE SUPREME COURT'S ADMINISTRATIVE DUTIES

The Vermont Constitution gives the Supreme Court the responsibility to administer the Vermont Court system. It authorizes the Supreme Court to make rules regulating practice and procedure. The General Assembly has authority to revise rules as set out in the Vermont Constitution. The Supreme Court also has the power to discipline judges and attorneys, to license attorneys, and to regulate the practice of law.

The Supreme Court Justices administer the Vermont Court System with the assistance of the Administrative Judge for Trial Courts and the Court Administrator.

The Administrative Judge assigns the district and superior judges, environmental judges, child support magistrates, judicial bureau hearing officers and assistant judges to the trial courts, resolves attorney conflicts, and in cooperation with the Court Administrator, assumes general administrative control of the work of the trial courts.

The Administrative Judge assigns each of the judges to sit in each of the trial courts for a specific length of time, generally one year. Depending upon the size of a county, individual judges may sit for each of the trial courts, or in smaller counties, the same judge may be assigned to sit in Superior, District and Family courts concurrently (especially when all three courts are located in the same building). There is only one environmental court which has statewide jurisdiction where the environmental court judges hear and dispose of most environmental cases.

The Court Administrator provides leadership and support to the judges and court staff to enable them to resolve disputes fairly, expeditiously and inexpensively. The Court Administrator is responsible for the overall management of the court system, including judicial and employee education, budgetary and personnel matters, computer services, recordkeeping and court security. The Court Administrator serves as liaison between the Supreme Court and its boards and committees and between the Judiciary and the legislative and executive branches of government.

THE DISTRICT COURT

Each county has a District Court. The Court is responsible for the 17,778 criminal cases that the State's Attorneys, Attorney General and Municipal Grand Jurors file each year:

- Through jury trials, court trials and the acceptance of guilty pleas, the District Court Judges determine the guilt or innocence of persons charged with crimes;
- Through sentencing decisions, the District Court Judges:
 - punish persons who engage in acts not tolerated by society,
 - protect the public by separating violent persons from society,
 - protect the public by deterring others from violating the law, and
 - attempt to rehabilitate criminals so that they will be productive members of society.
- Through determinations of probable cause and decisions on requests for arrest warrants, search warrants, and motions to suppress evidence, the District Court Judges protect the public from the arbitrary use of government power.

THE FAMILY COURT

Each county has a Family Court. The Court is responsible for the 2,834 divorce and annulment actions, 1,690 other domestic actions (primarily parentage) and the 4,201 post-judgment actions filed each year. Most of the post-judgment actions involve attempts by parents to modify or enforce child support, visitation or custody orders.

The Family Court is also responsible for 8,111 motions to establish, modify or enforce child support, 1058 juvenile delinquency cases, 521 cases involving the abuse and neglect of children, 201 cases in which the state seeks to terminate parental rights, 3,702 petitions for

relief from domestic abuse and other family matters including how the state should care for persons with mental illness and developmental disabilities.

The Administrative Judge assigns district and superior judges, child support magistrates and assistant judges to Family Court. Family Court judicial officers and staff strive to:

- conduct timely hearings and issue timely decisions in order to resolve disputes, to provide support to distressed litigants and to provide protection to victims of family violence and emotional abuse; and
- provide courteous, calming and helpful service to assist family members to make informed decisions about how to resolve their disputes on their own through mediation or other community services.

THE SUPERIOR COURT

Each county has a Superior Court. The Court is responsible for the 7,377 civil actions filed each year. Most of these actions involve businesses seeking the collection of unpaid debts, individuals seeking damages resulting from the negligence of others, or general lawsuits involving the failure to abide by the terms of a contract. State consumer protection and civil rights actions are filed in Superior Court. People may go to Superior Court to seek protection from those who have stalked or sexually assaulted them. The Court also hears appeals of some governmental actions.

There are 28 Assistant Judges in the state's Judiciary, two in each of Vermont's 14 counties. They are elected to four-year terms. Their duties are not only judicial in scope, but also include administrative and legislative functions. In their judicial capacity, the assistant judges serve in non-jury trials as members of a unique three-person panel of judges that determine disputed facts. In some counties, assistant judges sit alone to hear and decide small claims matters, traffic violations, and uncontested divorces. In their administrative capacity, the assistant judges are the chief executive officers of the state's county government. In their legislative capacity, the assistant judges levy a tax on the towns in their respective counties to fund county government. The county budgets include some funding for the Superior and Probate Courts and the county sheriff's departments.

Through jury trials, court trials and pretrial conferences, the Superior Court Judges resolve disputes such as whether:

- one person should have to reimburse another for that person's actions or inaction;
- persons should start or stop acting in certain ways; and
- persons should lose their homes or other property for failure to pay their debts.

The Superior Court also decides the 11,374 small claims filed each year. Citizens and businesses seeking up to \$5,000 for unpaid debts, shoddy home improvement jobs and a return of their apartment security deposit, may save the expense of hiring an attorney and look to the Superior Court to resolve their disputes.

THE ENVIRONMENTAL COURT

The Environmental Court is responsible for hearing and deciding requests to enforce administrative orders issued by the Secretary of the Agency of Natural Resources and requests to review orders issued by the Secretary. The Court also hears appeals from municipal zoning boards and planning commissions and appeals from Act 250 district commissions. The Court is located in Washington County. Two Environmental Judges hear throughout the state most matters filed with the Court.

THE PROBATE COURT

The Probate Court is responsible for the 4,016 guardianships, adoptions, decedent estates and testamentary trusts that are filed each year [1153 guardianships; 431 adoptions; 2357 decedent estates, and 75 testamentary trusts]. There are 18 Probate Courts in Vermont. There is one Probate Court in ten of Vermont's counties; the other four, Bennington, Rutland, Windham and Windsor counties, each have two probate districts and two probate judges.

The Probate Judges and Staff (called Registers) work to:

- assist persons and families to administer and settle estates and any resulting trusts, and if necessary, resolve any disputes over the distribution of the assets of the estates;
- determine whether guardianships need to be established for incompetent persons;
- assist persons wishing to relinquish parental rights for the purpose of placing a child up for adoption; and
- monitor the processing of the cases in the court to insure fiduciaries meet their responsibilities to the estates and guardianships.

THE JUDICIAL BUREAU

The Judicial Bureau is responsible for the approximately 114,670 traffic tickets issued by state and local law enforcement agencies each year. Many of the violations are speeding tickets. The Bureau is also responsible for the processing of violations of underage drinking laws, 2,266 municipal ordinance violations, and 741 fish and wildlife violations each year.

- Through court trials, the hearing officers and some specially trained assistant judges determine whether the people who contest their tickets each year have violated the law and whether they must pay civil penalties to the state and municipalities.
- Through the assistance of court developed computer programs, Bureau staff accept civil penalties from the persons who choose not to contest their civil violations, traffic tickets, or ordinance violations and from the people who receive default judgments for failure to respond to their tickets.

