

**Court Clerks and Managers Focus Group
Neal Rodar, Chief Justice Reiber**

General questions

Q. Was the survey distributed to docket clerks, etc.?

A. We are continuing to reach out to people within and outside of court system. It will eventually be sent to everyone, but it may be slightly modified.

Q. The survey appears to have undergone changes from what we were asked to respond to.

A. The summary of responses is just court managers/clerks summary of responses. The NCSC summarized the information and will give the feed back to the Commission.

Q. Will we see the results of all surveys?

A. All results of the surveys will be public.

Q. What is the timeline?

The timeline is starting today. Focus groups will be held again tomorrow (April 28) for the probate and assistant judges. A focus group will also be held the first week in June at judicial college for the judges. Regional bar association meetings are being organized by the VBA. In addition, focus groups are anticipated for the public defenders, states attorneys, and combined state agencies. The plan is to finish the outreach by the end of July and to report back to the full Commission by Sept.

Questions for Focus Group

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

If small claims, magistrate and/or traffic court matters were to be heard centrally or regionally, what would be the impact o the costs to litigants in those cases? If matters were heard centrally –Is it a good idea? Is it practical?

- Vermont is a rural state – it is a big issue to get to courts; a huge burden; many people don't have reliable transportation. Vermont does not have mass transportation
- Relax rules for people to participate by phone; videoconferencing
- Practicality with respect to transportation issues
- Caseload management may crumble
- Public defenders are already overworked

- Concerns about satellite – technology has not lended itself well to this so far
- It doesn't serve the public well
- Small claims mediators have been very successful – people don't resolve cases unless they are face to face --This will result in more judge time
- Not district or family cases – but might work with small claims
- Small claims docket has tripled over last year – much attributed to credit card debt
- Two courts (Environmental and Judicial Bureau) are already centrally located. Start with those two courts; both civil dockets – start with phone and video hearings.
- Bulk of small claims cases are pro se
- Litigants feel that they have not gotten their point across until they personally see the judge.
- Human contact has a value.
- Attorney is vital in a district court cases and family court matters.
- Family court – we waste so much court staff time because parties stipulate at the last minute.
- Institute rule changes to make attorneys to put their feet to the fire and do things sooner than later
- People (litigants, attorneys) run the court --- not us.
- Lawyers are not helpful in small claims, but mediators are. Lawyers tend to make it more controversial.
- Make mandatory mediation in every case.
- Some parties don't want to mediate – they want to see a judge.
- Small claims is designed for the lay person; having attorneys would detract from the purpose
- Some counties have not had good luck with mediators
- Regionalization should be explored.
- States that have most success with videoconferencing have the attorney present with the defendant.
- Traveling Court for small claims actions only.
- Concern about loss wages for people who are traveling to and from cases. Rather than a couple of hours to go to court, it could result in full day of lost wages.
- We can't afford to be everyone for everybody. The court is serious business. Public needs to treat us more seriously. We need to require more from people. If you are going to court, it is serious business.
- Loss of integrity by *pro se's*

If regional trial courts were equipped with technology to support advanced evidence presentations and if all complex trials were to be heard in such regional courts, what would be the impact on court operations, court services, and costs to litigants?

- New case management system will be of great benefit
- Better technology such as scanning – but we are a long way from that.
- If we are going to use technology – it needs to be properly supported. Courts need proper support.

- Better utilize shared drives
- Better utilization of technology so that courts can help other courts. RIS needs to turn on different permissions and provide training.
- New VCase will solve a lot of these problems.
- A lot of time is spent answering telephones
 - i.e., people asking if they are supposed to be in court.
 - Silly questions that could be answered through an automated system.
 - Not particularly user friendly but in budget times we need to consider.
- Record checks should be able to done centrally.
- Paying jurors
- Centralized pay for call in pay
- Credit card payments
- Don't have proper technology – not enough speaker phones.
- Need to have the basics in place; for EVERY Court.
- Need a Uniform Record System
- Basic upgrade is needed so that all technologies can be taken advantage of.

Can a central or regional jury pool system be “run” centrally and improve the efficiency of court operations?

- Yes
- Look at the federal model
- Depersonalize could be a positive
- Triage cases as they come in door
- Distinguish between complex vs. standard cases
- Develop benchmarks to designate a complex case
- Allocate resources differently based on type of the cases
- You don't want to impact jurisprudence
- Concentrate resources on cases that really need it
- Use Floating judges with staff to go with it

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

If the Judiciary invests in equipment that would permit notices, complaints, petitions, etc. to be filed electronically, what would be the impact on court operations, court services, and litigant access to the courts?

