

COURT STAFF FOCUS GROUP  
WHITE RIVER JCT., JUNE 16, 2009  
2<sup>ND</sup> FLOOR WITH NEAL RODAR

Note: This focus group responded somewhat differently than the others for which I took notes. There are several places where I did put in attribution – when the facilitator spoke or asked the questions (all caps), and when Justice Burgess and Bob Paolini spoke to clarify or elaborate in several places (either the name is included, in some instances a new paragraph that is not indented).

WHAT IF SMALL CLAIMS AND TRAFFIC MATTERS WERE TO BE HANDLED ADMINISTRATIVELY CENTRALLY OR ELECTRONICALLY AND HEARD BY A MAGISTRATE?

We have an issue because of the limit increasing to \$5000. The problem is with an attorney who files excessive claims; counsel has changed to more aggressive practices with credit card claims.

We would still need manpower.

Clarification by BLB – he cautioned people that he heard a lot of proposals. He said he thinks that staff would not follow their cases; regional courts are where trials would be.

Where would the savings be if you did that? There would be less staff.

BLB – staff would have to be shifted; there would be some economies of scale – efficiency would be gained for extra manpower for other dockets.

These cases are done very much by pro se litigants. Every court takes dozens of calls and sends documents back – people get to know their litigants.

There is a large volume of these cases.

With one person using the system statewide; it could be today's economy, but with the \$5000 limit, these cases are opened up to more users.

I don't think there is much in the statistics, but it appears to be that more attorneys than pro se's are filing cases.

Unfortunately, that is our income to the county.

Regionally a person would spend 80% of time on the phone and writing letters.

WHAT IF TRAFFIC COURT IS REGIONALIZED?

A lot of litigants now have to travel within their county. If you do this, you would see a detrimental impact on litigants.

The length of the extra travel would be more of a hardship on litigants. You would have more and more people who would not pursue a defense. There is not enough public transportation.

Multiple shuttles would be required.

Litigants would have to take a whole day off from work.

#### WHAT IF THE JURY POOL SYSTEM IS CENTRALIZED?

There would be more traveling on both ends of the day.

How does the federal system work? There are two districts –north and south – it depends on where the judge sits.

It would be a large scale effort – you would send out 1000 letters on a Friday and get 400 back in a few days. Processing mail is the most time consuming. You have to keep shifting priorities.

BLB -- What if these processes were focused in four to six places for the whole state?

Other than streamlining one part of the process, it wouldn't make much benefit.

BLB – what if there was a change from county based venue to something more tied to population centers?

In our county, we might have a trial involving a town and locally would know of the conflict.

#### WITH TECHNOLOGY TO BE INTRODUCED INTO THE COURT SYSTEM, WOULD ELECTRONIC FILING IMPROVE PEOPLE'S ACCESS TO COURTS?

With small claims, it would increase the amount of contact. Most people come in with their filing.

What if we could get questions answered on line?

Not everyone has access to the Internet. There are a lot of people in the Northeast Kingdom with no computer access.

Can you guarantee it will be entered perfectly?

What about documents that have to be notarized?

The people who don't have or know about the Internet would be discriminated against.

If on line could be an option, but not the only way.

It is too hard to imagine how because the technology is not there.

We are all looking at it from the pro se's perspective.

You won't improve anything by taking out the human factor.

Some can't read or write.

We probably all – no matter where we come from – know that to take out the human factor would cause someone to be hurt.

Bankruptcy court is completely electronic.

There is a court in Connecticut that is super pro se friendly and with programs.

Sometimes things look good on paper but in reality won't work.

One idea is to have local people available to help litigants with electronic access.

There may be an exception for pro se's in bankruptcy court. Some people have suggested that attorneys should file electronically. Would our courts be able to notice hearings by e-mail?

Each court is approaching this prospect on its own – the lack of uniformity is a problem.

I use e-mail as much as I can. If I have an e-mail address, I use it.

You have to treat everyone equally. If you can't e-mail all parties – you must treat all parties the same. We have been taking some scanned documents with signatures by e-mail.

Re: court recording equipment vs. stenographic reporter – recording comes onto us as employees; having docket clerks in courtroom is not an efficient use.

Have judges run recording equipment.

For big trials, hire a stenographic reporter to be able to have read backs.

Recording equipment is not consistent statewide; there are separate contracts around the state for service. We need to be consistent. It is hard to imagine technology that would work well.

WITH MORE FLEXIBILITY OF JUDICIAL RESOURCES – ALL EMPLOYEES BEING STATE EMPLOYEES, WHAT IS THE DIFFERENCE? HOW WOULD YOUR SITUATION BE CHANGED?

I am paid by the state. We are beholden to the state for our budget. We have no access to GALs; could you have programs to train GALs for all jurisdictions?

Another improvement would be cross training so that employees could help with the work of others.

In Caledonia we all answer the phones; we get questions for all four courts. I can do back up recording. Cross training is essential to our work, but it is difficult, for example, probate has a different computer system.

Probate courts have access to VCAS; they can look up information.

I would never step into family/district dockets – I just give callers the phone number for those courts.

For cross training to work well, all courts need to be in the same building. There are different computers, case management systems from court to court.

