



VERMONT JUDICIARY

*Judicial Branch Overview,
Results Based Accountability,
and Key Initiatives Report - 2022*

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Part One: Judicial Branch Overview

Introduction

Courts provide a forum for resolution of disputes involving the full range of human conflict, including cases that address the protection of individual liberty and property rights, public safety, and business and commercial concerns. Fair and impartial courts are essential to provide access to justice for all Vermonters and to protect individual rights under the Constitution.

As a co-equal branch of state government, the Vermont Judiciary is an important element in the constitutional balance of power among the Executive, the Legislative, and the Judicial branches. This balance of power is essential to the durability and vitality of a democracy.

The Vermont Constitution

In the United States law is found in the following sources:

- Federal and state constitutions;
- Legislation passed by the Congress and by the applicable state legislature; and
- “Common law,” which is the body of historical rules and precedents of the English legal system that evolved in the United States after the time of the American Revolution through court decisions; common law is applicable unless changed by a constitutional provision or statute. This was adopted as the law of Vermont by Title 1, Section 271, of the Vermont Statutes Annotated.

The Vermont Constitution recognizes each separate branch of government as follows:

- The “Supreme Legislative power” shall be exercised by a Senate and House of Representatives [Chapter II, Section 2];
- The “Supreme Executive power” shall be exercised by a Governor; or in the Governor’s absence, a Lieutenant Governor [Chapter II, Section 1]; and
- “The judicial power of the State shall be vested in a unified judicial system which shall be composed of a Supreme Court, a Superior Court, and such other subordinate courts as the General Assembly may from time to time ordain and establish.” [Chapter II, Section 4]

Chapter I, Article 4 of the Vermont Constitution provides as follows:

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property, or character, every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Constitutional Allocation of Judiciary Responsibilities

Vermont Constitution	Vermont Supreme Court
Ch II, Section 29	Consists of the Chief Justice and four Associate Justices
Ch II, Section 30	Has administrative control of all the courts of the state
Ch II, Section 30	Hears appeals from all lower courts and handles related writs in all cases
Section 30	Has original jurisdiction (determining facts and law, as opposed to hearing appeals from lower courts) "only as provided by law"
Section 30	Has disciplinary authority concerning all judicial officers and attorneys in Vermont
Section 31	May not be divided into geographical or functional divisions
Section 30	Rulemaking authority "not inconsistent with law" re: appeals
Section 31	Rulemaking authority "not inconsistent with law" re: lower courts
Section 31	Rulemaking authority re: establishment of geographical and functional divisions of lower courts "not inconsistent with law"
Section 37	Rulemaking authority "governing the administration of all courts and governing practice and procedure in civil and criminal cases in all courts," provided that "any rule adopted by the Supreme Court may be revised by the General Assembly"

Vermont Constitution	Superior Court
Ch II, Section 4	Identified as one of the components of the unified judicial system, [along with the Supreme Court and "such other subordinate courts as the General Assembly may from time ordain and establish"]

Vermont Constitution	Other Lower Courts
Ch II, Section 31	All other lower courts of Vermont shall have original and appellate jurisdiction "as provided by law." All courts except the Supreme Court may be divided into geographical and functional divisions as provided by law or by judicial rules adopted by the Supreme Court "not inconsistent with law."

Vermont Constitution	Assistant Judges
Ch II, Section 50	The Assistant Judges shall be elected by the voters of their respective districts “as established by law.” Their judicial functions shall be “established by law.” Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be “as established by law.”

Vermont Constitution	Judges of Probate
Ch II, Section 51	Judges of Probate shall be elected by the voters of their respective districts “as established by law.” The General Assembly may “establish by law” qualifications for the election to and holding of such office. Their term of office shall be four years and shall commence on the first day of February next after their election.
Ch II, Section 53	The manner and certification of election and filling of vacancies shall be “as established by law.”

Mission and Vision of the Vermont Judiciary

The Judiciary’s mission is “to provide equal access to justice, protect individual rights, resolve legal disputes fairly and timely, and provide everyone their opportunity to have their day in court.”

The Judiciary’s vision is that “the people of Vermont will have trust and confidence in the Vermont state courts because the courts are fair, impartial, accessible, responsive, consistent, free of discrimination, independent, and well-managed.”

Principles for Administration of the Vermont Judiciary

The Supreme Court has adopted the following principles for administration of the Vermont Judiciary:

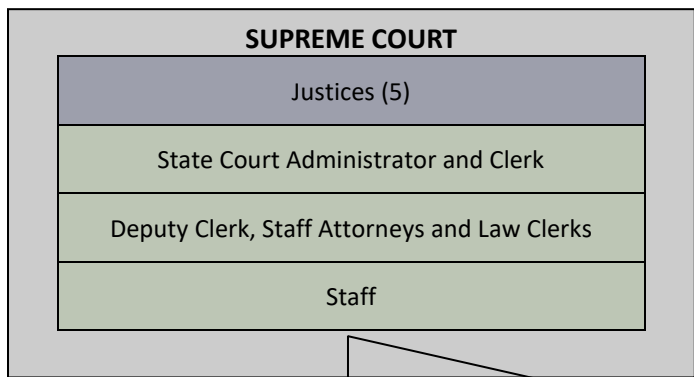
1. Vermont judicial officers will be people of integrity who are fair, impartial, and competent.
2. The Supreme Court will operate the court system as a unified system, in accordance with the Vermont Constitution, Ch. II, Section 4, which provides that “the judicial power of the State shall be vested in a unified judicial system...”.
3. The Vermont Supreme Court will deploy resources in a manner that is cost-efficient for the taxpayer, while providing access to court services that is cost-effective to litigants.
4. Court services will be provided through a system that is open, affordable, and understandable and that offers a level of service that is appropriate to the characteristics of the case.
5. Court services will be provided through a system that ensures access to justice and respect for all litigants and members of the bar.
6. Case decisions will be made by appropriately educated and well-trained judicial officers.

7. Trial court judges will be capable of working in any court, hearing any case that needs to be heard on a particular day.
8. Judicial officers will issue timely decisions that do justice for the litigants, establish clear and ascertainable law, and apply the law correctly to the facts.
9. The Judicial Branch will be organized to minimize redundancies in court structure, procedures, and personnel, and provide an efficient balance of workload among courts.
10. Funding authorities will provide resources that are appropriate to court structure and provide long-term stability in the budgeting, funding, and operations of the Judicial Branch.

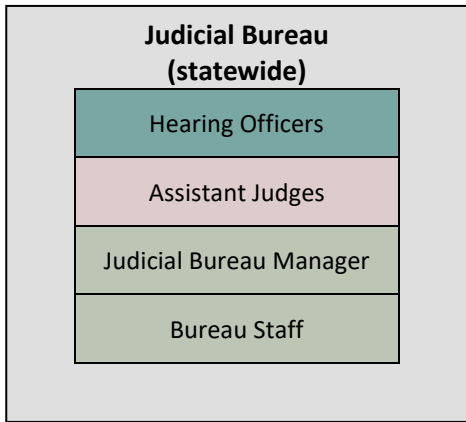
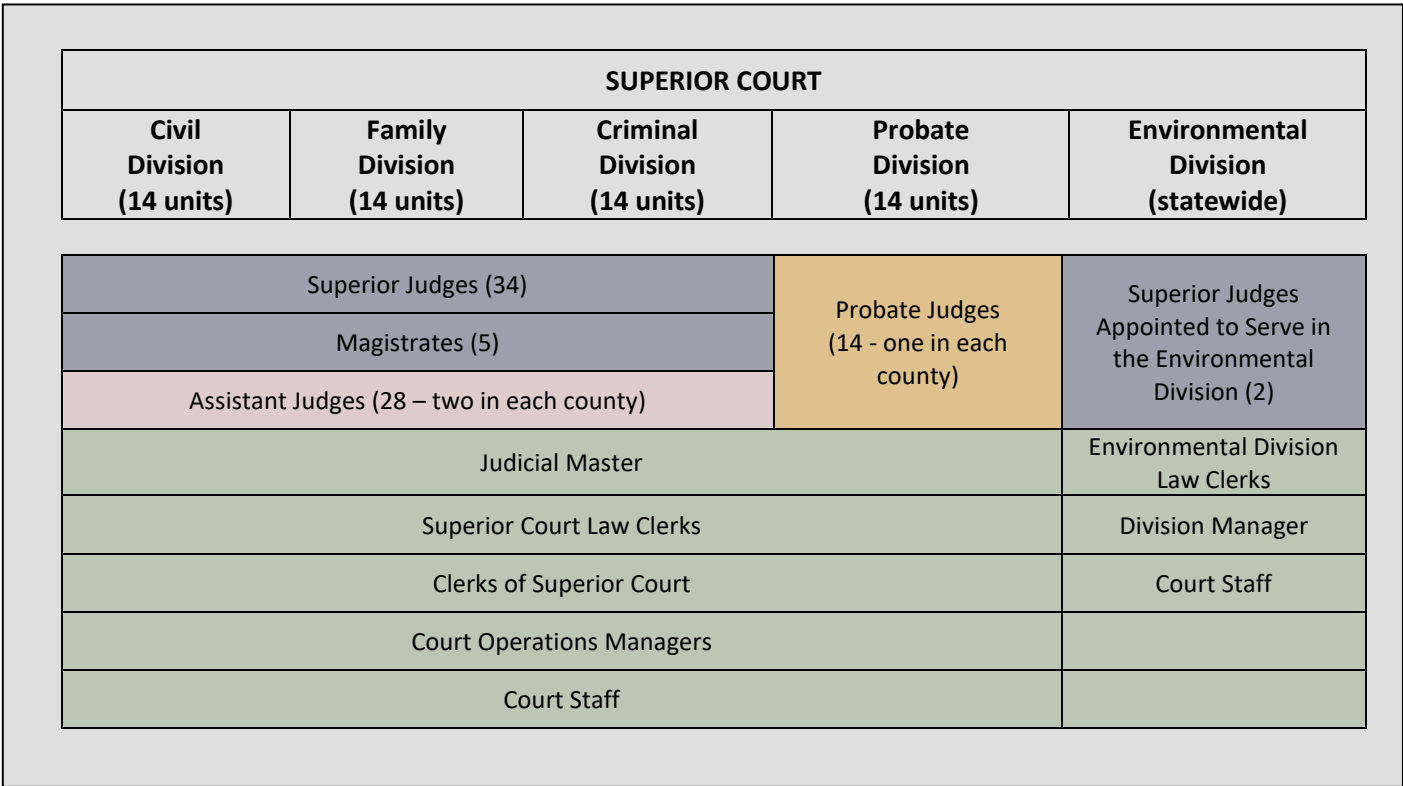
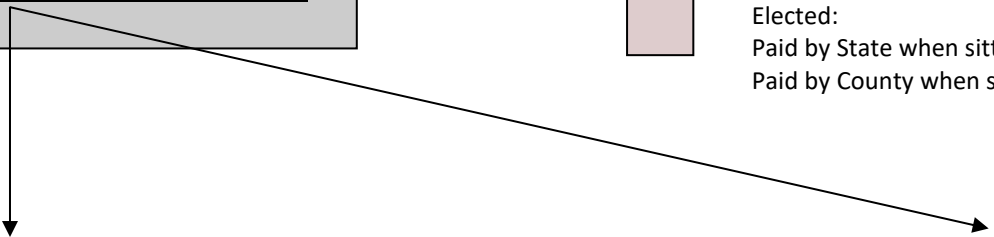
Case Management Principles

1. Every case will receive individual attention.
2. Individual attention will be proportional to need.
3. Decisions and process will demonstrate procedural justice.
4. Judicial control will be exercised over the legal process.

