

Court Partners - Family Court Group July 21, Morning

Vermont Commission on Judicial Operation Focus Group Meetings

Facilitator: John Douglas

Note Taker: Elise Milne

Mr. Douglas opened the meeting by emphasizing that the point of the exercise was to allow everyone to voice his or her concerns and opinions; to inform the Commission of the various points of view within the system. He urged the group to think of the meeting as an open discussion. He asked the group to think of everything, including statutory changes. He then asked the group to go around the room and introduce themselves, and one or two concerns they wanted to be discussed.

The concerns mentioned were:

- The inconsistency between different courts, and the issue of the inconsistency in the reading of the law across the state
- Timeliness in the Family Courts
- Efficiency of scheduling in the courts
- The way cases are processed; the individual felt that every hearing should result in some type of resolution
- Exploring the possibility of opening courts in the evening, and making it easier for clients to appear in court
- Examine the way the court dispenses waivers versus subsidies of fees
- Issues surrounding multiple courts being involved in the same case
- How long cases can take
- Client education
- Consistency of procedure across the courts system
- Examine the possibility of a one case-one judge model

Mr. Douglas asked the group to consider all changes, not only ones which might lead to great fiscal efficiency, but also ones that might benefit the system and make it more just. He also briefly discussed the NCSC; its history and its purpose. He continued with the four questions.

Question 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?

One individual felt that if the judges were centralized, and dispensed to travel across the state as they were needed it might be beneficial. They also felt that this might foster a beneficial centralized schedule.

The group did not feel that regionalization would benefit their clients. They emphasized the importance of maintaining local availability of justice.

The group felt that the regions and districts of Family Courts should be aligned.

Question 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?

The group felt that it is not always necessary for them to travel to court. A few technologically advanced courtrooms with the ability to video conferencing could remedy this. This way they wouldn't be constrained by where the judge is; they could wait and work in their offices until the judge was ready; although, they did caution of the importance of the maintenance of face-to-face interchange in the courts.

An individual felt that technology could be useful in analysis. They would like to see some statistics on how various case types are managed in the system.

The group was concerned that not all of their clients have access to technology.

They felt that information kiosks in the courts might be problematic for the average Vermonter.

They were concerned that assuming clients could use the computers in their local library might bring up issues of confidentiality.

An individual felt that a system which would act almost like a reservation system could be put on-line for the courts.

An individual felt that payment of fees could easily be put on-line.

An individual felt that the judiciary website could be updated. They could post pod casts and videos to explain things to people.

The group felt that a better-informed public, which would result from such a sight, would lead to a smoother running system.

The group felt that documents being put on-line so that they would not have to bother staff would be very beneficial. Although, some in the group were worried about the confidentiality issues this would create.

An individual pointed out that a centralized, electronic scheduling system could send people reminders when they were scheduled; this could prevent so many no-shows. The individual felt that no-shows due to lack of awareness is a huge problem in the system.

Question 3:20What 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?

The group felt that a judge following a case despite rotation could be beneficial, but the benefits could be very judge specific.

An individual put forward the notion of possibly adopting the Superior Court's process of determining high-end cases complex, and thus sticking with the same judge, in the Family Courts.

It was felt that extending the judge's rotation term in Family Court might make sense. The group felt that a standardization of protocol in the various courts around the state would benefit everyone.

The group felt that issues of scheduling in the courts lead to massive inconvenience and difficulty.

Many members of the group felt adamantly that courts should be opened in the evenings. They said that they would advocate this. An expanded schedule would solve multiple problems of expediency and convenience.

The group felt that more could be done to create a consistency in the utilization of programs in the various Family Courts around the state. They felt that programs were used or not used based on a judge's personal preference. They felt the administrative judge might better administer the use of programs.

The group thought that all Family Court judges should be law-trained. Although one individual did defend the side-judges' ability to provide a local perspective, they did acknowledge that the jurisdiction of the side judge's had expanded into inappropriate areas.

The group did not feel that it was appropriate for side-judges to sit on uncontested divorces. They felt that hearings should be coordinated so that they wouldn't have to drive to a distant court just for one hearing.

The group felt that expanding the jurisdiction of the magistrates could make sense. They felt that if magistrates could call for DNA parentage tests and/or legal signing of parentage, it would be very useful in the Family Courts.

Question 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?

The group felt that better scheduling could lead to greater efficiency in the courts. This could result in massive savings, as there are nearly ten thousand court events each year in the state.

When asked if there is a place for more mediation in the courts the group responded that case managers should be doing this to some extent already. Although, they were concerned that the people currently charged with resolving cases without going to court are not properly trained.

The group felt that cases could be screened upon entering the system for mediation appropriateness.

An individual shared that research shows that when divorce cases are mediated fewer return to court.

The group felt that a mediator could be housed in the court for purposes of efficiency.

Some members of the group felt that managers could not be reclassified as mediators without proper training. They felt that people going through divorce or separation who are strapped for cost are currently using case managers inappropriately.

Other members of the group felt that law trained mediators, particularly with regards to cases of separation or divorce, create longer lasting agreements. Although they might cost more they make up for it by the quality of their work. These members of the group felt that case managers can be useful in moving the case along through the court. They felt it was important to keep mediators separate from this because part of why they work so efficiently is because they are seen to be outside of the court.

Members of the group felt that it would be useful to have family matters all on the same docket. They felt that there is miscommunication between the two courts can be problematic, and difficult to understand for their clients. They did not understand why in Probate Courts in minor guardianship cases it is not automatic to have child support hearings.

Mr. Douglas closed by thanking the group. He also pointed out how lucky the court partners in VT are to have this unique opportunity to voice their opinions and concerns.