Part Two: Court Personnel

Personnel of the Vermont Judiciary

Supreme Court

1	Chief Justice
0.1	Administrative Support (part-time)
4	Associate Justices
1	Deputy Clerk, Supreme Court
3	Staff Attorneys
5	Law Clerks
1	Supreme Court Docket Clerk
1	Assistant Supreme Court Docket Clerk (Part-Time)
1	Administrative Assistant
1	Administrative Assistant (Part-time)
	Reporter of Decisions (Contractual Part time)

Trial Judges

1	Administrative Judge for the Trial Courts
1	Administrative Assistant
32	Superior and District Judges
2	Environment Judges
5	Child Support Magistrates
4	Judicial Bureau Hearing Officers (2 Vacant)
1	Chief Trial Court Law Clerk
10	Trial Court Law Clerks
2	Environmental Court Law Clerks

Court Administrators Office

1	Court Administrator
0.1	Administrative Support (Part-time)

Administrative Services Division

1	Director, Administrative Services
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- 1 Finance Manager
- 5 Accountants
- 1 Human Resources Manager
- 1 Personnel Technician
- 1 Personnel Assistant
- 1 Court Security Specialist

Court Improvement and Innovation Division

- 1 Director, CII
- 1 Deputy Director, Judicial & Employee Education
- 1 Deputy Director, Trial Court Programs
- 3 Administrative Assistants (1 Vacant)
- 3 Program Manager (1 Federal Funded, 1 funded with General & Special funds, 1 Vacant)
- 1 Operations Assistant/Webmaster (Vacant)

Trial Court Operations Division

- 1 Director, Trial Court Operations
- 1 Operations Assistant
- 1 Administrative Assistant
- 1 Guardian ad Litem Coordinator
- 1 Guardian ad Litem Coordinator (part-time Grant Funded)

Research and Information Services Division

- 1 Director, RIS
 - 1 Deputy Director, IT
 - 1 Administrative Assistant
 - 3 Information System Technicians
 - 5 System Developers (1 positions partly funded by grant, 1 Vacant)
 - 1 Project Manager
-

Trial Courts (Superior, District and Family Courts)

- 10 Superior Court Managers
- 1 Superior & Family Court Manager (Orleans)
- 1 Superior & District Court Manager (Essex)
- 1 Superior, District & Family Court Manager (Caledonia)
- 1 Superior, District & Family Court Manager/Probate Register (Grand Isle)
- 2 Family Court Managers (Windham, 1 Vacant-Washington)
- 1 Family Court Manager/Case Manager (Essex)
- 3 District Court Managers (Orleans, Washington & Windham)
- 8 District & Family Court Managers (1 Vacant-Lamoille)
- 2 Family Court Case Managers/Acting Court Managers
- 1 Deputy Clerk/Case Manager (Grand Isle)
- 11 Family Court Case Managers
- 3 Court Operations Managers
- 15 Deputy Trial Court Clerks (1 Vacant)
- 2 Court Reporters

2 Caseflow Coordinators
3 Courtroom Operators
2 Treatment Court Coordinators (Grant Funded)
1 PC Support Technician
1 Juvenile Docket Case Manager
73 Docket Clerks (8 Vacant)
1 Court Officer/Court Security Coordinator
21 Court Officers

Judicial Bureau

1 Director
1 Deputy Director
4 Court Officers/Courtroom Operators (1 Vacant)
1 Compliance Officer
1 Scheduling Clerk
10 Docket Clerks (2 Vacant)

Environmental Court

1 Court Manager
1 Case Manager/Deputy Clerk
2 Docket Clerks

Probate Courts

18 Probate Judges
19 Probate Registers
9 Probate Docket Clerks (1 Vacant)

Boards and Committees

1 Professional Responsibility Board Disciplinary Counsel
0.5 Professional Responsibility Board Bar Counsel
1 Professional Responsibility Board Staff Attorney
0.8 Professional Responsibility Board Program Manager
0.8 Professional Responsibility Board Administrative Assistant
1 Board of Bar Examiners Administrative Assistant
1 Executive Director, Sentencing Commission (Vacant)

Part Three: Court System Funding

The courts are financed by the state general fund, as well as interdepartmental transfers from other state agencies. (Examples of interdepartmental transfers would be for some aspects of treatment court dockets from Alcohol and Drug Abuse Programs (ADAP), determination and collection of child support from Office of Child Support (OCS), and certain federal formula grants, such as Stop Violence Against Women Act (STOP VAWA) formula grant from the Vermont Center for Crime Victim Services supports court programs, education and trainings around the issue of domestic violence. The fees users pay are generally credited to the state general fund and not dedicated to the courts. Attorney licensing fees are used to fund the boards that oversee licensing, oversight of judicial officers and attorneys, and bar examinations. Many fines may have administrative fees or surcharges attached that the legislature has specifically identified for use on specific projects.

The counties fund a portion of the courts primarily through their collection of property taxes, collection of filing fees for Small Claims Actions, fees for passports, and some fees charged by the Probate Courts.

The chart below shows major court cost areas and indicates which are paid by the state and which by the counties.

FUNDING

Court Functions	State Responsibility	County Responsibility
Supreme Court	All staff and operations	
District and Family Court, Judicial Bureau and Environmental Court.	All judges, staff, buildings, equipment, etc.	Some facilities
Superior Courts	All Judges, court clerks, and law clerks, jurors and some operating expenses	Deputy court clerks' staff, facility , operating expenses and equipment
Probate Courts	Judges, staff, and some operating expenses	Facility, some operating expenses and equipment
Salaries of Judicial Officers (set by statute)	All salaries of Judicial Officers (set by statute) and benefits	
Assistant judges	When sitting as presiding judge in small claims, traffic or uncontested divorce/civil union dissolution and when sitting as side judges in civil and contested divorce actions	When performing administrative functions for the county
Court administration and employees	Court administrators and employees [salary of the Court Administrator is set by statute]	
Vermont court information system (computers)	Vermont court information system (computers) (except for Chittenden Superior Court and Franklin Superior Court)	Chittenden Superior Court Franklin Superior Court

The State bears responsibility for expenses such as alternative dispute resolution programs, the Guardian ad Litem program, jury fees and expenses, in forma pauperis costs (for litigants unable to pay fees and expenses), treatment court dockets, and attorneys provided in exceptional circumstances, such as attorneys for children.

Part Four: Goals and Strategies

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property or character; every person ought to obtain right and justice, freely and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Vermont Constitution, Chapter I, Article 4

In order to meet this constitutional mandate, the Judiciary adopted the following goals:

- ISSUE QUALITY JUDICIAL DECISIONS THAT DO JUSTICE FOR THE LITIGANTS, ESTABLISH CLEAR AND ASCERTAINABLE LAW, AND APPLY THE LAW CORRECTLY TO THE FACTS.**
- ISSUE TIMELY JUDICIAL DECISIONS AT MINIMAL EXPENSE TO THE LITIGANTS AND THE TAXPAYERS.**
- PROVIDE THE PUBLIC WITH THE SERVICES THEY NEED TO ACCESS THE COURTS, UNDERSTAND COURT OPERATIONS AND USE THE COURTS APPROPRIATELY.**
- PROVIDE THE PUBLIC WITH STAFF SERVICES NEEDED TO PROMOTE THE FAIR, TIMELY AND INEXPENSIVE RESOLUTION OF DISPUTES.**
- PROTECT PERSONS FROM THE ABUSE OF OTHERS AND FROM THE ARBITRARY USE OF GOVERNMENTAL POWER.**

The Judiciary is engaged in a number of specific projects and on-going activities to achieve our goals. Judges and court staff take leadership roles in these activities. Our overall goal is always to move the Judiciary toward a court system that is better prepared to meet the changing needs for services that our citizens demand and expect.