Big benefit

- Need to look at *pro se's*
- Generational move; we may be surprised how many people may take advantage of it.

- Potential problem: Cell service not available in all parts of state; some people no longer have landlines
- Huge infrastructure investment
- Model VCase is going in that direction
- Make more use of email rather than making phone calls
- Need Uniform procedures from court to court

Would court's staff ability to work from one location and electronically access court files assigned to another location improve judicial operations?

- If it is all on the computer, yes. If file is paper, no
- With VCase scanning capability
- Central location for credit card payments for record retrieval, copies of documents, filing fees, etc.
- Public records being scanned after cases are closed. Make record retrieval much easier. Bankruptcy Court now sends a disk of the file.
- Could apply to transcript requests too.
- Problem: Some superior courts are not part of the state system because the assistant judges said no.

If the Judiciary established statewide arraignments via video technology, what would be the impact on court operations, court services, partners in the justice system, and due process for those accused?

- Depersonalizes
- Need defense and state's attorney there in person with the parties and perhaps **the judge on video**
- Use acting judges for arraignments
- Put judge on video – everyone else in person
 - Save a lot of judge time; couple of judges would handle arraignments; rotate judges to avoid burnout
 - Misdemeanor arraignments – probably not felony arraignments
- Huge influx of mentally ill people going through court system (Up 200-300%)
- Would require less time judge actually needs to be face to face; more efficient use of judge time;
- Save \$ on security; (family members usually show up for arraignments resulting in a very scary heightened emotional time because crime is fresh

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

If all court managers, court clerks and court staff were state employees under the supervision of the Court Administrator's Office, what would be the impact on court services and court operations?

- Eliminate assistant judges and use money saved to hire law-trained judges
- Dangerous path – assistant judges not law trained.
- Eliminating assistant judges would help county structure – there have been some off-the-wall assistant judge decisions
- Salaries are not consistent among staff from county to county
- Assistant judges shouldn't hear cases because they are not law trained
- Decision making not being backed up by proper fact finding
- There have been incidents of requests to staff to assist assistant judges in fact-finding
- There is a place for assistant judges, but not necessarily on the bench.
- Political issue because assistant judges are elected not appointed
- Don't need assistant judges in family court;
- There is a place in the county for them but to do more administrative work, but not on the bench
- It is intimidating to *pro se* litigants to see three judges robed on the bench
- There is disparity on how assistant judges manage counties (varies from county to county)
- Find ways to better utilize assistant judges;
- Never have a chance again to utilize this situation to try to change the Constitution. From a political perspective, we may not be able to totally eliminate assistant judges
- Assistant judges timesheets -- not accountable to anyone
- Public does not understand the difference between the assistant judges and the trial court judge
- Assistant judges should have no role in family court
- Assistant judges are not present in the building every day; the position is ego based; more work for court clerk
- This is extreme times – time may be right

If all court staff were cross-trained on all dockets, what would be the impact on efficiencies, workloads, court services, access to justice, etc.?

There is a huge merit to cross training staff

- It would be more equitable and fair to staff
- Most of the time cross training works well, if employees are either all county or all state; however, when some are supervised under union contract and others in the same office are not
- There is currently a disparity amongst counties

If all cases were all heard only by law-trained by judicial officers, what would be the impact on efficiencies, workloads, court services, access to justice, etc.?

- Assistant judges do not have basic knowledge of ethical boundaries
- Type of service we are delivering – it is not all about the money; it is a court system – access to justice
- Eliminating assistant judges may cost us \$ in the short run
- Assistant judges may be appropriate for traffic court cases
- If that is the political compromise, then okay
- Assistant judges need to pass a test for traffic court cases

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

If part of the Probate Court's current jurisdiction were to be assigned to Family Court and part of its jurisdiction were to be assigned to Superior Court, what would be the impact on efficiencies, workloads, court services, access to justice, etc.?

- Without central resources, you are just moving it around again.
- Infrastructure needed.
- You wouldn't need as much staff to support caseload
- VCase will help facilitate the shift
- Technology role vital
- Public is confused about court type
- Political issue because probate judges are also elected

If the jurisdiction of the Environmental Court were to be assigned to Superior Court, what would be the impact on efficiencies, workloads, court services, access to justice, etc.?