THE VERMONT UNIFIED COURT SYSTEM



- Appointed:
Statutory Salary
- Elected:
Statutory Salary
- State Employee:
Hired by Supreme Court or Designee
- State Employee:
Statutory Salary
- Elected:
Paid by State when sitting alone
Paid by County when sitting with judge



Vermont Unified Court System

The Supreme Court

The Supreme Court is comprised of a Chief Justice and four Associate Justices. Each Justice is appointed by the Governor from a list of candidates submitted by the Judicial Nominating Board. The Governor's appointment of a Justice must be confirmed by the Senate. The Justices hold six-year terms. Every six years, each Justice who wishes to sit for another six-year term must seek to be retained by the General Assembly. Following a review, the General Assembly votes to determine whether each such Justice will continue to sit for another six-year term.

The Supreme Court is the sole appellate level court in Vermont. It hears cases primarily in Montpelier. The Court hears appeals from the Civil, Family, Criminal, and Environmental divisions of the Vermont Superior Court; from certain administrative agency proceedings; and from the Probate Division when a question of law is involved. In special types of cases, the Supreme Court has original or exclusive jurisdiction. In those cases, an appeal is filed directly with the Supreme Court without the case needing to be heard first in a lower court.

The Supreme Court resolves cases by deciding whether a trial court judge accurately applied Vermont law to the facts in a case. In such cases, the Supreme Court does not take evidence, listen to witnesses, or receive exhibits. Instead, the Court looks at the legal issues to determine whether the law was correctly applied to the facts in the lower court. Decisions of the Supreme Court of Vermont are final unless the case presents a federal question involving the United States Constitution, statutes, or treaties. If there is a federal question, decisions of the Supreme Court of Vermont may be appealed to the United States Supreme Court.

Administration of the Court System and Regulation of Attorneys

The Vermont Constitution gives the Supreme Court the responsibility to administer the Vermont unified court system, which is composed of all Vermont courts. The Supreme Court exercises its administrative authority collectively as a governing body. The Constitution also authorizes the Supreme Court to make rules regulating practice and procedure. The General Assembly has authority to revise rules adopted by the Court. The Supreme Court also has the power to discipline judges and attorneys, to license attorneys, and to regulate the practice of law.

The Supreme Court appoints a State Court Administrator, who serves as the Chief Executive Officer of the Judiciary. She has responsibility for all budgetary and fiscal operations and personnel administration of all courts, boards, and agencies of the Vermont Judicial Branch. Her responsibilities include oversight of the administrative infrastructure of the Judiciary, including functions related to budget and finance, planning, appellate court administration, human resources, personnel, and labor relations, information technology, court services and programs, court facilities and security, legal counsel, attorney regulation, and the relationship between the Judiciary and the Legislative and Executive branches of state government.

The Supreme Court also appoints a Chief Superior Judge. He assigns the Superior Judges, Environmental Judges, child support Magistrates, Judicial Bureau Hearing Officer, Judicial Master, and Assistant Judges to the trial court divisions, resolves attorney conflicts, and resolves complaints about the trial courts. The

Chief Superior Judge assigns each of the Superior Judges to sit in each of the trial courts for a specific length of time, generally for a year. In the smaller counties, one Superior Judge may be assigned to sit in the Civil, Criminal, and Family divisions of the Vermont Superior Court concurrently, especially when all three divisions are located in the same building. In the larger counties, a different Superior Judge may sit in each of the trial court divisions.

The State Court Administrator and Chief Superior Judge collaborate to ensure that the trial court system operates as efficiently as possible and to work toward the development of uniform and improved procedures in the trial courts. They also work together to oversee the development and implementation of judicial education, orientation, and mentoring programs.

Superior Court

The Vermont Superior Court was created by Act 154 of the 2010 session of the General Assembly. The Act reorganized the trial courts as divisions of the new statewide Superior Court. There is a unit of the Superior Court in every county, comprised of a Civil, Criminal, Family and Probate division. As part of the reorganization, the former Environmental Court became a statewide Environmental Division of the Superior Court. The former district court judges were re-designated superior judges under the Act.

Criminal Division

Each unit of the Superior Court has a Criminal Division. The Criminal Division is responsible for hearing the criminal and civil suspension cases brought by the state's attorneys, Attorney General, and municipal grand jurors. In FY20, there were approximately 14,000 cases filed in the Criminal Division of the Superior Court. The Criminal Division generally operates as follows:

- Through jury trials, court trials and the acceptance of guilty pleas, the Superior Judges determine the guilt or innocence of people charged with a crime;
- Through sentencing decisions, the Superior Judges impose consequences on people who break the law, protect the public by separating violent persons from society, protect the public by deterring others from violating the law, and attempt to rehabilitate individuals found to have broken the law; and
- Through determinations of probable cause and decisions on requests for arrest warrants, search warrants, and motions to suppress evidence, the Superior Judges protect the public from arbitrary use of government power.

The Criminal Division also has jurisdiction over the most serious fish and game violations and traffic violations, as well as Judicial Bureau appeals, civil suspension cases, civil contempt for non-payment of municipal ordinance cases, fugitives from justice, forfeitures, and DNA testing, i.e., challenges to cases involving the use of DNA testing evidence. The Criminal Division is also the site of specialized dockets that offer treatment to court-involved individuals with a substance abuse disorder or behavioral health need.

Family Division

Each unit of the Superior Court has a Family Division. The Family Division is responsible for divorce, annulment and civil union dissolution actions; other domestic actions (primarily parentage), and post-judgment actions. The Family Division is also responsible for motions to establish, modify, or enforce child support; juvenile delinquency; cases involving the abuse and neglect of children; termination of parental rights actions; cases involving children who may be beyond the control of their parents or truant; petitions for relief from domestic abuse, and other matters, including those relating to how the state should care for persons with mental illness and developmental disabilities.

In their daily work, Family Division judicial officers and court staff do the following:

- Conduct timely hearings and issue timely decisions in order to resolve disputes, provide support to distressed litigants and provide protection to victims of family violence and emotional abuse; and
- Provide courteous, calming and helpful service to family members to help them make informed decisions about how to resolve their disputes on their own through mediation and through seeking help through community services.

Civil Division

Each unit of the Superior Court has a Civil Division. The Civil Division of the Superior Court is responsible for a variety of civil actions. Most of these actions involve businesses seeking the collection of unpaid debts, individuals seeking damages resulting from the negligence of others, or general lawsuits involving allegations that a party had failed to abide by the terms of a contract. People may go to the Civil Division to seek protection from those who have stalked or sexually assaulted them. The Civil Division also hears appeals of some governmental actions and state environmental, consumer protection and civil rights actions. The Civil Division also hears small claims cases and civil protection orders.

Examples of the kinds of activities Civil Division judicial officers and court staff are involved in are the following:

- Actions regarding whether one person should have to reimburse another for that person's actions or inaction;
- Actions relating to whether a person should start or stop acting in certain ways; and
- Actions relating to whether a person should lose their home or other property for failure to pay a debt; and
- Actions relating to unpaid debts, shoddy home improvement, and returns of security deposits.

Environmental Division

The Environmental Division of the Superior Court has statewide jurisdiction and is responsible for hearing cases that fall into one of four general categories, as follows:

- Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies;
- Environmental enforcement proceedings from various municipalities;

- Appeals from municipal zoning boards, development review boards and planning commissions; and
- Appeals from land use determinations made by various Act 250 district commissions and jurisdictional determinations by the Act 250 District Coordinators. The two Superior Judges assigned to hear environmental division proceedings travel throughout the state to conduct site visits and trials in the county where the action arises.

Probate Division

Judges in the Probate Division hear cases relating to guardianships, adoptions, decedent estates and testamentary trusts, and for other administrative actions, including change of names and safekeeping of wills.

Probate judges and court staff do the following:

- Assist persons and families administer and settle estates and trusts, and if necessary, resolve disputes regarding the distribution of the assets of estates;
- Determine whether guardianships need to be established for incompetent persons;
- Assist persons wishing to relinquish parental rights for the purpose of placing a child up for adoption; and
- Monitor cases to ensure fiduciaries meet their responsibilities to estates and guardianships.

The Judicial Bureau

The Judicial Bureau staff are responsible for hearing and processing civil violation complaint tickets issued by state and local law enforcement agencies. The vast majority of cases filed in the Judicial Bureau are traffic violations, the Judicial Bureau is also responsible for processing municipal ordinance violations and fish and wildlife violations.

Through court trials, a Hearing Officer and some Assistant Judges sitting as Hearing Officers determine whether people who contested their tickets in FY20 violated the law and whether they must pay civil penalties to the state and municipalities.

Judicial Officers

- Chief Justice (1)
- Associate Justices (4)
- Superior Judges (34)
- Superior Judges appointed to hear environmental cases (2)
- Magistrates (5)
- Judicial Bureau Hearing Officer (1)
- Judicial Master (1)
- Probate Judges (14)
- Assistant Judges (28)

Appointment

The Governor, with the advice and consent of the Senate, fills vacancies for the offices of Chief Justice, Associate Justice, Superior Judge, and Magistrate from a list of nominees presented by the Judicial Nominating Board. Probate Judges and Assistant Judges are elected at the county level. Judicial Bureau Hearing Officers are appointed by the Chief Superior Judge.

Qualifications

With the exception of Probate Judges who were sitting at the time the judicial restructuring law passed in 2010, and Assistant Judges, all judicial officers must be attorneys licensed to practice law in Vermont.