One of the most difficult societal trends that the court has had to confront over the course of the last twenty years is a growing tendency of litigants and the public to look to the courts to solve social problems. These demands often make it difficult for the court to deliver *judicial* services in a traditional manner. In response to this trend, the Vermont Judiciary has increasingly sought to coordinate its activities with community and executive branch agencies, when appropriate. In addition to our usual partners in the justice systems such as public defenders, states attorneys, probations officers, and others, we have also worked with:

- ❖ **Domestic Violence Advocates** to ensure that our courts are accessible to victims of abuse who require protection.
- ❖ **Mediation professionals** to develop alternative dispute resolutions programs that allow litigants to negotiate a fair, timely and inexpensive resolution to their disputes in family court and small claims court.
- ❖ **Substance abuse treatment providers** to develop treatment court dockets to improve our criminal justice response to crimes committed by individuals with serious drug addiction problems. Treatment courts enhance the capacity of both the court and treatment providers to ensure defendants engage in treatment thereby reducing the likelihood of recidivism.
- ❖ **The Office for Child Support** to enhance Vermont's ability to collect child support in a timely manner.
- ❖ **Mental health professionals** to improve our response to crimes committed by individuals with a serious mental illness to ensure that these individuals receive appropriate treatment.
- ❖ **Professionals involved with children** who are abused, neglected, beyond parental control or delinquent to ensure that these children achieve permanency and a fair chance to lead a rewarding and productive life.

GOAL: ISSUE QUALITY JUDICIAL DECISIONS THAT DO JUSTICE FOR THE LITIGANTS, ESTABLISH CLEAR AND ASCERTAINABLE LAW, AND APPLY THE LAW CORRECTLY TO THE FACTS

STRATEGIES:

- ❖ Enhance judges' knowledge of the law through education.
- ❖ Enhance legal research capabilities.
- ❖ Enhance the ability of the judge to access information needed to make informed decisions.
- ❖ Assure that judicial decisions are made ethically and without bias or undue influence.
- ❖ Enhance judges' knowledge of the responsibilities, activities and limitations of the departments and agencies they see in the courtroom.
- ❖ Enhance the availability and quality of advocacy for litigants by attorneys and guardians ad litem.
- ❖ Enhance the time and resources judges have to hear and decide cases, including time on and off the bench, law clerk assistance and administrative support.

GOAL: ISSUE TIMELY JUDICIAL DECISIONS AT MINIMAL EXPENSE TO THE LITIGANTS AND THE TAXPAYERS

STRATEGIES:

- Set disposition goals for all types of cases and regularly monitor compliance with these goals.
- Improve our technological capacity to manage cases in order to afford litigants easy and inexpensive access to the courts.
- Encourage alternative dispute resolution through mediation or negotiation.

GOAL: PROVIDE THE PUBLIC WITH SERVICES THEY NEED TO ACCESS THE COURTS, UNDERSTAND COURT OPERATIONS AND USE THE COURTS APPROPRIATELY

STRATEGIES:

- Enhance the ability of litigants to understand court procedures and the law.
- Promote the availability of legal representation for those who are unable to afford it.
- Provide those litigants who choose to represent themselves with the tools they need through litigant education programs and court forms that are easy to understand and fill out.

GOAL: PROVIDE THE PUBLIC WITH STAFF SERVICES NEEDED TO PROMOTE THE FAIR, TIMELY AND INEXPENSIVE RESOLUTION OF DISPUTES

STRATEGIES:

- Enhance the staff's knowledge of the law, procedures, recordkeeping and interpersonal skills through education and mentoring programs.
- Enhance the availability of information needed by court staff to schedule and manage cases.
- Assure the competence of court staff to perform the work assigned to them.

GOAL: PROTECT PERSONS FROM THE ABUSE OF OTHERS AND FROM THE ARBITRARY USE OF GOVERNMENTAL POWER

STRATEGIES:

- Ensure that our courts provide a safe and secure setting for all litigants, but particularly those who have been abused or threatened with abuse.
- Provide information to persons seeking protection to enable them to obtain an appropriate protective order in a timely fashion.

Part Five: Meeting the Challenges of the Future

Technology in the Vermont Judiciary

For many years, the Vermont Judiciary has had the goal of a paperless court system, with all documents filed in electronic form and an electronic casefile. In recent years, the Supreme Court has expanded that goal to include digital video and audio capture of all in-court events to complete the electronic casefile and to allow participation by video from any county in the state. The goal will finally come to fruition with the introduction of a new electronic caseflow management system to be implemented starting in the summer of 2009 over a five-year period. The system will quickly increase the speed and efficiency of recording case events and automate workflow in the judiciary. It will introduce an electronic casefile and electronic filing over time, starting with two demonstration district courts, juvenile proceedings in the family court, and mortgage foreclosure proceedings in the superior court. Through a specially-developed electronic interview process, the system will greatly improve the ability of self-represented litigants to participate in court proceedings. It will replace paper-based exchanges of information with executive branch agencies – e.g., Department of Corrections, Department of Motor Vehicles or Department for Children and Families – with automated electronic exchanges. As funds are available, the judiciary will introduce digital audio and video capture into all court rooms, integrated with the case management system.

Commission on Judicial Operation

During the 2008 legislative session, the Legislature, via statute, requested the Supreme Court to appoint and convene a commission on judicial operation composed of members of the three branches of government and the citizens of Vermont. The Legislature has requested the Commission to make recommendations to the Senate and House Committees on Judiciary and Appropriations, the House Committee on Corrections and Institutions, and the Senate Committee on Government Operations regarding the following areas:

- Consolidation of staff, including clerks of courts, paid by the state within the judiciary budget and consolidation of staff functions, across courts in individual counties and statewide;
- Regionalization of court administrative functions, both those now performed at the state level and those performed at the county level;

- Use of technology, including video technology, to reduce unnecessary expenditures, including transport of prisoners, while improving access and maintaining the quality of adjudication;
- Flexibility in use of resources to respond to the demands on the judiciary overall and particularly in instances where the amount and nature of demand changes;
- Reallocation of jurisdiction between courts, consistent with effective and efficient operation, and
- Any other idea for the efficient and effective delivery of judicial services.

The Chief Justice of Vermont will chair the Commission. Commission members have been appointed and will begin meeting in November of 2008.

Part Six: Public Education and Access to the Courts

Access to Justice Coalition

Access to Justice Coalition: In 2001, a Supreme Court committee on Equal Access to Legal Services conducted a legal needs study of low-income Vermonters. It issued a Report that concluded that the low-income population has significant legal problems, and that 75% of Vermont's low-income families faced those problems without help from a lawyer. The Committee concluded that access to justice could be improved by generating more financial resources for existing legal services programs, by increasing pro bono services of the private bar, and by improving services to parties who are representing themselves pro se.

As a result of the Committee's recommendations, the Supreme Court convened an Access to Justice Coalition to act as a state-wide planning agency for meeting the legal needs of low-income Vermonters. The members of the Coalition, in addition to Justice Denise R. Johnson for the Court, are the Vermont Bar Association, the Vermont Bar Foundation, Vermont Legal Aid, Inc., LawLine of Vermont, and Vermont Law School. The Coalition meets regularly to address the conclusions and recommendations in the legal needs study. In 2007, it provided the impetus for a private bar fund-raising campaign to provide resources for a two-year Poverty Law Fellowship. It is currently working on developing a multi-level services delivery project to assess where and what kind of services are being offered, with a view to filling in geographic areas or types of services where need is great.

Education for Self-Represented Litigants

All parties representing themselves (*pro se*) are ordered by the court to attend a Pro Se Litigant Education Program before they appear in court to pursue their claims (EXCEPT attendance is not a prerequisite for hearings on Relief from Abuse Petitions or child support hearings). One-hour programs are held each month and are conducted by an attorney who regularly practices in the Family Court. The purpose is to educate litigants about the following: their responsibilities while representing themselves, courtroom etiquette and general procedures affecting family cases, and services available through outside agencies to help with problems affecting families. Anyone may attend, whether or not they are party to a pending case.

Cost: Free

Relief from Abuse Education Program

This is an education program for parties to a Relief from Abuse case. It is conducted in two separate group sessions, one for Plaintiffs and one for Defendants, immediately prior to the court hearings. Many parties are not represented by attorneys, and need information about what to expect. It includes an orientation to the court process and the kinds of questions parties may be asked, information about the legal standards to be applied and the kinds of requests that parties can make, and information about services that may be helpful to some parties involved in such cases. This is available in all counties.