WHAT WOULD BE THE EFFECT OF ELIMINATING SIDE JUDGES AND HIRING LAW TRAINED JUDGES WITH THE SAVINGS?

Side judges are elected; salaries are based on what the county pays and they do small claims, traffic and uncontested divorces.

They would probably be asked to not “double sit” in family court. We are looking at one judge, one case.

Assistant judges are fact finders – sometimes there are multiple opinions.

Attorneys enjoy sitting as acting judges.

Some assistant judges come in for 15 to 30 minutes hearings and get paid for four hours.

No one monitors assistant judge time in court; there is no accountability for them.

Why have two judges when one can do the job?

Should anyone sitting on the bench have law training?

Is there a downside to eliminating side judges?

They could retain county duties.

Why not put everything under the same umbrella?

Increase state taxes and reduce county taxes.

One of our assistant judges recuses self frequently.

You will have to have someone to handle small claims.

A lot of superior court courtrooms remain idle in some courts.

Our presiding judge has agreed to hear some small claims.

REGARDING THE WAYS TYPES OF CASES ARE HEARD – COULD THEY BE REALLOCATED IN WAYS TO INCREASE EFFICIENCY?

What would be the impact of joining probate court and superior court?

I can envision guardianships in family court. They have money for attorneys; some are consolidated.

Don't overburden GALs.

GALs do receive pay for their expenses.

Being in one office/building encourages helping each other out.

Is there something special that probate court brings to cases?

I think that adoptions should stay with probate courts because it is supposed to be a happy event; they are the most time consuming, paperwork intensive.

I sent one adoption to family court and it all had to be redone.

You have to walk stepparent adoption parties through the process.

Regarding de novo probate appeals – is there a way to identify those cases early in probate; could those cases (estates and trusts) be transferred early to superior court for trial?

I can see that working.

In the long run it might be as cost effective.

Often they are worked out without a hearing.

In the last year, we only had two that were appealed. In hindsight, yes, you could have seen it coming.

Could environmental court be absorbed into superior court?

A lot of us don't understand what environmental court does – appeals from zoning, Act 250 permits, water discharge permits. They have jurisdiction to hear complaints against pollution violations.

The Act 250 board was abolished.

I (Neal) have done a lot of mediations in environmental cases; e.g., gravel pit, skate park, spite fence cases.

What if two additional superior court judges were added, and the cases spread over all judges?

It would add flexibility and spread the environmental load to the presiding judges.

Our judge handles everything but probate.

I think that guardianships to family court would be a good thing, if the staff came with it.

What about centralized filing with staff in one place and then work out the needed number of days in each court?

What is the purpose of the commission?

Part of it is looking at the court system, how it is run, where efficiencies can be achieved.

Question to Bob Paolini: What is the commission's mission?

Paolini Response: the constitution says that Vermont is to have one unified court administered by the Supreme Court. With budgetary stress, we can't easily expand and contract. Now we have to do dumb things, like close the courts. Some suggestions are: one judge for one case; all judges should be law trained; are there different ways to organize courts to achieve efficiencies? Probate courts are not being targeted, but in the southern counties there are two districts in each county. We look at Chittenden – its district covers the entire county with one judge and three staff. Does it make sense to do that with all counties? Does regionalization make sense? Would there be quality issues? This has not been pre-designed – the only agreement of the justices is the unified court stated in the constitution. There are various members on the commission. The commission will make recommendations to the legislature.

BLB – I appreciate there is a lot of uncertainty. We have tried to avoid layoffs, we have gotten one year's reprieve from budget cuts. Everyone in this room has heard some of this for 10 or 15 years. One thing that is different this time is there literally is not the money to spend. The status quo may be fine, but we need to pay for it.

(At this point, we went around the room to see if there were any final comments/suggestions).

I agree there is room for some consolidation, but the court works the way it is.

We are being considered for consolidation – the talk is we will have a satellite office in Bellows Falls. It will be a nightmare – knowing how we will handle it if consolidation is the way to keep our jobs.

I agree minor guardianships being consolidated with family court is a good idea.

Pass.

Pass.

As to efficiency in family court, many people file IFP's in juvenile or district court. Making people pay a minimum on the filing fee should be done. It would cause people to think when filing motions/cases. They have to be accountable and have buy in to what they are filing.

There should be a minimum charge for IFP filing in family court.

BLB – About a year ago the family court managers asked the Court to do this. If you and your colleagues could come up with a proposal, you should get it to the Family Court Oversight Committee.

One court manager for three courts works when all are in one building.

Bob Paolini – the charge and all information about the commission are on the Judiciary website.

Pass.

I support any effective improvement but not at the expense of litigants and staff. I work for the public.

I needed a copy of an RFA from another court when it was closed for its 1/2 day closing.

I have found the closings to be difficult.

Sometimes I don't have anything to do on the closing day.

There's a certain amount of integrity attached to the court; that should not be compromised.

It pains me to put up a sign that says we are closed.

It is a deterrent to the public as to their opportunity to be heard.

Our court has one judge for all three courts; if there is a trial or lengthy hearing, the second judge or a part time judge take the overload.

Pass.

In place of a furlough day, have a four-day work week and work 10-hour days. That makes us more accessible.

One-half day closings condenses problems to four and one-half days.

Pass

I work in a stand alone superior court. I don't want to move.