Term of Service

Supreme Court justices, Superior Judges, and Magistrates hold office for a six-year term. At the end of each six-year term, the question of their continuance in office is submitted to the General Assembly in a process known as retention. The Justice, Judge, or Magistrate going through the retention process continues in office for another term of six years unless a majority of members vote against continuation in office.

Assistant Judges and Probate Judges are elected. In each case, the term of office is four years.

Jurisdiction:

- **Superior Judges** hear cases in the Civil, Criminal, and Family divisions of the Vermont Superior Court. Superior Judges appointed to hear environmental cases (also known as “environmental judges”) preside in the Environmental Division. An Environmental Judge may also be assigned by the Chief Superior Judge to hear cases in another division.
- **Magistrates** sit in the Family Division. They are authorized to hear cases involving the establishment, enforcement or modification of child support. They can also hear cases involving certain other issues that arise in domestic cases. Magistrates may be appointed by the Chief Superior Judge to hear cases in another division as an Acting Superior Judge.
- A **Judicial Bureau Hearing Officer** hears cases filed in the Judicial Bureau. The Hearing Officer may also be appointed by the Chief Superior Judge to hear cases in another division as an Acting Superior Judge.
- A **Judicial Master** assists in the screening, identification, prioritization and overall case management of Child in Need of Supervision (CHINS) cases as a part of a pilot initiative in Chittenden and Franklin counties. The Judicial Master will also preside over select hearings and reviews involving parents involved in regional treatment docket programs, to include any hearings and reviews related to parent-child contact; preliminary hearings and status conferences; and screening cases for mediation or other restorative processes such as family group conferencing.
- **Probate Judges** hear cases in the Probate Division but may be specifically assigned by the Chief Superior Judge to hear cases as an Acting Superior Judge in other divisions.
- **Assistant Judges** are county executives who may, under certain circumstances, sit as judicial officers. As county executives, they run county government and levy a tax on towns in their respective counties to fund county government. They are elected to four-year terms. They may

choose to sit with a Superior Judge as a trier of fact on cases in the Civil or Family division. When doing so they are referred to as “side judges.” Assistant judges do not sit as triers of fact on juvenile cases. There are twenty-eight Assistant Judges in Vermont, two in each of Vermont's fourteen counties. Assistant Judges who meet training requirements established by the State Court Administrator’s Office are authorized by statute to hear and decide civil ordinance and traffic violations in the Judicial Bureau and uncontested divorces in the Family Division.

Court Management

Each unit of the Vermont Superior Court is managed by a Superior Court Clerk appointed by the Court Administrator, and a Presiding Judge appointed by the Chief Superior Judge. Presiding judges are chosen from among the Superior Judges. The Presiding Judge for each county unit determines the allocation of judicial resources between Civil, Criminal, and Family Divisions within the unit and may specially assign a superior judge within a division of the unit to preside over one or more cases in a different division. Court Operations Managers manage court staff in each unit and report to a Superior Court Clerk.

The Vermont Supreme Court has directed that the Presiding Judge and the Superior Court Clerk work together on case management, scheduling, and calendaring; the administration of court programs (e.g., education programs for self-represented litigants, referrals to alternative dispute resolution programs such as mediation, and the planning for and implementation of treatment court dockets); the safe and efficient use of space in court facilities; the relationship with the local bar; the relationship with the community; and other issues related to the effective and efficient administration of justice.

Part Two: Court System Funding

The courts are primarily financed through the state's general fund.

In addition, the Judiciary receives, or has recently received, specialized funding from federal grants and other entities to support targeted court activities. Examples of federal grants include the following: Stop Violence Against Women Act (STOP VAWA); the U.S. Department of Health and Human Services, Children's Bureau Court Improvement Program grants; U.S. Department of Justice, Bureau of Justice Assistance; the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration; and the State Justice Institute.

Examples of interdepartmental transfers from other state agencies include: support for treatment docket administration from the Vermont Agency of Human Services, Division of Alcohol and Drug Abuse Programs; determination and collection of child support from Office of Child Support (OCS); certain federal formula grants on a sub-recipient basis, such as the STOP VAWA formula grant from the Vermont Center for Crime Victim Services (supporting court programs, education and trainings around the issue of domestic violence); and interdepartmental awards from the Children's Justice Act from the Department for Children and Families.

The fees users pay are generally credited to the state general fund and not dedicated to the courts. Attorney licensing fees are used to fund the boards and staff that oversee licensing, oversight of judicial officers and attorneys, and bar examinations. The Supreme Court may also direct revenue from this source to access to justice initiatives.

Many fines may have administrative fees or surcharges attached that the legislature appropriates to specific purposes.

Part Three: Technology and the Court System

Through its Technology Services Center (TSC) Division, the Judiciary provides technology services to judges and staff to support daily operations. TSC staff support the Judiciary’s case management system; conduct business systems analysis; maintain forms; collect and generate statistics; assist in reporting; staff the Judiciary Help Desk; maintain the public and internal wireless network systems; and deploy equipment upgrades, including those associated with conducting remote hearings.

In addition to these important initiatives, the ongoing technology needs of the Judiciary are continually maintained and supported. The Judiciary works with the Agency of Digital Services and other partners to ensure that the Judiciary has a reliable and secure technology foundation that will support both current and future needs.

Technology and the Court System	
<p>How much did we do?</p> <ul style="list-style-type: none"> Fully implemented “Odyssey” – the Judiciary’s Next-Generation case Management System – in all units of the Superior Court; in the Supreme Court; for Vermont attorneys renewing their licenses; and for the Professional Responsibility Board (the body formed by the Supreme Court to administer the professional responsibility program, which regulates the legal profession) Rolled out and continued to support technology needed to hold remote and hybrid hearings The Judiciary receives many requests for data about Judiciary operations from the public, media, and other elements of state government 	<p>How well did we do it?</p> <ul style="list-style-type: none"> Odyssey implementation occurred as scheduled and resulted in no unexpected disruptions to operations. Remote hearings have become a critical and reliable element of Judiciary operations. Remote hearing practice has enabled the Judiciary to continue operations during the pandemic Staff from the Technology Services Center work with staff from other divisions of the Court Administrator’s Office to respond timely and as fully as possible to all requests for information
<p>Is anyone better off?</p> <ul style="list-style-type: none"> Judiciary personnel have access to electronic case files from anywhere, which has enabled a hybrid work-from-home model during the pandemic Attorneys and other parties on cases no longer need to file paper files, as they can submit filings electronically 24x7, without the need to wait until a courthouse is open The deployment of technology to support remote and hybrid hearings, means that technology has been removed as a barrier to conducting hearings and processing cases Satisfying requests for information is a crucial function of the Judiciary and essential to public understanding, transparency, and access to justice 	

Part Four: Public Education and Access to Court Processes

Court Interpreter Program

The Judiciary must provide competent interpreter services when such services are necessary to ensure meaningful access to all court proceedings and court-managed functions in or related to civil, for a party, witness, or other person whose presence or participation is necessary or appropriate and who is a person with limited English proficiency, hearing impairment, or other disability which results in the need for interpreter services. The court must determine the reasonable compensation for the interpreter services for court proceedings and court-managed functions. The compensation must be paid by the State of Vermont.

Court Interpreter Program													
<p>How Much Did We Do?</p> <ul style="list-style-type: none"> In FY21, the trial courts provided court interpreters 360 times at a cost of \$32,314. The heaviest demand for these services was in Interpreting services in Chittenden County, where nearly two-thirds of the services were provided. Interpreters are used in the Family Division more than any other division. The most common spoken languages requiring interpretation in order of their use include Nepali, Spanish, Swahili, French, Somali. Portuguese, Turkish, and Arabic. Interpreted sessions in these languages represent over 90% of the languages served. American Sign Language is also a language for which interpreter services are provided. Over one in five of all interpreted session are for ASL. 	<p>How Well Did We Do?</p> <p>Interpreting Events by Superior Court Division</p> <table border="1"> <caption>Interpreting Events by Superior Court Division</caption> <thead> <tr> <th>Division</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Family</td> <td>46%</td> </tr> <tr> <td>Criminal</td> <td>35%</td> </tr> <tr> <td>Civil</td> <td>12%</td> </tr> <tr> <td>Judicial Bureau</td> <td>4%</td> </tr> <tr> <td>Probate</td> <td>3%</td> </tr> </tbody> </table>	Division	Percentage	Family	46%	Criminal	35%	Civil	12%	Judicial Bureau	4%	Probate	3%
Division	Percentage												
Family	46%												
Criminal	35%												
Civil	12%												
Judicial Bureau	4%												
Probate	3%												
<p>Is Anyone Better Off?</p> <p>Providing interpreters ensures that the Judiciary complies with the law and that court users with limited proficiency speaking, writing, reading, or understanding English have equal access to court services and programs. As Vermont's population diversifies, the need for qualified interpreters increases, and we expect the courts' interpreter usage needs to increase in the coming years.</p>													

Education for Self-Represented Litigants

Before the pandemic, parties representing themselves in a divorce, separation, civil union dissolution, or parentage case in the family division were ordered by the court to attend a free Pro Se Litigant Education class before they appear in court. One-hour classes were held monthly in each unit in nearly all counties. They were conducted by an attorney who regularly practices in the Family Division. The purpose of the program is to educate litigants about their responsibilities while representing themselves, courtroom etiquette, general procedures relating to family cases, and services available through outside agencies that may be able to assist families in court.

Attendees have an opportunity to learn about how the court works; how to serve process; what the court expects of litigants; when litigants should consider getting help from an attorney; and about the services and programs—such as mediation—that are available to assist parties in a case.

Anyone may attend these classes, even if they are not a party to a case.

In-person classes were suspended during FY22 due to limitation on building access necessitated by the pandemic. Judiciary staff are working on an online version of the class.