Cost: Free

Part Seven: Children and Families in the Court System

Attorneys for Children

In some divorce or parentage cases, including post judgment filings, the court appoints an attorney to represent the interests of a minor child. Examples include cases in which the parents have significant factual disagreements over whether a child has been physically or sexually abused by a party or household member, or when there are indications that a child has substantial physical or psychological problems that the parents do not appear to be addressing in a responsible manner, or when parents appear focused on their own needs and not those of the children.

Cost: The court determines the contribution of each party. The parties may apply for court subsidy for this program. In subsidized cases, attorneys are compensated at the rate of fifty dollars (\$50.00) per hour, with a limit set by the court. There is presently limited statewide funding for subsidy available through the Administrative Judge's office.

Mediation

The court may order parties to participate in mediation to attempt to work out agreements, or parties may choose mediation based on the recommendation of a court manager or the parties' attorneys. Mediation is usually ordered in cases in which the parties have agreed to seek solutions through mediation, in post judgment situations in which a final divorce decree requires that mediation be attempted prior to any court filing, or if parents previously have shared parental rights and responsibilities. The mediator provides a comprehensive screening of parties to determine if they and their issues are appropriate for mediation. If the parties are appropriate, then the mediator and the parties make independent arrangements for services. Mediation is not used in cases of abusive relationships.

Cost: The Judiciary subsidizes the cost of mediation for litigants with limited financial means through a sliding fee scale.

Parent Coordination

An alternative dispute process, parent coordination is designed to assist high conflict, separated or divorced parents and the family court judge develop safe, appropriate parent/child contact plans. Unlike mediation, which seeks agreement based on face-to-face, respectful discussion, the protocols for parent coordination are more concerned with safety issues and their impact on the children. Parenting plans developed in parent coordination work as tools to discourage and diminish abusive behavior between family members by setting clear boundaries and guidelines for who will do what, where, when and how-- and establish penalties for non-compliance. For some families this means blocking and scripting visitation exchanges, telephone calls and answering machine messages.

Parent Coordination takes place when there has been a determination on Parental Rights and Responsibilities but it is unclear how visits can take place without parental conflict that will be emotionally or physically damaging to the child. Parent Coordinators work separately with each parent to develop a Parenting Plan which will work for that particular family. If parents are unable to agree on a plan, the Parent Coordinator will make a recommendation for a plan to the court. Vermont is the only state in the US that has subsidized, family court-based parent coordination services. (See VRFP 4(s))

Cost: The Judiciary subsidizes the cost of parent coordination for families with limited financial means through a sliding fee scale.

Home Studies

Home Studies are offered through the VFCMP Parent Coordinators. The purpose of a Home Study is to develop information helpful to the parents and to the court in making decisions about children in divorce, post-divorce and parentage cases.

Cost: The Judiciary subsidizes the cost of home studies for litigants with limited financial means through a sliding fee scale.

Guardian ad Litem Program

Under Vermont Statutes and Rules, Guardians ad Litem must be appointed for children in Juvenile cases (Abuse, Neglect,(CHINS) and Delinquency), District Court or when a child is a witness. Guardians ad Litem are also appointed in Divorce, Parentage, RFA, Mental Health and Probate cases. Guardians are volunteers. Training is presently provided for guardians who are appointed for children in abuse and neglect cases (in partnership with the National Court Appointed Special Advocate Organization) and in Delinquency cases (in participation with the Public Defender's Office.) Training Curriculum development for Domestic Docket, Mental Health, District Court and Probate Court are future goals but will depend on additional funding being obtained.

Children Coping With Divorce

This is an educational program for parents concerning common problems in families with separated parents and workable solutions. All parties in divorce and parentage cases and post judgment cases involving children's issues must attend this course unless excused by the court for good cause shown. Parents are encouraged to register and attend as soon as possible after filing.

Cost: \$45.00 per parent, unless the court determines otherwise. Course is open to the public.

Justice for Children Task Force

As part of its Justice for Children (JFC) initiative, the Vermont Supreme Court established an interdisciplinary Task Force in December 2005 to bring together those who are in charge of decisions that impact children in foster care. The Task Force is made up of major system stakeholders from all three branches of government. Through collaborative efforts that keep the child's perspective in the forefront, the Task Force's charge is to: (1) Identify systemic barriers that contribute to a child remaining in foster care longer than necessary; (2) Develop solutions designed to remove or reduce the impact of such barriers; (3) Measure the effectiveness of solutions once implemented; and (4) Report back to the Supreme Court with recommendations regarding policy matters.

The Task Force has: identified performance measures to track outcomes; sponsored a statewide conference in 2007 for judges, attorneys, social workers, guardians ad litem and others; and held a symposium for legislators on proposed changes to the juvenile statutes. Currently, its subcommittees are focusing on: (1) measures that will support and improve legal representation of parents; (2) processes to provide for early identification, assessment, and treatment of mental health and substance abuse for parents and children; and (3) identifying and implementing best practices throughout the child protection system.

2008 Juvenile Judicial Proceedings Act

In May of 2008 the Vermont Legislature passed legislation that rewrites the law on juvenile judicial procedures in Vermont. The law will become effective in January 2009 and will have a major impact on the lives of abused and neglected children and youth who are delinquent. Over the course of the past six months, the Judiciary in collaboration with the Department for Children and Families, state prosecutors and public defenders, has been engaged in a major effort to educate all of the major players in the juvenile system to ensure a smooth transition and to maximize the effectiveness of this important legislative reform effort.

Part Eight: Court Response to Crime in the Community

The Chief Justice Task Force on Mental Health and Criminal Justice Collaboration

This interdisciplinary effort resulted in the design and initiation of a statewide strategy to develop a more effective response to individuals with mental illness and co-occurring disorders who are involved with, or at risk of becoming involved with, the criminal justice system. The Task Force has focused on pre-arrest, pre-trial detention, and sentencing. The four areas of focus of the Task Force are: Creating a Criminal Justice Capable System of Care; Integrated Approaches; Alternative Strategies; and Knowledge, Skills and Attitudes. The Task Force developed objectives for each of the focus areas. Strategies have been designed to respect individuals and their rights and to engage the most appropriate, least restrictive community services on their behalf. Strategies will enhance public safety, address the cycle of re-offense, improve the health and quality of life of the individual and community, and make good use of taxpayer dollars.

Adult Drug/Treatment Court Docket Projects in Rutland, Chittenden and Washington Counties

The adult drug court dockets are specially designed court calendars or dockets, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offender's likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and use of appropriate sanctions and other rehabilitation services.

Family Treatment Court Docket Projects - Caledonia County

The family dependency treatment court docket is a juvenile or family court docket in which parental substance abuse is identified as a primary factor in the selected abuse, neglect, and dependency cases. Judges, attorneys, child protection services, and treatment personnel unite with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents the necessary support and services to become drug and alcohol abstinent.

Juvenile Drug Court Docket – Franklin County

The juvenile drug court docket is a docket within a juvenile court to which selected delinquency cases, and in some instances status offenders, where the youth is involved with drugs and/or alcohol are referred for handling by a designated judge.

Mental Health Court Docket in Chittenden County

The mental health court docket is a docket serving individuals with severe and persistent mental illness and co-occurring disorders. Modeled after drug court dockets and developed in response to the over-representation of people with mental illnesses in the criminal justice system, mental health courts divert select defendants with mental illnesses into judicially supervised, community-based treatment.

