



THE HISTORY OF THE VERMONT JUDICIARY

IN THE BEGINNING



- ✿ Vermont Judiciary first organized in 1778
 - Superior court established with 5 judges
 - Moses Robinson was chief judge
 - Convened 4 times a year at different locations around the state
 - Not longer than a week at each sitting
- ✿ Justices of the Peace tried disputes of small monetary amounts, issued warrants, and heard less serious criminal matters
- ✿ First probate courts were organized in 1781 in Bennington and Manchester districts



IN THE BEGINNING (CONTINUED)

- ❁ The concept of separation of powers between the 3 branches of government were not strictly maintained
 - The Governor's Council and the Legislature heard appeals, matters involving sums greater than "4,000 pounds lawful money", and members of the Governor's Council even sat in for judges
- ❁ In 1782, the Superior Court was restyled the Supreme Court and the powers of the courts were defined and times & places of sessions were regulated



STILL THE BEGINNING



- 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."
 - Title disputes which were a politically sensitive issue were reserved for the Supreme Court's jurisdiction.
 - 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.



SOME IMPORTANT EARLY DATES



- ✿ In **1786**, the Vermont Constitution was amended to mandate greater attention to the separation of powers.
- ✿ In **1791**, Vermont became a state.
- ✿ In **1797**, for the first time, judges were required to write out their decisions and the clerk was required to file them.



BIG CHANGES IN 1825

✿ In 1825, a major reform to 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.



MORE CHANGES



- ✿ In 1850, the Legislature created a circuit court, 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 and the 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 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.
- ✿ Municipal Courts were established in the larger cities by the Legislature to hear less serious criminal and civil matters, but not to compete with the county courts.



VERMONT COURTS IN THE EARLY 20TH CENTURY

- ✿ 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.
 - 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 the criminal division today.



CHANGES TO THE COURTS IN THE MID 1960s

- 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.



MORE CHANGES IN THE 1970s & 1980s

- ✿ 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.



NEW COURTS CREATED



- ✿ In 1989, the Environmental Court was created by Legislature with authority to review orders issued by the Agency of Natural Resources.
 - Subsequently appeals from town zoning boards and planning commissions were added to its jurisdiction.
 - In 2005, the Legislature expanded the Court's jurisdiction again, enabling it to hear appeals from Act 250 district commissions.
- ✿ In 1990, the Legislature decriminalized traffic violations and created the Judicial Bureau.
 - The Judicial Bureau's jurisdiction was increased to include fish and wildlife, municipal ordinance and other civil violations.
- ✿ Also in 1990, the Legislature 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.



2010 VERMONT JUDICIARY RESTRUCTURED

- On July 1, 2010, legislation restructuring the judicial branch went into effect, creating the new Vermont Superior Court with 5 divisions- criminal, family, civil, probate and environmental. There is a Superior Court located in each unit, or county, of the state. The environmental division and the Judicial Bureau have statewide jurisdiction.
 - This reform brought the court structure within Vermont's constitutional requirements for a unified, judicial system
 - The legislation was based upon recommendations made by the Commission on Judicial Operation