Relief from Abuse Education Program

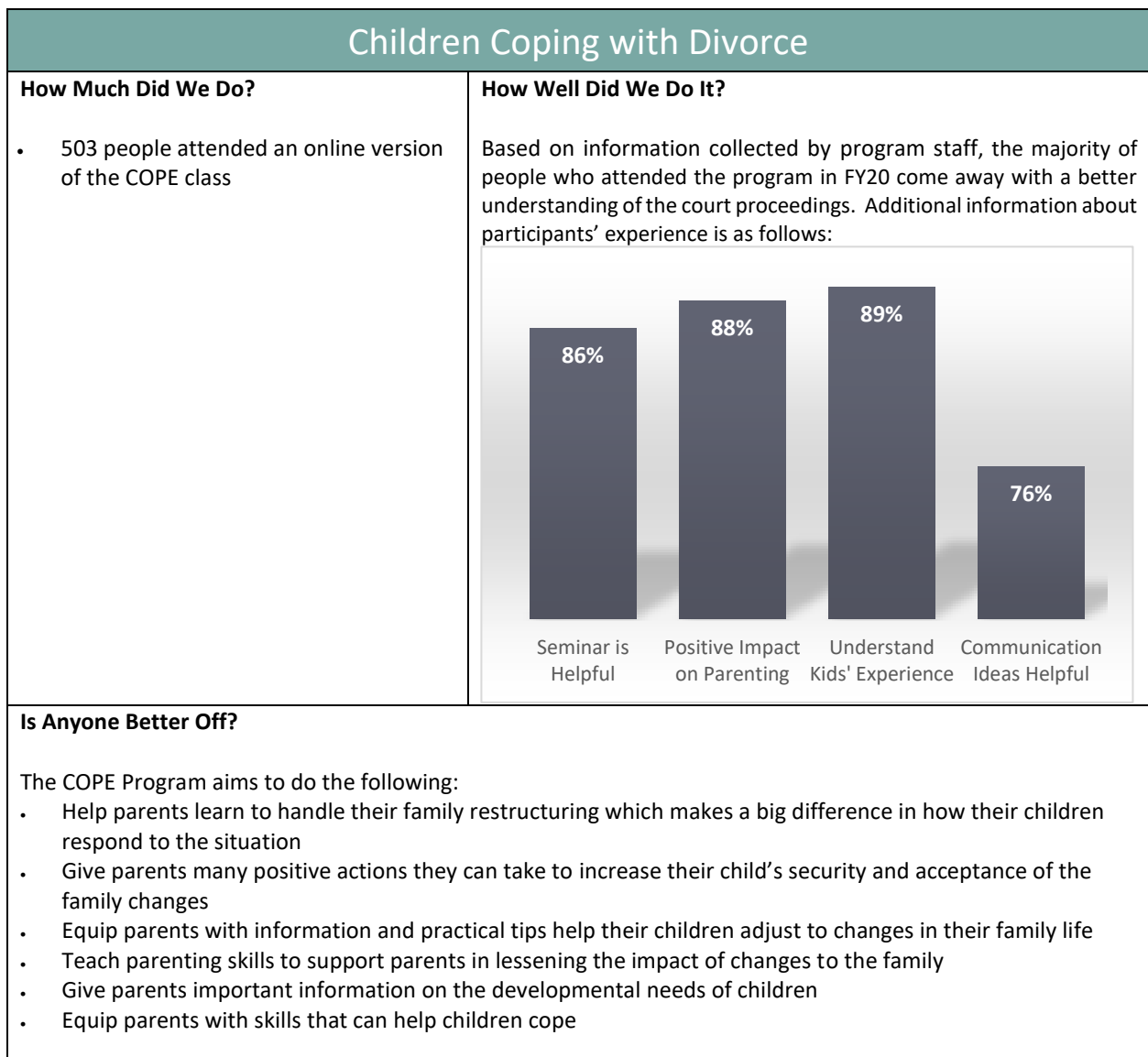
Since 2007 the Vermont Judiciary has offered a free education program for parties in Relief from Abuse (RFA). Informational handouts describing how to prepare for an RFA hearing are provided to both plaintiff and defendant at the time a temporary order is issued. On the day of, and immediately prior to, the RFA hearing, parties attend an educational video in separate sessions. The video serves as an orientation to the RFA court process, addresses the kinds of requests that parties can make, and contains information about services that may be helpful to the parties. This program is available in all counties. Parties represented by an attorney may also receive this information through counsel.

Relief from Abuse Education Program	
<p>How Much Did We Do?</p> <ul style="list-style-type: none"> In FY21, 3,328 RFA cases were filed Every family court in the state offers this educational opportunity Family members or persons offering support are welcome to view the video 	<p>How Well Did We Do?</p> <ul style="list-style-type: none"> Parties are educated about the potential impact of having an order in place and their responsibilities under the order Parties are informed that they can ask for a continuance if the other party is represented by counsel and they want time to get an attorney
<p>Is Anyone Better Off?</p> <p>Anecdotally, parties are better prepared for the hearings after receiving the written information and viewing the video. This is likely due to the following:</p> <ul style="list-style-type: none"> Parties understand the seriousness of the court proceeding Parties are informed about bringing witnesses to the hearing Parties receive information on how to plan for parent/child contact and child support, if applicable 	

Children Coping with Divorce

The Coping with Separation and Divorce (COPE) program is a joint initiative of the UVM Extension and the Vermont Superior Court Family Division and is designed for parents going through divorce or other family changes involving the court process. This program focuses on children's needs and teaches parenting skills to support parents in lessening the impact of changes to the family. Family Division judges require parents of minors who are involved in divorce, establishment of parentage, legal separation, dissolution of civil unions, and changes in parental rights and responsibilities to attend a four-hour COPE seminar. Topics include information about how families experience divorce and other family transitions, reactions of children to family instability, the developmental needs of children, and skills that can help children cope. The cost is \$79 per participant, unless the court determines otherwise. The course is open to the public.

In-person classes were not able to be provided during FY21 due to limitation on building access due to the pandemic. An online version of the class is available.



Judiciary Information Center

In January of 2015, the Judiciary established a Service Center as a statewide pilot information center program. The pilot was housed in the Chittenden Unit to include the Civil, Criminal, Probate, and Family divisions. As part of the pilot, all incoming calls to these divisions were directed to go through the Service Center, with the exception of calls from attorneys who choose to by-pass it.

When the pilot officially ended in April of 2016, the oversight of the Service Center became part of Trial Court Operations and staff continued to take all calls for the Chittenden Unit. In 2017, the Service Center pilot evolved into the Judiciary Information Center. If the Information Center is unable to answer a caller's question, the call is transferred to the appropriate clerk's office. Callers typically call the Information Center looking for information about hearing dates; paying fines; status of my motions; ruling on cases.

Judiciary Information Center	
<p>How Much Did We Do?</p> <ul style="list-style-type: none"> • Total calls in FY21: 130,433 • Answered 93% of calls • 96% of answered calls were either transferred to resolved • 9% of calls were from individuals looking for information about how to participate in their court hearing 	<p>How Well Did We Do?</p> <ul style="list-style-type: none"> • The ability of Information Center staff to resolve calls without having to send them to the courts has generally improved over time. • The volume of phone calls increased dramatically with the addition of new courts for which it provided coverage, interruptions to court operations due to the pandemic, and questions that come with the use of new remote hearing technology. These changes and the altered procedures brought on by the pandemic lowered the center's resolution rate slightly.
<p>Is Anyone Better Off?</p> <p>The Information Center continues to grow and provide coverage to additional courts and assist with additional duties within the Judiciary. The center's focus has shifted from providing coverage to courts during the phased rollout of the new case management system (Odyssey) to addressing calls from more locations.</p> <p>Based on feedback the Judiciary has received, the Information Center improves productivity by allowing local court staff to focus on docketing, case-flow management, and other daily tasks. Callers have expressed gratitude in the information center's response and availability when answering phone calls during the pandemic.</p> <p>Judiciary staff continue to identify procedures that are in need of standardization across units and divisions.</p>	

Part Five: Children and Families in the Court System

Family Mediation and Parent Coordination

Family Mediation

Superior judges may order parties to participate in mediation, or the parties may choose to participate on their own. Many final divorce decrees require parties to attempt mediation before the parties can ask the court to enforce or modify a decree. Courts often enforce those mediation provisions and require parents to try mediation, particularly when the parents have previously shared parental rights and responsibilities.

The mediator screens parties to determine if the case is appropriate for mediation. If the case is appropriate, the mediator and the parties make arrangements for mediation sessions. Contracted mediators serving in the Vermont Superior Court Family Mediation Program comply with the program's standards, complete professional development, and agree to charge eligible participants a fee pursuant to the program's fee schedule.

The Judiciary subsidizes the cost of mediation for litigants with limited financial means through a sliding fee scale. The subsidy is available when the household income of a parent with one or more minor children is \$30,000 or less. Eligible participants pay part of the mediator's hourly fee pursuant to a sliding-fee scale. The program pays the balance of the mediator's hourly fee for up to ten hours of mediation services per eligible party. The program also pays mediators a modest fee to screen cases to assess whether the dispute is appropriate for mediation. Mediation is not used in cases where a mediator suspects there are issues of abuse.

Parent Coordination

Parent coordination is a child-focused alternative dispute resolution process in which a Parent Coordinator helps parents in high-conflict cases develop safe, appropriate parent/child contact plans that are consistent with applicable court orders, including any relief from abuse orders. These plans are based on input from parents and recommendations of professionals involved with the children. They help parents develop parenting plans collaboratively when possible, and they deliver recommendations to the referring court based on observations of the family and other experience. Unlike mediation, which seeks agreement based on face-to-face interactions between and among parties, protocols for parent coordination are principally concerned with child safety issues.

Parenting plans that are developed as part of the parent coordination process are aimed at discouraging and diminishing abusive behavior between family members by setting clear boundaries and guidelines for who will do what, where, when and how; and at establishing penalties for non-compliance with court orders. For some families, this means blocking and scripting visitation exchanges, telephone calls and answering machine messages.

The Judiciary subsidizes the cost of parent coordination for families with limited financial means through a sliding fee scale. The subsidy is available when the household income of a parent with one or more minor children is \$30,000 or less.

Family Mediation

How Much Did We Do?

- Total number of intakes: 341
- Number of intakes appropriate for mediation: 228
- Percent of intakes that became mediations: 67%

How Well Did We Do It?

- In FY21, few (12%) cases mediated during the period involved the discontinuation of a mediation
- In FY21, full agreements were the result of 33% of the mediation sessions that were not discontinued; and 18% of cases not discontinued resulted in a partial agreement
- In FY21, 26% of mediated sessions resulted in scheduling additional sessions
- In FY21, the top three issues mediated were the child's schedule (76%), parenting (56%), and transportation (30%).

Is Anyone Better Off?

Mediation is a process that helps parties communicate and negotiate. Mediators don't favor either party.

Mediators help parties communicate by:

- Listening to what each person has to say;
- Making sure both parties have time to speak and listen to each other; and
- Asking each party if the mediator correctly heard what the person said

Mediators help negotiate by:

- Describing an issue or a proposal in a way that makes it easy for parties to consider it;
- Making sure that people focus on meeting their underlying interests instead of advancing their position; and
- Developing options that benefit both parties and working out specific, rather than vague, solutions

Parent Coordination

How Much Did We Do?

- Parent coordinators conducted 18 intakes in FY21 and participated in 63 cases statewide

How Well Did We Do It?