Integrated Domestic Violence Docket - Bennington County

The IDV docket involves transferring some or all of the family's multiple cases from Family Court and District Court to the same judge, with the goal of expediting scheduling and case resolution for families and attorneys and coordinating orders. The goals of the IDVD are safety for the victims, accountability for domestic violence offenders, and informed judicial decision-making.

Part Nine: Ongoing Programs

Judicial Education

The Vermont Judicial Branch has offered a comprehensive program of Judicial Education for many years. We are known nationally for the high quality of the programs we produce in-state and for the commitment of our judges to participate as skilled faculty presenting well-developed education programs, both in Vermont and, in the case of a number of our judges, at national venues such as National Judicial College.

The Division of Court Improvement and Innovation works in collaboration with Administrative Judge Amy M. Davenport to provide continuous and career-long development of judicial officers through its orientation and mentor programs, attendance at national programs, and regular in-state programs, which includes an annual, week-long, residential Judicial College.

In addition to the in-state programs we produce, including orientation and mentoring for new judges, our annual week-long residential Judicial College, and our annual Family Court Day and District Court Day, we also support and manage grant-funded and scholarship-funded out-of-state education programs for Judges, as well as devote a small budget of general funds to supplement costs not covered by grants or scholarships. All judges are expected to attend Judicial College each year, receiving at least 28 hours of judicial education each year from Judicial College alone. Judges sitting in District and Family Court attend either one or both of District Court Day and Family Court Day.

Employee Education

The Division of Court Improvement and Innovation works with the Director of Trial Court Operations and the Human Resources Manager to enhance the ability of court staff to serve the litigants and users of the court, while promoting the personal and professional development of managers, court staff, and Judiciary administrative personnel. This is accomplished through a series of orientation programs for new employees, ethics and professionalism training, de-escalation training, and instruction on compliance with sexual harassment and ADA policies. Additional programs focus on the implementation of new legislation and rules, court policy and procedure and the use of the Judiciary's automated docketing system.

Personnel Policies

Our Human Resource Department endeavors to provide clear, consistent, rational and fair policies to govern the rights and responsibilities of the employees of the Judicial Branch.

Court Security

Safe and secure courthouses for the litigants, witnesses, jurors, attorneys, judges and court staff are a priority for the Judiciary. All district and family courts now have persons available to provide metal detector screening and other security services. Courts have additional equipment to detect and lower the risk of injury or damage from violent behavior. Court staff have also received training on responding to medical and other emergency situations.

Judicial Ethics Committee

The Supreme Court has created this committee of lawyers and judges to research and provide independent guidance to judges on issues that may violate the Code of Judicial Conduct. The Committee helps ensure that judges operate in accordance with the very high standards of ethical behavior that the public has a right to expect.

Bench / Bar Committees

Judges, lawyers, and court staff in many counties meet together to identify ways of working together to improve court and attorney services to the litigants. Through these routine, informal contacts, new approaches to scheduling practices, jury management, and litigant education are developed.

Boards, Committees and Interagency Task Forces

The Supreme Court has established a number of boards and committees to help it to fulfill its constitutional mandate to exercise disciplinary authority concerning all judicial officers and attorneys at law in the state and to make rules governing practice and procedure in the courts. A large number of judges, attorneys and lay persons meet routinely to advise the court on actions to be taken.

Several Committees advise the court on issues such as access to court records, whether to add or amend the rules that regulate the introduction of evidence, and the procedures to be applied in civil, criminal, family and probate proceedings.

Five quasi-judicial boards and committees help the Supreme Court to fulfill its constitutional mandate to exercise regulatory or disciplinary authority over the state's judicial officers and attorneys:

Professional Responsibility Program

Lawyers must follow high ethical standards established by the Supreme Court in the Rules of Professional Conduct. Lawyers who violate the Rules are subject to discipline. The Professional Responsibility Board was established to provide a comprehensive system of regulation of the legal profession. Its objectives are: (1) to resolve complaints against attorneys through fair and prompt dispute resolution procedures; (2) to investigate and discipline attorney misconduct; and (3) to assist attorneys and the public by providing education, advice, referrals, and other information designed to maintain and enhance the standards of professional responsibility.

The Supreme Court appoints the seven members of the Board and designates the chair and vice-chair. The membership of the Board is comprised of three members of the Bar, three public members and one judge or retired judge of this state.

Judicial Conduct Board

Judges must follow high ethical standards established by the Supreme Court in the Code of Judicial Conduct. The Judicial Conduct Board investigates complaints of Judicial misconduct or disability and recommends any necessary action to the Vermont Supreme Court. Possible disciplinary actions include public reprimand of the judge, suspension for a part or the remainder of the judge's term of office, or retirement of the judge. The Court does not impeach judges. Only the General Assembly has the power to impeach.

The Supreme Court appoints the nine members of the board, and designates the chair and vice-chair. Three members are lawyers, three members are lay citizens and three members are judges.

Board of Bar Examiners

The Board of Bar Examiners examines the professional competence of applicants for admission to the practice of law in Vermont.

The Board administers a two-day examination to recent law school graduates, lawyers who have practiced law in another state for less than five years and individuals who have served a four-year clerkship with a Vermont lawyer. The examination is given twice a year, in February and July.

Applicants for admission who have already passed a bar examination in another state and who have practiced law for at least five years in that state are not required to take the bar examination in order to be admitted to practice in Vermont. However, moral character and fitness are investigated for all candidates.

The Supreme Court appoints the chair, vice-chair and the seven other members of the board. Seven of the members are Vermont lawyers and two are non-lawyers.

The Supreme Court also appoints seven associate examiners. The associate examiners have been Vermont attorneys at least three years prior to their appointment. The chair of the Board of Bar Examiners assigns one associate examiner to assist each member of the board in preparation and grading of the essay part of the semi-annual bar examination.

Character and Fitness Committee

The Supreme Court appoints the five members: one is a judge (either active or retired), two are lawyers and two are non-lawyers. The judge member serves as chair.

This Committee is responsible for an investigation into the good moral character and fitness of all applicants who apply for admission to the Vermont Bar. The purpose of requiring an applicant to have present good moral character is to exclude from the practice of law those persons possessing character traits that are likely to result in injury to future clients, in the obstruction of the administration of justice, or in a violation of the Code of Professional Responsibility.

Mandatory Continuing Legal Education Board

The Board monitors the continuing legal competence of members of the Bar and evaluates policy and procedures to maintain and improve that competence. The board will make a written report each year to the Supreme Court on any recommendations it may have regarding policy or procedures for examining and maintaining professional legal competence.

The Supreme Court appoints the seven members: one is a judge (either active or retired), four are lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the committee.

The Supreme Court also oversees the following on-going activities conducted by the Court Administrator's Office staff that enable all members of the Judiciary to achieve their goals:

Adoption, Modification and Documentation of Procedures, Policies and Protocols; Creation, Maintenance and Distribution of Forms

Office of the Court Administrator staff continuously review, identify and finalize policies, procedures and forms needed to achieve the goals and objectives of the Judiciary. Policies and forms are developed at the appropriate organizational level with maximum input from stakeholders and are continuously reviewed for opportunities to make them more effective and efficient. Forms are maintained by Office of Court Administrative staff and distributed in a timely manner.

Creation, Maintenance and Distribution of Records

Office of the Court Administrator staff provide direction and assistance to trial court staff by creating procedures and public access policies that address the creation, storage, retrieval, dissemination and destruction of all judicial records. These responsibilities are carried out consistent with all public records laws and policies.

Compilation of Management and Statistical Information

Office of the Court Administrator staff compile monthly, quarterly and annual statistical caseload reports for all courts and does special studies such as:

- caseload projections;
- public defender reimbursements;
- legislative initiative impact assessments (pre and post);
- workload studies; and
- caseload studies.