- Environmental court is a good court; but resources should be equitable
- Don't need Environmental Court
- Act 250 cases involves a lot of work; cases are long
- Impact on absorbing environmental cases into superior court would bog down the docket
- Environmental Court is using other court's courtrooms so that attorneys don't have to travel, etc.
- Civil Suspension cases and DUI and non-felony cases

FINAL Wrap up --One Thing that should be prioritized on the Mission Statement

- **Technology** to cross-train, central or regional; updated technology
- Updated **technology** across the system
- Culture that exists now-- a fear of losing job during reorganization; personal achievement
- **Not losing sight**
- **Staff courts fully** – look at what it takes to run a court adequately and then look at whether there are new programs, initiatives, etc. First start with the basics and meeting those staffing needs without overburdening.
- **Technology** will have the bigger impact to help design a unified court to make us a truly uniformed court system – all courts under one system and one control
- **Technology** – equalizing court loads. Distinguishing who has responsibilities for cross training
- **Technology** and adequate staffing. Technology may not result in fewer staff.
- **Technology** - adequate equipment; centralized help to help staffing at other courts
- **Technology**; equity is important.
- Superior court employees not open to options, discussions, etc. because they are convinced they will lose their jobs; superior.
- **Technology** – centralize – need technology first and foremost.
- **Technology** to make us more efficient than we are now; not in favor of unified court system. Supports unified pay scale for superior court employees
- Case system that everyone shares in
- **Technology** will open doors; we need to make sure that we are **adequately staffed**. We can't do our jobs because we not adequately staffed and technology will help us to do job better. **Staff education** and **communication** within the judiciary is important.
- **Technology** and **Unified Court** to realize economies; Cross-training; you need to have the tools and one system; reallocate responsibility using technology.
- We need **time** to get through this process. New technology does not generate less people, but the ones we have, we can better utilize.
- Rumor mill is rampant. Need to communicate with staff.

Comments by Chief–

- Work on clear communication; more clearly defined structure that we see we are moving towards. *We have not yet identified that structure.*
- Wiser spending of the dollars available – *not necessarily less money.*
- Avoid duplication, waste; we can do a better job in coordinating our efforts (incorporate a process that would involve input from court staff)
- We will not find a perfect solution to the problem we have now. When we do arrive at a solution, we will continue to tweak and tweak and tweak
- Need one judge/one court
- Focus on regionalizing court services
- It is damaging to do a % cut in workforce; we need to see where we need people; let's find out where there may be a surplus of personnel and where there is deficit
- We need a lean and mean and very nimble system

FLIP CHART NOTES

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

A. Matters Heard Regionally/Centrally? Idea Good, Practical? (only for some types of cases

- Vermont is a rural state – travel burden (costs? Lost wages, etc.)
- Need video sites, “other” access
- Video conference in Bennington – need better equipment – concerns about quality of service
- Face to face (best for small claims) is better to resolve – phones present issues
- Not all in favor of regionalizing county courts
- Try to centralize Judicial Bureau or Environmental Court as “test” model
- Human Contact has a value of being heard
- Need rule changes for attorneys (court should run the court!)
- Look at stages in case to determine what’s important
- Mediators are critical in small claims (should make this mandatory!)
- Small claims designed for the layperson, no need for mandatory attorney
- Should explore regional option along with transportation options
- Attorney located in Correctional facility – a culture change
- How about traveling court for small claims
- Remember to present the court as serious business

B. Technology Impact

- VCase
- Scanning
- Electronic Notices
- All of the above Help!
- Need proper support with technology
- Need to better utilize court shares (U Drive)
- Job share more so courts can help each other
- Automated phone message system for frequent questions and answers
- Centralize record checks – use fees to pay staff position
- Centralize Vision Deposits
- Use Spaceship Phones as **Standard** equipment with proper protocols
- **Uniform** records management using technology
- Superior courts feel behind

C. Central/Regional Jury Pool System

- Possible – yes 😊

- Current labor and paper intensive
- Feds are doing it – Feds provide “Elf” machines
- May set trend for regional trials? Mixed reactions from Group :⊕
- Need high tech equipment for some trial courts (use the fed model)
- Cases may travel on different tracks (some settle immediately, some are complex)
... concentrate resources appropriately