Parent coordinators reported data on three completed cases. Issues addressed in these cases included the following:

ISSUE	Case 1: Outcome	Case 2: Outcome	Case 3: Outcome
Scheduling for the child	Full Agreement	Ful Agreement	Partial Agreement
Transportation	Full Agreement	Ful Agreement	N/A
Parenting Issues	Full Agreement	Ful Agreement	Partial Agreement
Other	Partial Agreement	N/A	Partial Agreement

Is Anyone Better Off?

Parent coordinators reported data on three completed cases. The data show that parent coordinators served families with a total of four children.

Guardian ad Litem Program

The Vermont Guardian ad Litem (GAL) Program recruits, trains, and supports qualified volunteers to serve as court-appointed advocates for children in Family Division proceedings. Vermont statutes and rules require that a GAL be appointed for every child in child protection proceedings (CHINS), certain delinquency cases, and when a child is called as a witness.

Every GAL volunteer completes a three-day pre-service training that focuses on Vermont’s family court process and child protection system. The training is based on a national training curriculum developed by the National Court Appointed Special Advocates/Guardian ad Litem Association (NCASA/GAL). This training has moved entirely to a virtual platform and is now done statewide instead of regionally as it was done in the past. The GAL program has also provided virtual professional development training opportunities to its volunteers.

Guardian ad Litem Program	
<p>How Much Did We Do?</p> <ul style="list-style-type: none"> • A trained GAL served every child involved in the Child in Need of Services (CHINS) process • Staff estimate that in 2021 over 90% of volunteers who complete training become active • A paperless volunteer management software model was adopted and utilized • Many GALs have been trained and added to the Vermont Judiciary Public Portal, to further reduce staff involvement and paper waste • Business practices were developed and implemented to support GALs in their use of Odyssey; the Odyssey Public Portal; Odyssey File & Serve; and Optima, the program’s volunteer management software 	<p>How Well Did We Do it?</p> <p>Program staff hosted professional development training opportunities for GAL volunteers on topics including:</p> <ul style="list-style-type: none"> • Juvenile law updates • Department for Children and Families policy updates • Individualized Education Program (IEP) • Older youth and juvenile delinquency • Residential placements • Child and adolescent mental health diagnosis • Implicit bias • GAL best practice • LGBTQ+ youth • Domestic violence • GALs in the criminal and mental health docket
<p>Is Anyone Better Off?</p> <ul style="list-style-type: none"> • National studies show that children assigned a Guardian ad Litem are more likely to achieve permanency, less likely to re-enter the child welfare system and have better outcomes in school and the community. • Every Vermont child or youth involved in the CHINS process and certain Delinquency cases when requested by a judge was assigned a Guardian ad Litem to represent their best interests in court. • The GAL program has expanded its involvement in non-CHINS cases and provided specific training in representing best interests in the Probate and Domestic dockets. • The vast majority of GAL volunteers assigned to a child remain with the case until completion. 	

The Juvenile Court Improvement Program

The Judiciary’s Court Improvement Program (CIP) is supported by federal grant funds that are

administered by the Children’s Bureau of the U.S. Department of Health and Human Services. The program is focused on improving the court system’s work in child welfare cases. The goal of the program is to do what is needed to help ensure quality court proceedings that promote children’s safety, well-being, and permanency. The program supports activities that: 1) promote the timeliness and quality of juvenile court proceedings; 2) provide education of judges, attorneys, and volunteer guardians assigned to these cases; and 3) are focused on data collection. It accomplishes much of its work through collaboration with leaders in the state’s Department for Children and Families, prosecutors, defense attorneys, and others.

Children and families struggling with addiction, mental illness, poverty, unemployment, homelessness, disability, or other complex needs may become involved in juvenile court proceedings. When petitions are filed alleging abuse, neglect, unmanageability, truancy, delinquency, or youthful offender status, the courts need to make timely decisions to ensure a child’s well-being, including a permanent home, if one is needed. Legal permanence is defined as reunification, or if that cannot occur, as adoption or permanent guardianship. Courts must do all of this while protecting the legal rights of all parties. Court Improvement Program activities help them do this.

Juvenile Court Improvement Program																
<p>How Much Did We Do?</p> <p>There were 1,749 new juvenile petitions filed in FY21, 124 fewer filings than FY20. Juvenile petitions include CHINs (abuse/neglect, beyond parental control, truancy), delinquency, and youthful offender case types. The trend since FY17 is as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="5">Juvenile Petitions Filed</th> </tr> <tr> <th>FY17</th> <th>FY18</th> <th>FY19</th> <th>FY20</th> <th>FY21</th> </tr> </thead> <tbody> <tr> <td>1,889</td> <td>2,276</td> <td>2,306</td> <td>1,873</td> <td>1,749</td> </tr> </tbody> </table> <p>CIP funding was used to:</p> <ul style="list-style-type: none"> • Support judicial education in the family docket • Provide training opportunities for attorneys and volunteer Guardians ad Litem • Support data collection and data sharing with the Department for Children and Families • Ensure quality and timely court proceedings • Provide funding for interagency collaboration projects 	Juvenile Petitions Filed					FY17	FY18	FY19	FY20	FY21	1,889	2,276	2,306	1,873	1,749	<p>How Well Did We Do?</p> <ul style="list-style-type: none"> • The number of new abuse/neglect cases filed in FY21 was down by 6.6% compared to FY20 • Family courts remained open and operational during the Covid-19 pandemic utilizing a mostly virtual platform for hearings • All GAL program staff were able to attend professional development training and stay in virtual contact with the volunteers they supervise
Juvenile Petitions Filed																
FY17	FY18	FY19	FY20	FY21												
1,889	2,276	2,306	1,873	1,749												
<p>Is Anyone Better Off?</p> <ul style="list-style-type: none"> • Judges with specialized training in juvenile case processing are better prepared to make more informed rulings • Attorneys and GALs who attend training are better prepared to represent children’s and best interests in court • Data sharing provides opportunities to address areas of concern in the juvenile justice and child welfare systems • Timely court proceedings reduce time involved in court proceedings and moves children into permanent homes faster, reducing trauma and instability in children’s lives 																

Justice for Children Task Force

In 2005, the Vermont Supreme Court created the Justice for Children Task Force (JFCTF) as a collaborative, interdisciplinary effort to improve outcomes for children in foster care by identifying systemic barriers which contribute to children remaining in foster care longer than necessary. The Task Force develops solutions designed to reduce the impact of such barriers. Cases involving child abuse or neglect comprise most of the cases in which children are in foster care or otherwise removed from their home. The Justice for Children Task Force works closely with the Vermont Court Improvement Program to develop and implement strategies that promote safety, permanency, and well-being for court-involved children, with a particular emphasis on children placed in the custody of the Department of Children and Families.

The Task Force traditionally meets quarterly and measures, examines, and reports on its work. Task Force recommendations are submitted to the Vermont Supreme Court when appropriate. The quarterly meetings have shifted to a virtual platform since the start of the Covid-19 pandemic.

Judiciary staff worked closely with the National Center for State Courts (NCSC) to complete a year-long study of CHINS Case Processing in Vermont that resulted in recommendations that provide for holistic reform, procedural justice, and strategies to reduce the need for intervention by DCF and the courts. NCSC and Judiciary staff have presented the report to the Task Force, which is considering ways to use the report's findings to improve the CHINS process.

Part Six: Court Response to Crime in the Community

Treatment Dockets

The Judiciary operated five treatment dockets—adult drug dockets in Chittenden, Rutland, and Washington counties; a driving under the influence (DUI) docket in Windsor County that also serves Orange and Windham counties; and a mental health docket in Chittenden County.

These dockets serve defendants who would be likely to continue to engage in criminal behavior without an intensive long-term substance and/or mental health intervention. All programs include early screening and assessment; early onset of treatment; judicial monitoring; mandatory random drug testing; case management and community supervision; and other services to help participants succeed, including health services, housing supports, employment supports, recovery supports, and transportation assistance, to name a few.

Adult Drug Treatment Dockets – Chittenden, Rutland, and Washington Counties

Vermont Adult Drug Treatment Dockets are voluntary, post-plea programs for defendants over age 18. These programs divert offenders with substance use problems from incarceration into supervised treatment programs with rigorous standards of accountability. These programs rely on a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, and substance abuse treatment providers and include comprehensive case management to address participants' needs, such as education, housing, and job training. Treatment dockets help participants recover from addiction and prevent future criminal activity while also reducing the cost to the criminal justice system. They offer participants who complete the program the chance to have criminal charges dismissed or reduced.

Mental Health Treatment Docket – Chittenden County

The Mental Health Docket serves individuals with severe and persistent mental illness and co-occurring substance disorders. Modeled after drug court dockets and developed in response to the high numbers of people with mental illnesses in the criminal justice system, mental health courts divert defendants with mental illness and co-occurring disorders into judicially supervised, community-based treatment.

Southeast Regional Driving Under the Influence (DUI) Treatment Docket

In 2018, the Windsor DUI docket was expanded to include Orange and Windham counties. The DUI docket is post sentence and serves hardcore Driving Under the Influence (DUI) offenders. This includes both DUI-Alcohol (DUI-A) and DUI-Drug (DUI-D) offenders, as well as those engaging in polysubstance abuse. Legally eligible cases include a third or subsequent DUI-A/D; a second DUI-A with a BAC of .15 or higher; a second DUI-D involving an illicit substance; or a first DUI-A/D when accompanied by two or more violations of court orders pertaining to alcohol or drugs, DUI 2 with a high Blood Alcohol Concentration (BAC), DUI 3 and DUI 4.

The DUI Treatment Docket is a two-year post-adjudication probation program that is a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, substance abuse and mental health treatment providers, other social service providers, and child protective services.

Treatment Dockets

How Much Did We Do?