Staff also work with judges and managers to develop outcome measures for programs and projects and then to develop information systems to accomplish those measures.

Maintenance and Control of Equipment

The Court Administrator contracts with numerous vendors for the purchase and maintenance of electronic equipment such as court recording equipment, telephone systems, copiers and fax machines. Staff continually look to improve those systems to provide greater functionality with higher reliability at lower cost. Office staff maintain an inventory of equipment required for insurance purposes.

Over the last fifteen years the Judiciary has incrementally developed a complex and pervasive computer infrastructure. A core function of the office staff is to maintain that infrastructure, upgrading hardware and software components as they become obsolete, maintaining continuity and consistency across the state and over time, while gradually improving the quality and functionality of those components.

Development of Computer Systems

In the District, Family and most Superior Courts, the activities of the court clerk's offices are highly computerized. Those computer systems are developed and enhanced by staff at the Office of the Court Administrator. The Vermont Judiciary Automation Committee, chaired by Associate Supreme Court Justice John A. Dooley, and including four trial court judges and two court managers, determines the priorities for that development. The committee has developed a long term vision for enhancing the use of computers in the Judiciary which has been approved by the Supreme Court.

Audits of Financial Transactions and Recordkeeping

Office of the Court Administrator staff process financial transactions for all programs within the Judiciary. Staff monitor and reconcile the funds appropriated to finance the operations of the court system on a continuous basis. Quarterly audit findings ensure the integrity of financial information. Through a collaborative effort with judicial managers, financial records

are centrally maintained with comprehensive support documents to aid in identifying deficiencies that warrant adjustments and to provide historical information for making decisions in building budgets.

Payments of Bills and Expenses

Office of the Court Administrator staff review, edit and process expenditures generated by activities throughout the Judiciary. Staff work with trial court staff to ensure that bills for goods and services are paid accurately and timely and charged to the appropriate court or program budget. In an effort to maintain a shared responsibility in monitoring budget activity, monthly expenditure reports are provided to court managers as both a communication and planning tool for tracking and allocating financial resources.

Creation and Maintenance of Personnel Records

The Office of the Court Administrator maintains personnel records for approximately 360 Judiciary employees throughout the state. All recruitment of personnel and personnel actions are performed centrally consistent with equal employment opportunity laws. Payroll and benefits are administered within the Office of the Court Administrator and the records are held and later stored as public records. Classification and compensation plans are maintained to insure uniform and consistent practices throughout the Judiciary. All mandatory sexual harassment and ADA trainings are administered through the Office of the Court Administrator. A comprehensive personnel policy is created and maintained through a committee process with recommendations to the Court Administrator.

Facilities Management

The Office of the Court Administrator provides liaison with the Department of Buildings and General Services to meet the facility needs of the Judiciary. This liaison ranges from assisting in the design for the construction of new courthouses and planning renovations to existing buildings to working out custodial and maintenance schedules. The office plans the security for court facilities and establishes standards for systems used in the security plan. The office plans furniture installations and is responsible for purchasing all equipment and supplies for the Judiciary.

Continuity of Operations

Hurricane Katrina and the hurricanes of Florida have taught us the importance of an operating Judiciary after disasters hit. The Office of Court Administrator is working with the State Emergency Management Office to develop Continuity of Operations plans so that judicial services can be delivered after an unplanned natural or public health emergency.

Appendix A: History of the Vermont Court System

The Judiciary was first organized in 1778. Special courts were created with jurisdiction over civil and criminal matters – with the exception of the banishment of Tories for which a superior court was established. These courts were quickly discontinued and that same year the Legislature established a Superior Court consisting of five judges, with Moses Robinson as the chief judge. It convened four times a year at different locations around the state for no longer than one week at each sitting. Justices of the Peace tried disputes of small monetary amount, issued warrants, and heard less serious criminal matters.

The concept of the separation of powers among the three branches of government was not strictly maintained. The Superior Court had jurisdiction over causes in which the matter in dispute did not exceed "four thousand pounds lawful money"; matters involving more than that were heard by the Governor, the Governor's Council and the Legislature. Furthermore, appeals from the Superior Court were heard by the Governor's Council and the Legislature. Members of the Governor's Council sat in for absent judges and, in the 1780's, two people served simultaneously as judge of the Supreme Court and as lieutenant governor.

Although the creation of a Supreme Court and county courts was authorized in Vermont's first Constitution, it was not until 1781 that the Legislature directed that there should be five judges of the county court. The distinction between the county courts and the Superior Court, however, was so confused and the jurisdiction so overlapping that in 1782 the Superior Court was restyled the Supreme Court. At the same time, the powers of the courts were defined and the times and places of their sessions were regulated. In 1781, the first probate courts were organized in the Bennington and Manchester probate districts.

The Supreme Court sat annually in each county and had jurisdiction, as did the county court, over "all matters of litigation of a general character, including the prosecution of crimes and divorce." Some areas of jurisdiction were reserved for the Supreme Court such as title disputes, which was a politically sensitive issue. The Supreme Court also had appellate jurisdiction over matters heard in the county court. A litigant in county court could have four trials; two in county court and, on appeal, two in the Supreme Court, a review being permitted in both courts.

In 1786, the Vermont Constitution was amended to mandate greater attention to the separation of powers. Members of the Governor's Council and others in the executive or legislative branches could no longer serve, at the same time, as members of the Supreme Court.

Vermont became a state in 1791.

In 1797, for the first time, judges were required to write out their decisions and the clerk was required to file them.

In 1825, a major reform of the state Judicial system took place. In an effort to create greater uniformity and equal justice throughout the state, individual Supreme Court justices, on circuit, began to preside over the county courts. The number of Supreme Court justices was increased

and the number of county court judges decreased. The county court judges became "assistant judges" to the presiding Supreme Court justices who served as chief county court judges. At the same time, a reporter of decisions recorded and published decisions so that they were available to all of the judges and precedent took on new importance. Until that time, justice was roughly equivalent to common sense, and earlier pronouncements of courts about similar or identical issues were not particularly relevant.

Now, with the reforms of 1825, one can begin to recognize the Supreme Court as an appellate court. Appeals from the county courts, presided over by individual Supreme Court justices, came to the full Supreme Court.

In 1850, the Legislature created a circuit court. The state was divided into four Judicial circuits with a judge appointed to preside over the courts in the counties within that circuit. A Supreme Court of three justices was authorized; those justices had no duties to perform in the county courts. The Supreme Court continued to serve as a court of appeals.

Then in 1857, the Legislature restored the earlier system. A Supreme Court of six members was established with a Supreme Court justice required to preside in each of the county courts. The number of Supreme Court justices was increased to seven in 1870. This system remained in effect until 1906.

Beginning with the larger cities, the Legislature created municipal courts to hear less serious criminal matters and civil matters. These courts were intended to be superior to the justice of the peace courts but not to compete with the county courts. The first proposal for this type of court was found in the first charter of the city of Vergennes in 1788, although the charter was not accepted by the people of that proposed city. Eventually, one or more municipal courts were founded in each county.

In 1906, the Vermont Legislature went back to the system created in 1850 by establishing a six-person Superior Court bench. The act also provided for a Supreme Court consisting of a chief justice and three associate justices (two years later increased to four). Five terms of the Superior Court were to be held in Montpelier with special annual sessions in St. Johnsbury, Rutland and Brattleboro.