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

A. Impact because of electronic filing equipment – VCase is our model

- Big benefit, more of a norm in society, sign of the times
- Need to look at *pro se*'s, other case types too
- Public access
- Huge infrastructure investment
- Email is standard ... makes work easier (needs a proper protocol)

B. Electronically work from multiple locations

- Must be on computer and not just paper form
- Customer service may suffer – access and quality
- Credit card payments for record retrieval plus look to centralize
- Put public records on disc storage and create a central database
- Need consistency: not all superior courts are on state system (Some assistant judges said no because of cost) not true with VCase

(A and B above; UNIFORM SYSTEM TRAINING AND PROTOCOLS)

C. Statewide Arraignments via video technology

- Should not be centralized
- Need attorneys present
- Centralize judge and hold trial at the court location
- A Video judge saves transport and judge time! One or two judges – not 14 or regional judges
- Mental health cases going up; many parties involved

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

All Court staff state employees; role of assistant judges

- Eliminate assistant judges and hire real judges (assistant judges are not law trained)
- Assistant judges may have a proper place in doing good things for the county superior courts
- No need for assistant judges in family court
- Some say assistant judges helpful; problematic for litigants
- “Unfair” politics??!! Influence actions and decisions
- Assistant judges should not act as a magistrate
- Some assistant judge qualifications and behaviors are not par with presiding type judges
- No need for judge to sit with two assistant judges
- May be a public benefit to have an elected lay person on bench; need to ask the public!
- Scary to think assistant judges make important decisions
- Assistant judges intended role was research
- Assistant judges not always engaged in the works of the court – perception is more good ole boy network
- Time is right to change move away from assistant judges

A. All court staff, state employees, supervised by CAO?

- Helpful for sharing resources
- Opportunity for cross-training
- Allows equitable compensation and benefits
- May result in some job eliminations
- Need to eliminate personnel management conflicts – one system to serve all

B. All Cases heard by law-trained judicial officers

- Needed! *Pro se's* don't know when to appeal
- Real judges = better product
- Quality vs. \$\$\$\$
- Assistant judges for traffic hearings? Most not in favor; some see a role for assistant judges here

C. All staff cross-trained on all dockets

- Careful! Dockets (some) are very specialized
- Need training to become part of normal workflow
- Helps cover absences

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

A. Probate assigned to family and superior

- Needs infrastructure change
- Technology role vital
- Positions may shift where needed based on caseload
- Caseload analysis may provide answers to staffing needs
- VCase will help facilitate the shift
- Public is confused about court types, pieces of a case travel between courts
- Removing “elected” officials may be a problem with the public

B. Environmental Court Assigned to Superior

- It belonged to superior years ago
- Good thing with lots of resources!
- Some say not needed
- Current environment may warrant the need for this specialized court
- Keep hearings in Berlin and not in other court locations

One Thing that should be prioritized on the Mission Statement

2. Updated Technology across the system

1. Culture that exists now and fear of losing job during reorganization – keep sight of values (education experience)

3a. Staff courts appropriately, then look at programs

2. Technology will have the biggest impact to help design a unified court system . . . economies will be realized

2. Technology and cross-training to create efficiencies

2. Technology and adequate staffing is a priority

2. Technology can lead to staff sharing

2. Technology and Equity: communication has not been sufficient enough to reduce fear of job loss –this has created a closed-mindedness.

2. Technology needed to move court system into the future

2. Technology for efficiency is important. Regionalization is a good idea . . . uniform pay system is needed; state governs how counties process cases; difference is state’s view of counties

2. Technology and adequate staffing; staff education and communication is important

2. Technology and unified courts to realize economies of scale. Centralize major functions . . . leads to a better product;; need one system; one team . . . creates cross-training; reallocate responsibility using technology

***Need clear communication about movements in court structure; i.e., options and alternatives resulting in wiser spending to reduce duplication and waste

***New court structure needs annual review – tweeking toward optimum

***Need one judge/one court (multi-functional)

***Need regional support services (payroll, finance, contractual agreements, etc.)

***Damaging to do a % cut in workforce – eliminates flexibility

***Swat team may be a mobile resource for all courts

***Judiciary is fighting legislature to prevent train wreck

Side Comments:

This needs **TIME** or we will have a crisis

Technology does not necessarily reduce number of positions

Solid, consistent communication critical to reduce fear of change