# Of participants entering docket in FY21	
Chittenden Drug	46
Rutland Drug	21
Washington Drug	43
Southeast DUI	34
Chittenden Mental Health	15
Total Enrolled	159

Services Offered

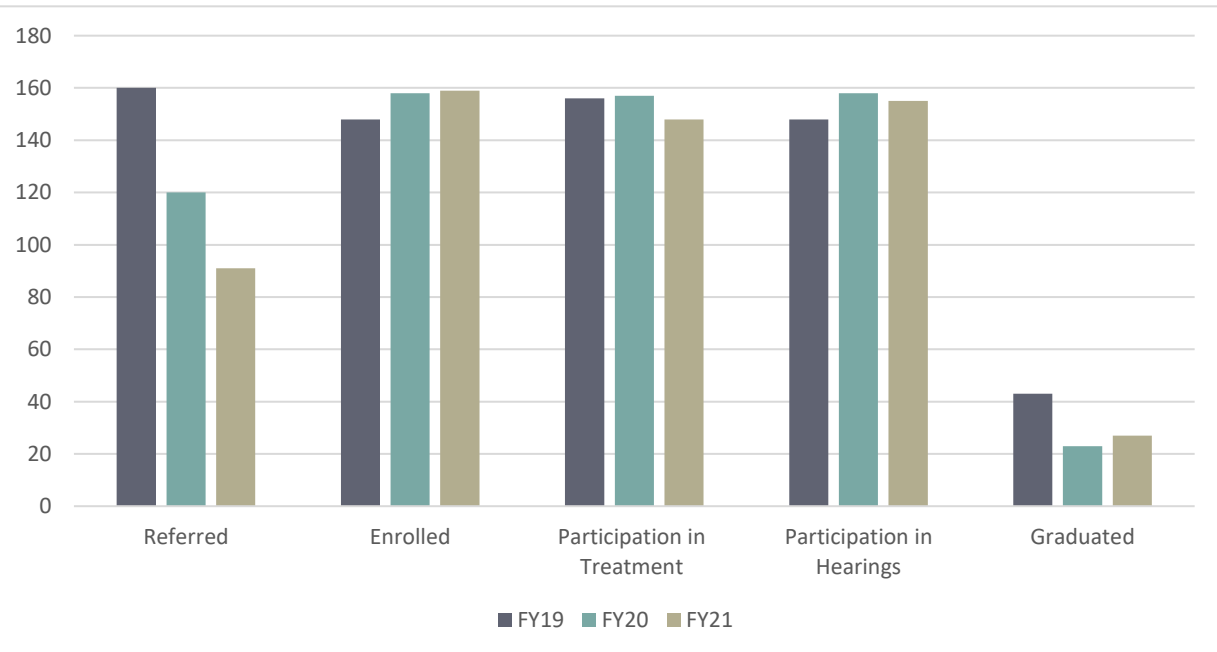
-Case management	-Trauma informed response
-Health services	-Medically assisted treatment
-Housing support	-Mental health treatment
-Employment	-Co-occurring disorder treatment
-Vocational rehabilitation	-Intensive outpatient services
-Educational support	-Residential supports
-Transportation	-Gender specific treatment
-Recovery coaching	-Moral reconation therapy
-Community supervision	

How Well Did We Do?

- Program retention is one of the key predictors of positive program outcomes. Research indicates that the longer participants are engaged in the program the better their outcomes are after leaving. Drug courts are six times more likely than regular community supervision programs to keep offenders in treatment long enough for them to get better.
- The Judiciary's treatment dockets measure participant retention rates on a regular basis to effectively document the effect of participation in the treatment program and to ensure that participants' time in the program promotes progress in their recovery.

Is Anyone Better Off?

Graduation and other key program statistics are in the table below.



Part Seven: Court Security and Safety

The Vermont Judiciary's Safety and Security Program strives to provide safe and secure courthouse environments for the public, court staff, and judicial officers. Since all Vermonters deserve an equal opportunity to access the justice system, the mission of the Safety and Security program is to ensure that people needing to access the courts are free from threats, intimidation, and obstruction. As part of that effort, court security officers provide protection, screening, and courtroom security in all the state's courts. During routine times nearly 500,000 people will visit Vermont's courts.

Court staff and judicial officers are further protected through all-hazards emergency response tools and training that include approaches and topics such as de-escalation, evacuation, shelter-in-place, active shooter, threat recognition and reporting, hazardous materials, and medical situations. Equipment used to support this program includes walk-through metal detectors, x-ray screening units, closed circuit video systems, access control technology, duress alarms, and mass notification systems.

Safety and Security Program	
<p>How Much Did We Do?</p> <ul style="list-style-type: none"> • Continuous safety and security administration for all Vermont's Courts • Statewide threat and incident reporting and incident mitigation • Threat awareness and personal safety awareness training for judicial staff • Statewide security camera and duress alarm replacement initiative • Routine use of the Judicial Emergency Notification System (JENS) utilizing VTALERT.GOV • Courthouses received new infrastructure security equipment including new metal detection units • COVID-19 response broadened the scope of the Judiciary's Safety and Security program • In FY22, 3 statewide limited-service court officers' positions were established for deployment to courts for jury trials and high-risk matters 	<p>How Well Did We Do it?</p> <ul style="list-style-type: none"> • During FY22 there were no significant injuries or loss of life due to violence in Vermont courts; remote hearing due to COVID-19 reduced the likelihood of security-related disruption in the courthouses • Due to threat and incident reporting, security staff's situational awareness was enhanced and protection measures in case specific circumstances • Judiciary staff are better trained to recognize, report, and mitigate escalated behaviors in the courts • The installation of the statewide security camera and duress alarm replacement initiative has resulted in enhanced security monitoring and response • Judiciary staff receive safety notifications • Court Security Officers augmented screening procedures and processes to ensure a higher level of detection due to COVID-19 precautions • Statewide court officers travelled to numerous courts providing enhanced security
<p>Is Anyone Better Off?</p> <ul style="list-style-type: none"> • The Security and Safety program's continuous threat mitigation and investigation has resulted in enhanced security measures and a greater level of protection for judicial officers, court staff, and all who enter Vermont courts • COVID-19 preparedness and response has promoted overall security and staff safety within Judiciary buildings • Remote hearings have reduced the risks as compared to in person appearances • Statewide threat and incident identification and mitigation has improved courthouse employee and visitor safety and likely deterred altercations among parties to a case • Court staff continue to receive hostile intruder, threat recognition awareness, and personnel safety awareness training and corresponding safety measures • All courts have received redesigned and enhanced camera systems that significantly increases surveillance and overall building security • With the initiation of the JENS/VTALERT.GOV system, Judiciary employees continue to be notified of emergencies and potential threats faster, which has enhanced situational awareness • New courthouse screening equipment has improved security staff's ability to detect weapons and contraband 	

Part Eight: Judicial Branch Education

Judicial Officer Education

The Vermont Judiciary offers a comprehensive program of judicial education. The Division of Planning and Court Services works in collaboration with a Judicial Officer Education Committee and the Chief Superior Judge to improve the administration of justice through comprehensive education and training for judicial officers. This training is designed to enhance the quality of judicial decisions, execute legislative mandates, improve case management and the administration of justice, and promote the implementation of uniform policies throughout the courts.

Programs aimed at career-long development of judicial officers and employees are provided through orientation and mentoring programs, attendance at national programs, and regular in-state programs. The annual week-long, residential Judicial College offers judges a theme-based program on such topics as new developments in the law, communications and mental health issues.

The Judiciary also manages an out-of-state education program whereby attendance at national programs is supported by grants and scholarships. Attendance at out-of-state programs in FY20 was lower than previous years as several programs were cancelled due to COVID-19. A small allocation of general funds supplements costs not covered by grants or scholarships.

Judicial Officer Education	
<p>How Much Did We Do?</p> <ul style="list-style-type: none"> • The Judiciary provided over 150 hours of remote educational opportunities in FY21 to Vermont’s judicial officers • Judicial officers participated in almost 100 hours of out-of-state training, held virtually • Two Assistant Judges participated in training to qualify to hear judicial bureau cases • Judges receive monthly training on the use of Odyssey, the Judiciary’s new case management system 	<p>How Well Did We Do?</p> <p>Issues addressed in these programs include:</p> <ul style="list-style-type: none"> • Racial equity • Language access • Child sex trafficking • Evidence best practice • Addressing parental addiction • Evidence rulings
<p>Is Anyone Better Off?</p> <p>The educational opportunities provided to judges contribute to the improved administration of justice, which in turn leads to increased trust and confidence in the Judiciary. Specifically, judicial education leads to:</p> <ul style="list-style-type: none"> • Improved quality of judicial decisions • Improved skill in the management of cases involving self-represented litigants; allegations of child abuse and neglect; claims of domestic violence; and cases involving defendants with substance abuse or behavioral health needs • Improved skill in dealing with complex evidentiary issues, including those issues associated with the presence of digital evidence • Having more Assistant Judges hearing Judicial Bureau matters frees up the Hearing Officer to handle other matters and can result in a more timely resolution of cases 	

Employee Education

Through a system of regular training and in-services, the Trial Court Operations Division and the Human Resources Department cooperate to enhance the ability of court staff to best serve court users. These efforts promote the personal and professional development of managers, court staff, and administrative personnel. This is accomplished through on-boarding and orientation programs for new employees, ethics and professionalism training, effective customer relations training, and instruction on compliance with sexual harassment and provisions of the Americans with Disabilities Act. Additional programs focus on the implementation of new legislation, rules, and court policies, and the use of the Judiciary’s case management system. During the COVID-19 period, the Judiciary delivered all its training remotely.

Employee Education	
<p>How Much Did We Do?</p> <ul style="list-style-type: none"> Transformed work rules to ensure safety for employees and customers during the COVID-19 pandemic Conducted training on implicit bias for all managers and staff Staff also receive training during in-service sessions on a variety of factors, including on the use of Odyssey, the Judiciary’s new case management system Trained a large class of over 60 new hires 	<p>How Well Did We Do It?</p> <ul style="list-style-type: none"> Maintained court services throughout the pandemic Trained efficiently using remote means
<p>Is Anyone Better Off?</p> <p>Combining online education with traditional delivery methods reduced travel – and in some cases overtime – costs and provided variety in course design and delivery.</p>	

Part Nine: Boards, Committees, and Interagency Task Forces

The Supreme Court has established a number of boards and committees to help it fulfill its constitutional mandate to exercise disciplinary authority concerning all judicial officers and attorneys in the state and to make rules governing practice and procedure in the courts. A significant number of judges, attorneys, and lay persons meet routinely to advise the court on a range of activities related to the Judiciary.

Committees advise the court on issues such as access to court records, whether to add or amend the rules that regulate the introduction of evidence, and the procedures to be applied in civil, criminal, family, and probate proceedings.

Quasi-judicial boards and committees have also been established to help the Supreme Court fulfill its constitutional mandate to exercise regulatory or disciplinary authority over the state's judicial officers and attorneys. These are as follows:

Judicial Ethics Committee

In 1995 the Supreme Court established the Judicial Ethics Committee. This committee of lawyers and judges researches and provides independent guidance to judges on questions related to judicial activities that may violate the Vermont Code of Judicial Conduct. The Judicial Ethics Committee helps ensure that judges act in accordance with the high standards of ethical behavior that are preserved in the Code of Judicial Conduct and which the public has a right to expect. The committee maintains and publishes compilations of its redacted opinions which are available to the courts, the Judicial Conduct Board, individual judges, and members of the public. The committee makes recommendations to the Supreme Court regarding amendments to the Code of Judicial Conduct.