The structure of the court system remained substantially the same until the mid-1960's. Six superior judges continued to preside over the courts in the 14 counties, along with the assistant judges in each county. Over time, most Judicial duties of the justices of the peace were transferred to municipal judges, who by 1967, heard many of the kinds of cases heard in District Court today. Most municipal judges and the probate judges served on a part-time basis. But by the mid-1960's, the litigation explosion had begun and it was clear that inadequacies of the court system had to be addressed. In 1967 the District Court was created to take the place of the municipal courts. This important legislation provided for 10 full-time judges and created an administrative framework, supervised by the Supreme Court, with sufficient authority and flexibility to operate the District Court effectively and efficiently in the face of the rapidly growing caseload. A formal Judicial selection process was instituted with certain objective standards required of applicants to the bench. For the first time, the law required that a judge be legally trained.

The movement to improve, integrate and modernize the Judiciary did not stop with the creation of the District Court. In 1974, Vermonters ratified amendments to the Vermont Constitution which gave to the Vermont Supreme Court administrative authority over all the State courts.

In 1980, in an effort to coordinate the activities of the District and Superior Courts, the Supreme Court and the Legislature created the position of Administrative Judge for Trial Courts. Today, the Administrative Judge assigns judges to the courts and works with the Court Administrator to administer the courts.

By the end of the 1980's, the Legislature recognized that the court structure did not enable the Judiciary to meet the changing needs of Vermonters for judicial services. It created three new trial courts.

In 1989, the Legislature created what is now called the Environmental Court. It gave to the court the authority to review orders issued by the Agency of Natural Resources. It subsequently added appeals from town zoning boards and planning commissions. In 2005, the Legislature expanded the Court's jurisdiction, enabling it to hear appeals from Act 250 district commissions.

In 1990, the Legislature recognized that the District Court, while struggling to find time to hear and decide the growing number of serious felony and misdemeanor filed, was unable to give due attention to the thousands of traffic violations. The Legislature decriminalized these violations and created a new Bureau to resolve them. Since then, the Legislature has increased the Judicial Bureau's jurisdiction to include fish and wildlife, municipal ordinance and other civil violations.

In 1990, the Vermont Legislature saw a need to create a new court in order to ensure that needs of children and families for judicial services receive the attention and priority they deserve. It created the Vermont Family Court and transferred the jurisdiction of all family matters from the superior, district and probate courts into the newly created court.

APPENDIX B: DIRECTORY OF VERMONT JUDICIARY

SUPREME COURT

Supreme Court Justices

Hon., Paul L. Reiber, Chief Justice
Hon. John A. Dooley, Associate Justice
Hon. Denise R. Johnson, Associate Justice
Hon. Marilyn S. Skoglund, Associate Justice
Hon. Brian L. Burgess, Associate Justice

Clerk's Office, 109 State Street, Montpelier, Vermont 05609-0801

Edward McSweeney, Deputy Clerk
Larry Abbott, Reporter of Decisions
Catherine Gattone, Supreme Court Docket Clerk 828-3278

Administrative Judge for Trial Courts, 255 North Main Street, Suite 4, Barre, Vermont 05641

Amy Davenport, Administrative Judge
Vicki Harty, Administrative Assistant 476-4797

Office of Court Administrator, 109 State Street, Montpelier, Vermont 05609-0701

Lee Suskin, Court Administrator..... 828-3278

TRIAL COURTS

Trial Court Judges

Superior Judges

Hon. Robert Bent
Hon. Karen R. Carroll
Hon. William D. Cohen
Hon. Cortland Corsones
Hon. Geoffrey W. Crawford
Hon. Amy M. Davenport*
Hon. Katherine A. Hayes
Hon. David A. Howard
Hon. Matthew I. Katz
Hon. M. Kathleen Manley
Hon. Dennis R. Pearson
Hon. Mary Miles Teachout
Hon. Helen M. Toor
Hon. Howard E. Van Benthuyesen
Hon. John P. Wesley

District Court Judges

Hon. Nancy Corsones
Hon. James R. Crucitti
Hon. Thomas J. Devine
Hon. Theresa S. DiMauro
Hon. Harold Eaton, Jr.
Hon. Brian Gearson
Hon. Ben W. Joseph
Hon. Mark J. Keller
Hon. Michael S. Kupersmith
Hon. Linda Levitt
Hon. Walter M. Morris, Jr.
Hon. Gregory Rainville
Hon. Christina Reiss
Hon. David Suntag
Hon. M. Patricia Zimmerman
Hon. Thomas Zonay

*Administrative Judge for Trial Courts

SUPERIOR COURT ASSISTANT JUDGES AND CLERKS

Addison County

7 Mahady Court, Middlebury, Vermont 05753..... 388-7741

Hon. Frank Broughton, Hon. Betsey Gossens

Clerk: Jo LaMarche

Bennington County

PO Box 4157, 207 South Street, Bennington, Vermont 05201-4157..... 447-2700

Hon. James Colvin, Hon. Wesley L. Mook

Clerk: Betty Loftus

Caledonia County

PO Box 4129, 1126 Main Street, Suite 1, St. Johnsbury, Vermont 05819-4129..... 748-6600

Hon. Roy C. Vance, Hon. William P. Kennedy

Clerk: Kathleen Pearl

Chittenden County

175 Main Street, P.O. Box 187, Burlington, Vermont 05402-0187..... 863-3467

Hon. Elizabeth Gretkowski, Hon. Thomas Crowley

Clerk: Diane Lavallee

Essex County

Rt. 102, 75 Courthouse Drive, PO Box 75, Guildhall, Vermont 05905..... 676-3910

Hon. Allen Hodgdon, Hon. Calvin Colby

Clerk: Angelina Desilets

Franklin County

P.O. Box 808, 17 Church Street, St. Albans, Vermont 05478-0808..... 524-7993

Hon. Teresa Manahan, Hon. Roberta (Bobbie) Allard

Clerk: James Pelkey

Grand Isle County

Courthouse, PO Box 7, North Hero, Vermont 05474-0007..... 372-8350

Hon. Sherri Potvin, Hon. Andrew deTreville

Clerk: Sherry L. Britton

Lamoille County

PO Box 490, 154 Main Street, Hyde Park, Vermont 05655-0490..... 888-2207

Hon. David A. Williams, Hon. Karen Bradley

Clerk: Kathleen Hobart

Orange County

5 Court Street, Chelsea, Vermont 05038..... 685-4610

Hon. Prudence Pease, Hon. Maurice A. Brown

Clerk: Emily Newman

Orleans County

Courthouse, 247 Main Street, Suite 1, Newport, Vermont 05855-5099..... 334-3344

Hon. Robert Goodby, Hon. Benjamin Batchelder

Clerk: Laura Dolgin

Rutland County

83 Center Street, Suite 3, Rutland, Vermont 05701-4039..... 775-4394

Hon. Jean Coloutti, Hon. Marlene R. Burke

Clerk: Therese M. Corsones

Washington County
65 State Street, Montpelier, Vermont 05602..... 828-2091
Hon. Michael Zimmerman, Hon. Barney Bloom
Clerk: Claire Mee

Windham County
P.O. Box 207, 7 Court Street, Newfane, Vermont 05345-0207 365-7979
Hon. Mary Ann Clarkson, Hon. Patricia Duff
Clerk: Richard Carroll

Windsor County
12 The Green, PO Box 458, Woodstock, Vermont 05091-0458..... 457-2121
Hon. William Boardman, Hon. David Singer
Clerk: Jane Ammel

DISTRICT COURT MANAGERS

Addison Circuit
7 Mahady Court, Middlebury, Vermont 05753..... 388-4237
Manager: Carl Epperson, Jr.

