

Notes for 4/27/09 Focus Group  
Court Manager College  
4<sup>th</sup> Floor Library

Facilitator: Dan Hall  
Note taker: Arlene Hanson  
Commission members present: Hon. Denise Johnson  
Guest: Robert Paolini (for morning session only)

General Introductions  
Ground Rules given

Dan Hall reviewed the principles with the group.

Dan Hall asked the group to consider supposing when answering the following questions that “Business as usual is not possible”.

When answering the questions, please consider whether or not there is a way to do things centrally, regionally, locally, or electronically.

**Question 1, Part 1:** If small claims, magistrate matters and traffic court were heard centrally, what would be the impact to litigants? Cost?

Pro Se litigants would be adversely impacted because of geographic and economic barriers. They might not have a car, so travelling to another part of the state might be difficult. Also, to travel farther costs money. Not sure that for small claims, they would want to travel far. Small claims might work better regionally rather than centrally. Some thought that small claims should stay locally because the litigants require a lot of assistance.

Also, there was concern with small claims being done centrally or regionally about the availability of mediation.

If traffic done centrally, there might be an impact on the officers and cases. To travel longer distances would cost municipalities more and is more inconvenient for them, so they might not believe it is worth it to allow an officer to go. Therefore, if the litigant shows up at traffic court and the officer doesn't, the litigant would get out of the ticket, but he/she might be upset at having to travel the distance too.

Changes like these, might effect other state agencies, like OCS (magistrate matters).

Documents for small claims, magistrate matters, and traffic court would need to be available electronically (phone, fax, computer, etc.). Self-service kiosks in local communities might work. Electronically can access from anywhere (library, home, etc).

Central filing, hearings local.

**Question 1, Part 2:** If there were 2 regional trial courts equipped with the technology for advanced evidence presentation, hearing complex trials regionally, what would the impact be? Savings, etc.

Several people raised the concern about pulling people from the same jury pool over and over again. Are a jury of your peers, suppose to come from your own county? How would this happen?

Questions were raised about the facility and equipment needed. We couldn't afford to do this kind of equipping for more than 2 courts.

It probably would improve services for complex cases.

Everyone (state's attorneys, defenders, attorneys, etc) from county would go with complex case to specialized courts. It would bring small courts to a halt. (It was pointed that this happens currently.)

Attorneys might like it.

This type of offering might be viewed as added services.

**Question 1, Part 3:** Can central or regional jury pool set up improve operations? Create savings?

Yes, many believed that jury pool set up should be centralized. For the selection process, you could base pool upon addresses. However, for the process of being relieved from jury duty, the person should contact their local court. Some people believed that potential jurors need to communicate with someone that they'll be seeing at the trial. Centralization of jury pool set up would be a big savings in time, freeing up people in courts to do other things.

**Comments about question 1 in general (agree/disagree):**

Superior Court collections and foreclosures take up a lot of time.

Small claims & traffic regional okay.

Need criteria for centralization & regionalization.

Need to keep focus on litigants.

Filing things centrally with regional hearings.

Assistant Judges part of system may need to utilize them more. They need training and oversight.

No Assistant Judges.

Public service piece needed locally.

**Question 2:** Technology cost effectiveness, accessibility. What do you think about the technology?

Filing documents centrally, actually location doesn't matter electronically. Response is immediate. Could do in kiosk style?

We will need to invest in the equipment.

Vcase has e-filing component. Vcase is causing us to review processes and streamline processes. It will change people's work.

We may need to train the litigants on using the electronic.

Could be intimidating to some litigants? This would alter the perception of access to justice.

Consistency would be needed statewide.

Video arraignments opens lot of questions – like what happens if the system is down? What backup would be in place? Also, agreed that staffing and security savings would probably be achieved. Other areas video conferencing could be used: PCR, habeas corpus, TPR.

**Comments on question 2:**

Leery of video conferencing.

Standardized procedures would be good; strong business rules, too. Consistency needed.

You would need to get buy in from the judges.

**Overall comments, so far:**

Trying to take small claims out of the counties is not a good idea.

It was suggested that the public who use the courts need to be asked before changes made.

**Question 3:** What can be done to allow more flexibility of judicial resources?

**Part 1:** If all court staff were under the supervision of the Court Administrator's Office, what would the impact be on court services? If there were no county employees?

It would cost the state more.

We could utilize employees more efficiently, effectively.

The current system creates inequity between state and county workers (differences in pay and benefit packages). This creates tension among workers. Often caseload differs for workers, too. It would make it easier to manage if all the same.

Alignment would make system more cohesive.

There are differences between state & county technology, too.

We would have unified court system in ideal world.

We need to remember that the personalities and characteristics change from county to county throughout the state. Requires a specific skill set to make this work.

**Part 2:** If all cases heard by law trained judicial officers, what would impact be on the courts, the court staff?

Assistant Judges are elected. They do not necessarily have legal training. There is no oversight of these judges. Oversight and accountability needed.

If all were law trained, it would be more efficient and cut down on appeals.

Litigants may not be aware of the lack of legal training.

**Part 3:** If all court Staff were cross-trained on all dockets, what would the impact be?

It would be more efficient. More is needed than cross-training, need the ability to loan people with the required skill set. Open case & hearing set are similar; this is an area where you could cross-train.

Some were not sure that cross-training in specialized dockets was the answer.

You need to sort out constant, repetitive tasks like entries and centralize them.

Some courts are not on VTADs, so difficult to cross-train in those courts. Vcase may change that.

**Comments:**

At odds, cost effective & better service to public.

We'll never be completely paperless.

Continuity needed state wide. Also, less paperwork needed. Protocols and practices should be consistent state wide.

Parallel track: Vcase and Commission's recommendations.

**Question 4:** Is there a way to hear different types of cases in different courts to improve efficiency?

**Part 1:** For example, part of Probate Court moved to Family Court and another part of Probate Court moved to Superior Court. What would the impact be?

There is not enough time to do everything now, adding more will slow the system even more without additional staffing (including judges).

Someone suggested a separate court for juvenile matters.

Combining dockets would depend upon the county; some counties are more litigious than other counties.

It might be cost effective.

A suggestion was made to do TPRs and juvenile regionally.

A clarification was made that Probate Judges would be available as part of the pool of judges.

Registrars have other work they do.

**Part 2:** If Environmental court was reassigned to other courts, what would the impact be?

It would have an impact on state agencies (cost wise). The current court offers more efficiencies for other agencies.

Environmental cases involve a lot of judge time, not necessarily trial time. There are many summary motions filed.

Not sure that moving the environmental court to other courts is a good idea. You would need judge buy in.

**Comments on Question 4:**

Probate could be absorbed by other courts. Probate would be easier to absorb than Environmental.

You need to know the workload to be able to assign resources.

No easy answer.

Probate operations need to be reviewed. Not sure we know enough about Probate to know whether Probate duties could be absorbed by other courts.

Absorbing more work is bad idea if more resources (especially people) do not come with the duties.

There would be training of the public involved with these changes.

No oversight of Probate judges; waited over 2 years for judgment.

**Final Comments:**

Many participants agreed that consistency throughout state courts needed.

Probate should be looked at for consolidation.

In making any decisions, people need to recognize that there are regional differences in the character and personality of constituents.

Accountability and oversight are important.

The value of the assistant judges and their role should be reviewed.

If additional work is added, then additional resources to do that work are needed.