Bench/Bar Committees

Judges, lawyers, and court staff in many counties meet regularly to identify ways to work together to improve the courts. Through these routine, informal meetings, new approaches to scheduling practices, jury and caseload management, and litigant education are developed.

Professional Responsibility Program

The Vermont Supreme Court has the constitutional authority to structure and administer the State's lawyer discipline program. Pursuant to that authority, the Court promulgated an administrative order relating to the establishment and operation of a Professional Responsibility Program (PRP). The Court has three objectives for the PRP: 1) to resolve complaints against attorneys through fair and prompt dispute resolution procedures; 2) to investigate and discipline attorney misconduct; and 3) to assist attorneys and the public by providing education, advice, referrals, and other information designed to maintain and enhance the standards of professional responsibility.

In addition, the Court has adopted the Vermont Rules of Professional Conduct. The rules, which are often referred to as "the ethics rules," govern attorney conduct.

The Professional Responsibility Board oversees the program. The Board consists of seven members—three lawyers, three non-lawyers, and a judge. Each member is appointed by the Supreme Court.

The program employs two full-time attorneys and one part-time attorney. Disciplinary Counsel investigate and prosecute violations of the Rules of Professional Conduct. Program lawyers also administer the dispute resolution program and respond to inquiries regarding ethics and the practice of law.

Judicial Conduct Board

Judges must follow high ethical standards established by the Supreme Court in the Vermont Code of Judicial Conduct. The Judicial Conduct Board investigates complaints of judicial misconduct or disability and recommends any necessary action to the Vermont Supreme Court.

The Supreme Court appoints the nine members of the Board and designates its chair and vice-chair. Three members of the Board are lawyers, three members are citizens, and three members are judges.

Actions that the Board can recommend following an investigation includes, among other things, a finding that a judge has:

- Violated the Code of Judicial Conduct
- Violated the Rules of Professional Conduct
- Committed an offense of moral turpitude (fraud or breach of trust)
- Been convicted of a felony
- Consistently failed to perform judicial duties
- A physical or mental disability that permanently impairs judicial duties
- Committed sexual harassment

According to the Code of Judicial Conduct, the term "judge" "denotes anyone, whether or not a lawyer, who is an officer of the judicial system and who performs judicial functions...". This includes Supreme Court Justices, Superior Judges, Assistant Judges, and Probate Judges. The term also refers to anyone who acts as a judge, such as commissioners, magistrates, hearing officers, masters, referees, and acting judges.

The Judicial Conduct Board reviews complaints. If warranted, the Board will conduct its own investigation into the matter. The Board may hire a special counsel to investigate. Generally, the Board's records and proceedings are confidential. The Board may recommend that the Supreme Court act in certain cases.

Possible disciplinary actions include the public reprimand of the judge, suspension of a judge for a part or the remainder of the judge's term of office, or retirement of the judge. The Supreme Court does not impeach judges. Only the General Assembly has the power to impeach.

Board of Bar Examiners and Character and Fitness Committee

The Board of Bar Examiners examines the professional competence of applicants for admission to the practice of law in Vermont. The Supreme Court appoints the chair, vice-chair and the nine other members of the Board of Bar Examiners. Nine of the members are Vermont lawyers and two are non-lawyers.

The Board administers a two-day examination to law school graduates, lawyers who have practiced law in another state for less than five years and individuals who have served a four-year clerkship with a Vermont lawyer. The examination is given every year, in February and July.

Applicants for admission who have practiced law for at least five years in another state are not required to take the bar examination in order to be admitted to practice in Vermont. However, moral character and fitness are investigated for all candidates by the Character and Fitness Committee.

The Supreme Court appoints seven members to the Character and Fitness Committee. One member is a judge (either active or retired), three are lawyers and three are non-lawyers. The Supreme Court designates the chair and vice-chair of the committee.

The Supreme Court appoints eight Associate Examiners. The Associate Examiners must have been Vermont attorneys for at least three years prior to their appointment. The chair of the Board of Bar Examiners assigns one associate examiner to assist each member of the Board in the grading of the essay part of the semi-annual bar examination.

Mandatory Continuing Legal Education Board

The Mandatory Continuing Legal Education Board monitors the continuing legal competence of members of the Bar and evaluates policy and procedures to maintain and improve that competence. The Board makes a written report each year to the Supreme Court on any recommendations it may have regarding policy or procedures for examining and maintaining professional legal competence.

The Supreme Court appoints the seven members: one is a judge (either active or retired), four are lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the committee.

Part Ten: Administration of the Branch

Personnel Policies

The Human Resource Department of the Court Administrator's Office (CAO) seeks to provide clear, consistent, rational, and fair policies relating to the rights and responsibilities of the employees of the Judicial Branch.

Adoption, Modification, and Documentation of Policies and Procedures; Creation, Maintenance and Distribution of Forms

CAO staff continuously review, identify, and finalize policies, procedures, and forms needed to achieve the goals and objectives of the Judiciary. Policies and forms are developed with significant input from stakeholders and are continuously reviewed for opportunities to make them as useful and clear as possible. Forms are maintained by CAO staff and distributed throughout the branch upon promulgation or revision.

Creation, Maintenance and Distribution of Records

CAO staff, with the assistance of a Records Management Committee, provides direction and assistance to court staff by creating procedures and public access policies that address the creation, storage, retrieval, dissemination, and destruction of all judicial records. These policies are in compliance with state and federal record-keeping requirements and developed in collaboration with the Judiciary's oversight committees, the Vermont State Archives and Records Administration, and other stakeholders.

Compilation of Management and Statistical Information

CAO staff compile statistics and generate reports on topics such as:

- Caseload projections
- Public defender reimbursements
- Legislative initiative impact assessments
- Workload analysis
- Caseflow analysis

Staff also work with judges and managers to develop outcome measures for programs and projects and to develop information systems to measure and accomplish those outcomes.

Maintenance and Control of Equipment

The CAO contracts with numerous vendors for the purchase and maintenance of electronic equipment such as court recording equipment, telephone systems, copiers, and scanners. Staff continually seek to improve those systems to provide greater functionality with higher reliability at lower cost. Office staff maintain an inventory of equipment required for insurance purposes.

Judiciary staff operate and support a server and networking infrastructure that has been implemented in the State of Vermont Private Cloud. This virtual infrastructure provides the Judiciary with a scalable and reliable technical foundation to support both current and future operations. We also manage and maintain a similar private cloud infrastructure that specifically supports our Next Generation Case Management System that is hosted and supported by Vermont-based vendors in a local data center facility.

Audits of Financial Transactions and Recordkeeping

CAO staff process financial transactions for all programs and activities within the Judiciary. Staff monitor and reconcile the funds appropriated to finance the operations of the court system on a continuous basis. Routine audits ensure the integrity of financial information. Financial records are centrally maintained with comprehensive support documents to aid in identifying deficiencies that warrant adjustment and to provide historical information for planning and audit purposes.

Payments of Bills and Expenses

CAO staff review, process, and help track expenditures throughout the Judiciary. CAO staff work with trial court staff to ensure bills for goods and services are paid timely and properly and charged to the appropriate budget. Financial reports are routinely provided to management as both a communication and a planning tool for tracking and allocating financial resources.

Creation and Maintenance of Personnel Records

CAO staff maintain personnel records for all Judiciary employees. All recruitment of personnel and personnel actions are performed centrally, consistent with equal employment opportunity laws. Payroll and benefits are administered centrally and the records are held and later stored as public records. Classification and compensation plans are maintained to ensure uniform and consistent practice. All mandatory sexual harassment and Americans with Disabilities trainings are administered centrally. A comprehensive personnel policy was created and is maintained with recommendations to the Court Administrator.

Facilities Management

The State Court Administrator and other senior management staff work closely with representatives from the Department of Buildings and General Services to meet the needs of the Judicial Branch. This same team also works with assistant judges in the counties to plan for and address facilities management issues in county-owned buildings.

Court operations take place in 27 facilities around the state in state- and county-owned buildings that are different in terms of their age, design, security needs and features, and related matters. This can make standardization a challenge. Aging facilities create particular challenges associated with court security and ventilation – a critical factor of managing operations during the COVID-19 pandemic.

Among the general needs of the Judiciary are space, audio systems, automated recording systems for hearings, furniture, and equipment.

Continuity of Operations

The Court Administrator's Office maintains a Continuity of Operations Plan (COOP) to address emergencies through the use of an "all hazards" approach, the development of which has benefited from collaboration with the Vermont Department of Buildings and General Services and the Department of Public Safety, Division of Emergency Management.

Judiciary staff throughout the branch have been actively involved in responding and adapting to COVID-19 since the onset of the pandemic with the goal of ensuring that the courts and Judiciary services are accessible. Judiciary leadership is taking steps to ensure that lessons learned from the pandemic become part of planning for future events that may disrupt operations.

Part Eleven: Key Judiciary Initiatives

Judiciary staff work diligently every year to administer justice and to address the existing and emerging needs of court users and the expectations of the public. In addition to supporting core Judicial Branch activities, Judiciary staff will dedicate significant time and attention in the coming year on the initiatives summarized below.