Bennington Circuit
200 Veterans Memorial Drive, Suite 13, Bennington, Vermont 05201..... 447-2727
Manager: Mary Frost

Caledonia Circuit
1126 Main Street, Suite 1, St. Johnsbury, Vermont 05819 748-6600
Manager: Kathleen Pearl

Chittenden Circuit
32 Cherry Street, Suite 300, Burlington, Vermont 05401
General Information..... 651-1800
Criminal Docket 651-1950
Manager: Christine Brock

Essex Circuit
Rt. 102, PO Box 75, 75 Courthouse Drive, Guildhall, Vermont 05905-0075..... 676-3910
Manager: Angelina Desilets

Franklin Circuit
36 Lake Street, St. Albans, Vermont 05478 524-7997
Manager: Gaye Paquette

Grand Isle Circuit
PO Box 7, North Hero, Vermont 05474-0007 372-8350
Manager: Sherry L. Britton

Lamoille Circuit
154 Main Street, PO Box 489, Hyde Park , Vermont 05655-0489..... 888-3887
Acting Manager: Cathy Wilson

Orange Circuit
5 Court Street, Chelsea, Vermont 05038..... 685-4610
Manager: Penelope Carrier

Orleans Circuit
217 Main Street, Newport, Vermont 05855..... 334-3325
Manager: Tina de la Bruere

Rutland Circuit
9 Merchants Row, Rutland, Vermont 05701..... 786-5880
Manager: Laurie Canty

Washington Circuit
255 No. Main Street, Suite 1, Barre, Vermont 05641 479-4252
Manager: Carolyn Hutchinson

Windham Circuit
30 Putney Road, Suite 2, Brattleboro, Vermont 05301-2945..... 257-2800
Manager: Ann Patterson

Windsor Circuit
82 Railroad Row, White River Junction, Vermont 295-8865
Manager: Theresa Scott

FAMILY COURT

Family Court Magistrates

Hon. Shelley Gartner
Hon. Mary Gleason Harlow
Hon. Barbara Zander
Hon. Martin A. Maley
Hon. Christine Hoyt

FAMILY COURT MANAGERS

Addison County
7 Mahady Court, Middlebury, Vermont 05753..... 388-4605
Manager: Carl Epperson, Jr.

Bennington County
200 Veterans Memorial Drive, Suite 4, Bennington, Vermont 05201-0004..... 447-2729
Manager: Mary Frost

Brandon Circuit
c/o Rutland Family Court, 9 Merchants Row, Rutland, Vermont 05701 786-5856
Manager: Laurie Canty

Caledonia County
1126 Main Street, Suite 1, St. Johnsbury, Vermont 05819 748-6600
Manager: Kathleen Pearl

Chittenden County
32 Cherry Street, Suite 200, Burlington, Vermont 05401
General Information 651-1800
Domestic Docket 651-1805
Juvenile Docket 651-1708
Relief from Abuse Matters..... 651-1809
Manager: Christine Brock

Essex County
Route 102, P.O. Box 75, 75 Courthouse Drive, Guildhall, Vermont 05905-0075..... 676-3910
Manager: Cynthia Mundell

Franklin County
36 Lake Street, St. Albans, Vermont 05478 524-7997
Manager: Gaye Paquette

Grand Isle County
Grand Isle Courthouse, P.O. Box 7, North Hero, Vermont 05474-0007 372-8350
Manager: Sherry L. Britton

Lamoille County
154 Main Street, P.O. Box 489, Hyde Park, Vermont 05655-0489..... 888-3887
Acting Manager: Cathy Wilson

Orange County
5 Court Street, Chelsea, Vermont 05038..... 685-4610
Manager: Penelope Carrier

Orleans County
247 Main Street, Suite 1, Newport, Vermont 05855-5099..... 334-3305
Manager: Laura Dolgin

Rutland County
9 Merchants Row, Rutland, Vermont 05701..... 786-5856
Manager: Laurie Cauty

Washington County
255 N. Main Street, 2nd Floor, Suite 3, Barre, Vermont 05641 479-4205
Acting Manager: Elizabeth Aiken

Windham County
30 Putney Road 1st Floor, Brattleboro, Vermont 05301..... 257-2830
Manager: Sharon Annis

Windsor County
82 Railroad Row, White River Junction, Vermont 05001 295-8838
Manager: Theresa Scott

ENVIRONMENTAL COURT

Environmental Judges
Hon. Thomas Durkin
Hon. Merideth Wright

Vermont Environmental Court
2418 Airport Road, Barre, Vermont 05641..... 828-1660
Manager: Jacalyn M. Fletcher

JUDICIAL BUREAU

Judicial Bureau Hearing Officers

Hon. Michael Pratt
Hon. Charon A. True
Hon. Rita Flynn Villa

Vermont Judicial Bureau

82 Railroad Row, PO Box 607, White River Junction, Vermont 05001 295-8869
Manager: Gabrielle Lapointe
Deputy Manager: Gail Barnaby

VERMONT PROBATE COURTS

Probate Judges and Registers

Addison District

7 Mahady Court, Middlebury, Vermont 05753 388-2612
Hon. Eleanor Smith, Esq.
Register: Maureen Mulligan

Bennington District

207 South Street, P.O. Box 65, Bennington, Vermont 05201 447-2705
Hon. Doris S. Buchanan
Register: Debbie J. Briggs

Caledonia District

PO Box 406, St. Johnsbury, Vermont 05819 748-6605
Hon. Ernest Tobias Balivet, Esq.
Register: Pam Comeau

Chittenden District

PO Box 511, Burlington, Vermont 05402-0511 651-1518
Hon. Susan Fowler, Esq.
Registers: Judith Joly and Debra Brunell

Essex District

PO Box 426, Island Pond, Vermont 05846-0426 723-4770
Hon. Allen Hodgdon
Register: Fay Moore

Fair Haven District

3 North Park Place, Fair Haven, Vermont 05743 265-3380
Hon. Christopher H. Howe, Esq.
Register: Sheri C. Brown

Franklin District

17 Church Street, St. Albans, Vermont 05478 524-4112
Hon. Lawrence H. Bruce, Jr., Esq.
Register: Mary T. Wright

Grand Isle District
PO Box 7, North Hero, Vermont 05474-0007 372-8350
Hon. Linda Petry Effel, Esq.
Register: Sherry L. Britton

Hartford District
PO Box 275, Woodstock, Vermont 05091 457-1503
Hon. Joanne M. Ertel, Esq.
Register: Donna Pearsons

Lamoille District
PO Box 102, Hyde Park, Vermont 05655 888-3306
Hon. James R. Dean Mahoney, Esq.
Register: Doreen Blake

Manchester District
PO Box 446, Manchester, Vermont 05254-0446 362-1410
Hon. Sally Cook, Esq.
Register: Louise Stover

Marlboro District
Professional Building, 80 Flat Street, Suite 104, Brattleboro, Vermont 05301 257-2898
Hon. Robert M. Pu, Esq.
Register: Richard Gale

Orange District
5 Court Street, Chelsea, Vermont 05038-9746..... 685-4610
Hon. Bernard Lewis, Esq.
Register: Marilyn B. Newman

Orleans District
County Courthouse, 247 Main Street, Newport, Vermont 05855 334-3366
Hon. John P. Monette, Esq.
Register: Lorraine Gray

Rutland District
P.O. Box 339, 83 Center Street, Rutland, Vermont 05701..... 775-0114
Hon. Kevin B. Candon, Esq.
Registers: Susan Burnett and Nanette Z. Weir

Washington District
10 Elm Street #2, Montpelier, Vermont 05602 828-3405
Hon. George K. Belcher, Esq.
Register: Donna K. Murray

Westminister District
P.O. Box 47, Bellows Falls, Vermont 05101 463-3019
Hon. Edward M. Goutas, Esq.
Register: Judie Lidie

Windsor District
Cota & Cota Building, Route 106, PO Box 402, North Springfield, Vermont 05150 886-2284
Hon. Sarah E. Vail, Esq.
Register: Brenda S. Neronsky

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