Pandemic Recovery and Response

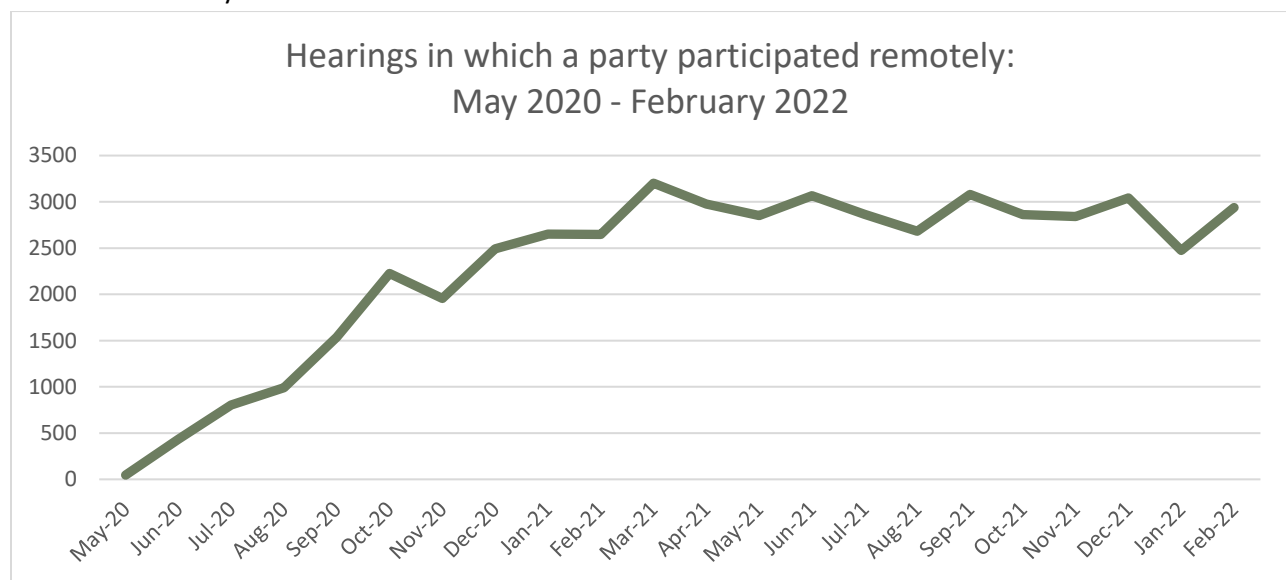
Recovery Planning

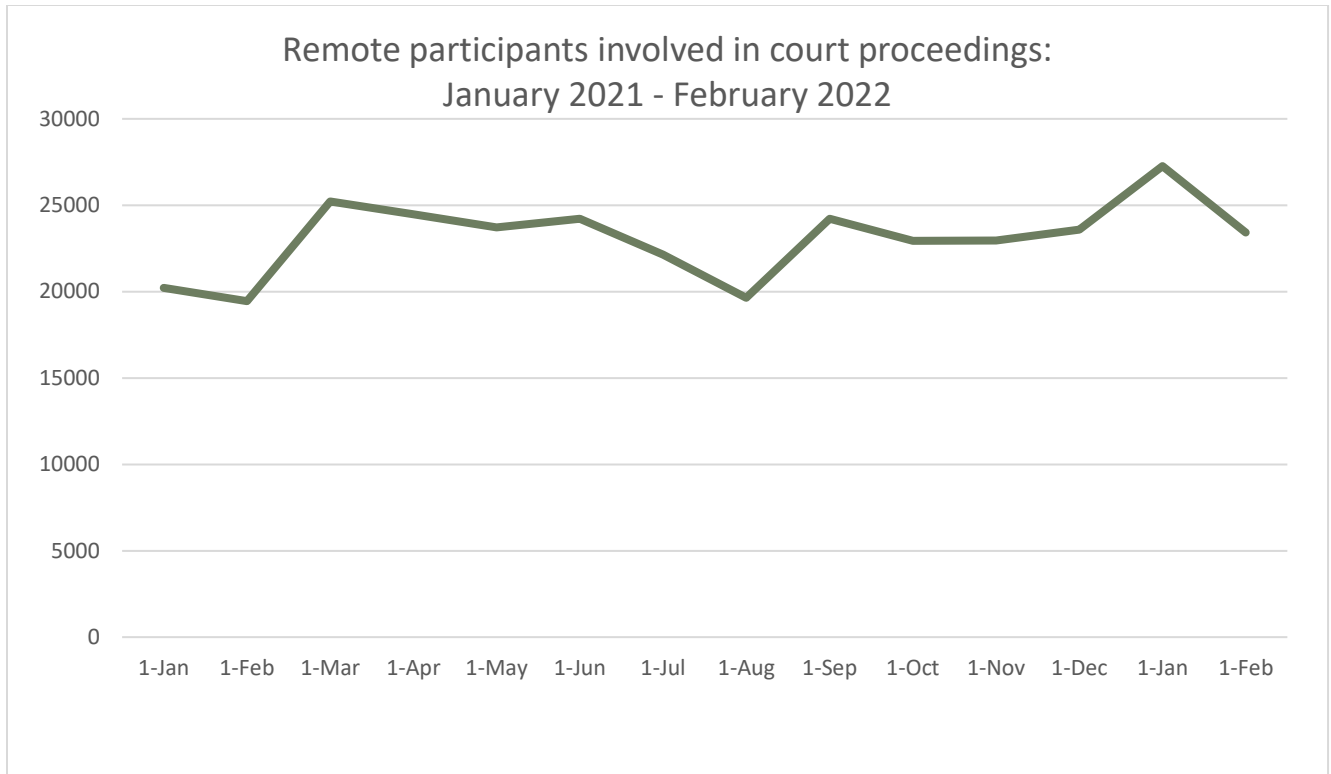
The Judiciary continues to adapt to pandemic-related disruptions to operations. While the courts in the state never closed because of COVID-19, in-person access to buildings has been limited during several phases of the pandemic.

The stability of the justice system during the pandemic has been due to a variety of factors, including the creativity, dedication, and resilience of judges and Judiciary staff, and generous support from the legislature – mainly in the form of one-time funds – to support the Judiciary’s strategic pandemic recovery and response activities. These funds are being used to pay for critical operational needs, including staff, technology, access to justice projects, and a workload assessment.

Remote Hearings

In Vermont, as in most states, because of the pandemic remote proceedings have become a regular feature of Judiciary operations. Thousands of hearings have been held since the onset of the pandemic, which has required an adjustment by judges, court staff, lawyers, litigants, and parties to a case. The tables reveal the number of hearings in which a party participated remotely between May 2020 and February 2022, and the number of remote participants involved in court proceedings between January 2021 and February 2022.





In June 2021 the Supreme Court established a Special Advisory Committee on remote Hearings to assist in the development of remote hearing policies that preserve access to justice, provide for an open and affordable court system, and use resources in a cost-effective manner.

In establishing the committee, the Court noted the following:

- After the pandemic has abated, the Judiciary will continue to rely on remote technology, where appropriate, to fulfill its mission
- In the proper context and properly conducted, remote proceedings can provide greater access to court proceedings, and thus greater access to justice, by reducing the time and cost of participation
- The widespread conduct of remote hearings is new to the Vermont Judiciary, and it has given rise to a host of operational and policy questions and challenges

The tasks of the Special Advisory Committee on Remote Hearings include:

- Proposing amendments to court rules relating to remote participation in court proceedings
- Identifying operational and policy issues of remote hearings and making recommendations on how to handle those issues including exhibits, technology barriers, and public access
- Making recommendations for uniform procedures and operations for all aspects of remote hearings

The committee, which is comprised of judges, staff, practicing attorneys from the public and private bar, and a media representative, has been meeting since the summer of 2021. Its work will inform decisions about the role that remote hearings should play in the administration of justice.

Access to Justice

Judiciary Access and Resource Center

The Judiciary is establishing an Access and Resource Center (ARC). The ARC will be a service center for those representing themselves; for those with limited English proficiency; for those in need of information about their case, about the judicial process, or about accessing Judiciary forms and services; and for those who are in need of referral to services, including legal services, language access services, and possibly to other advocacy or social services.

The ARC will be physically located on the first floor of the Costello Courthouse in Burlington, though the Judiciary is presently improving on and building out a range of access to justice services using a variety of remote technology tools and strategies.

An ARC Program Manager was hired in late 2020. Her work is supported by two limited-service Centralized Service Analysts.

While the build-out of the physical space is being completed, ARC staff are working with colleagues inside the Judiciary and partners outside the Judiciary to identify barriers to the justice system and to develop methods to address them.

Examples of barriers include:

- Court processes can be confusing and complex
- Most low- and middle-income people can't afford an attorney, and pro bono options are limited
- Many people, including self-represented people, face technology challenges: equipment, connection, and digital literacy
- Court business hours conflict with work and school schedules, and transportation and childcare are added expenses

Methods for addressing barriers include:

- Providing resources in plain language, including web pages, process explanations and forms
- Sending hearing reminders by email and text
- Simplifying court processes
- Considering the impact on the self-represented when revising court rules
- Providing information about how to get the help of an attorney
- Collaborating with community technology access points, such as public libraries and Department of Labor job centers
- Developing and promoting alternatives to coming to the courthouse in person, including eFiling, online payments, remote hearings, Online Dispute Resolution and online access to case information

- Developing relationships with community groups to build public trust and confidence in the Judiciary, and to open lines of communication and foster feedback systems

Language Access Program Enhancements

The Judiciary is committed to the ongoing improvement of its Language Access Program. In mid-2020 the Judiciary successfully completed a two-year technical assistance agreement with the U.S. Department of Justice, Civil Rights Division, to identify and plan for the implementation of strategies designed to ensure that persons with limited English proficiency receive the language access services they need. As part of this work the Judiciary overhauled its Language Access Program Operation Manual and its Language Access Plan. Additional program improvements are planned, including training for court staff and judges and the development of an in-state credentialing system for interpreters.

Reforming Children in Need of Services (CHINS) Processes

Regional Family Treatment Docket Pilot

In 2019, the State Court Administrator authorized the creation of a regional family treatment docket pilot program. This authorization was consistent with the recommendations of the Vermont Judicial Commission on Family Treatment Dockets, which were adopted by the Supreme Court.

Consistent with the recommendations of the Commission, a pilot docket in Chittenden County has been established. It is operating on the basis of a “parallel model,” meaning that, while cases in the pilot will remain on the CHINS docket, they will be overseen for treatment-related compliance purposes by a regional Judicial Master. The docket is being modeled on the principles of the Family Treatment Best Practice Standards promulgated by the National Association of Drug Court Professionals and the Center for Children and Family Futures. The Judiciary plans to use the pilot as a model on which base the establishment of family treatment dockets in other parts of the state.

Judicial Master and Statewide Programs Manager

In 2020 the Judiciary hired a Judicial Master to assist in the screening, identification, prioritization and overall case management of CHINS cases around the state, beginning in Chittenden and Franklin counties. The Judicial Master also presides over select hearings and reviews involving parents involved in the regional treatment docket, to include any hearings and reviews related to parent-child contact; preliminary hearings and status conferences; and screening cases for mediation or other restorative processes such as family group conferencing.

The Judiciary also hired a statewide Family Treatment Programs Manager to assist in the development and administration of family behavioral health programs within the Judiciary. This person participates in meetings of the CHINS Work Group and has been directly involved in administration of the pilot family treatment docket in Chittenden County and is working with representatives in Windham County in support of community stakeholders’ plans there to submit an application to the Supreme Court to start a docket.

System Evaluation

In 2020 the Judiciary contracted with the National Center for State Courts (NCSC) to conduct a review of how CHINS cases are processed and adjudicated. The project, which was requested by the Legislature, involved consideration of best practice models used in other jurisdictions and has included virtual court observations and focus groups from community members, service providers, guardians ad litem, and individuals involved in Family Division proceedings.

The final report included recommendations designed to improve state-level planning for CHINS reform and to improve the way cases are processed at the local level. These recommendations are being acted on by staff and have been shared with the Justice for Children Task Force.