

COMMISSION SURVEY ANALYSIS FOR JUDICIAL OFFICERS

N=24

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

Categorized Responses

Adjudicative: 6

Finance: 1

Case Administration: 5

Education:

General Court Services:

Jury Services: 1

Managerial: 8

Other:

Technology: 1

Summary of Responses

Adjudicative:

- Small Claims could be separated into a different court and done regionally
- I don't think there is a need for Assistant Judges in the courts. (X2)
- Judicial bureau hearings should be consolidated to no more than 6 locations; similarly probate.
- Costs can be saved by reducing the types of cases where prisoners have the right to be transported.
- Traffic court hearings could easily be regionalized as Vermonters and the police are now accustomed to dealing with the centralized traffic bureau
- A regional, if not statewide, on call system for after hours bail, RFAs, emergency juveniles and even search warrants (by Fax).

Case Administration:

- Everything occurring at the county level could be performed regionally or centrally
- A statewide calendaring system which shows at a glance attorney availability
- The more all court functions are connected between the 3 types of courts - efficiencies would be generated.
- Motion practice in superior court might be regionalized
- I believe that state-wide centralization of hearings or filings would be unfair and costly to litigants.
- Superior court jury trials should be limited to fewer courts throughout the state.
- The regional arraignments seem to be working well.

General Court Services:

Managerial:

- [Create] a regional pool of court officers & court reporters/recorders to assign to trials as scheduled
- We have to face reality that some regionalization/consolidation of judicial services is only way to save big \$\$

- I believe that courts should be located in each county. However, I believe that all courts in a county should be at the same location, including family, superior, district and probate.
- (Regionalize/ centralize) hiring and supervision of the county clerk (court manager), and all of the superior court staff, and payroll
- In general one building should have only one manager, such as Addison, Lamoille, Essex, Orange counties.
- I think that certain of the smaller courts (Essex, Grand Isle, Orange, and Lamoille spring to mind) could be consolidated into regional courts
- I feel the county administers services, in general, more effectively than at the state level
- The efforts to regionalize certain court proceedings have thus far been the subject of complaints by practitioners.

Technology:

- A centralized system (phone system)...better quality and allow for more than one to participate at a time.

Finance:

- Fine collection by collection agency.

Education:

Jury Services:

- Jurors could be summoned by a state agency rather than on the county level

Other:

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

Categorized Responses

Adjudicative: 5

Finance: 1

Case Administration: 2

Education:

General Court Services: 2

Jury Services

Managerial::1

Other: 1

Technology: 16

Summary of Responses

Adjudicative

- Ability to access Judicial Bureau's database when presiding in a county court.
- Court orders could be scanned and emailed to the parties
- The technology or software that enables the judge to listen/view the DVDs that are submitted during a hearing
- Chittenden Superior should be required to deploy the Citrix system
- There should be VCAS access to probate cases

Case Administration

- A rule allowing email notices, it would require some kind of receipt mechanism
- Weekly emailed statistical reports in Superior Court as we have in District and Family

- Getting a new docketing system, one that generates automatic ticklers...would increase efficiency

General Court Services

- Court service centers should be dispersed around the state to provide litigant access to forms and computers.
- E-filing, particularly for pro-se litigants in family court, using a friendly, guided program to improve the quality of the filings
- A self serve kiosk at court

Managerial

- WE have all the technology we need. What we need is more trial judges, all purpose Magistrates, and more staff.

Technology

- Video conferencing should be available for certain types of hearings. (x6)
- (Repair replace) outdated computers, recording equipment - an inability to conference call with more than 2 individuals (X2)
- More bandwidth and pc based conferencing
- The public should have some limited access through technology ie: terminals for typing affidavits and obtaining canned explanations of proceedings.
- I do NOT support using more video or telephone conferencing for anything other than status conferences:
- WiFi in all courts, scanners in all courts until e-filing up and running, upgrade phone systems & amplification systems
- Telephone headsets-- this would make teleconferencing much more comfortable, and audible!
- Dedicated PC with appropriate internet access through which Webex conferences could be attended-- ideally with a webcam!
- Law enforcement and DCF should have access to VCAS
- Consider abandoning the DOS based VTDAS system
- Update VTADs

Finance

- People ought to be able to pay filing fees and fines with credit and debit cards.

Education:

Jury Services

Other

- Court reporters could be authorized in more technical cases for the official transcript, if litigants paid the difference between the court recorder and court reporter- due to quality issues with recorders

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

Categorized Responses

Adjudicative: 8

Finance

Case Administration:

Education:

General Court Services

Jury Services: 1

Managerial: 19

Other: 2

Technology:

Summary of Responses

Adjudicative:

- The Bennington experiment with an integrated docket for domestic violence cases... should be explored further for statewide application
- Hearing officers and the magistrates taking on additional jurisdictions
- Formalize the "settlement judge" conference model tried in some Family Courts a couple years ago, for selected divorce & civil cases that seem ripe for settlement but just need a "reality check."
- Appoint civil magistrates to do all rent escrow, trustee process, contempt, and other collection matters, also small claims; would travel around regionally,
- I support the concept of a two-tier judge system (x2)
- Get rid of the Essex county special rules
- Consolidate probate courts where there are two in a county
- Have the probate judges, who are mostly lawyers, do the work that the Assistant Judges have been allowed to do by the legislature. (x2)
- Suspend judicial functions of side judges (x)2

Case Administration

General Court Services

Managerial:

- Transfer court staff from one court to another to equalize staffing (cross train) (x4)
- Hire some people as "floaters" who know they are signing on to go wherever in the state they are needed,
- Close smallest courts
- Fewer facilities would return greater flexibility.
- Combining the positions of magistrate, hearing officer, and probate judge into a single position would create flexibility
- Combine court operations wherever possible
- Eliminate the need for multiple clerks in smaller courts and if possible consolidate the smaller courts in adjoining counties

- The ability to coordinate the two or three judges in a county (outside of Chittenden) so that a court that needs more judge time even on a temporary basis can get it –(staff also)
- We should also finally get rid of Superior/District judge label; make trial bench a single unified Superior Court, every trial judge is a Superior Judge, and then have Civil, Criminal, Family, Juvenile, and Mental Health divisions of the Superior Court.
- If all courts were in the same location, staff could be cross-trained and moved as workloads in a particular court increased or decreased. (x)2
- I think the court should consider moving away from specialized judges and appoint judges who are general jurisdiction judges, or, in the alternative, expand the jurisdiction of the judges of limited jurisdiction.
- Rotations should be enlarged to 18 months at least
- Have the judicial bureau proceedings in three or four locations only and not in every county.
- UNIFY county & state (x2)
- To the degree possible, courthouses should have one court manager, and staff should be integrated into the same workspace
- Consideration should also be given to closing certain courthouses such as Essex and Grand Isle
- Use the weighted caseload study results to redistribute judicial resources.
- More regional management would permit reassignment of workforce where it could be better utilized.
- Moving toward regionalizing services to fewer court houses would save facilities cost, ...lower staff levels for security and cleaning,
- I believe they (Probate Judges) should be in our system, placed under the Supreme Court's control, and perhaps reduced in number.
- Judges in one county should have the flexibility to move between courts if they have unanticipated openings in their schedules;
- I believe that judges should be kept in their area of expertise to maximize efficiency.
- It would be more efficient to have one court building in the state with all judges and court personnel located therein.

Technology:

Finance

Education

Jury Services

- The "default setting" for # of jurors in all civil trials should be changed to a 10/12 model
- Regionalizing will result in more hardship on court users, (Jury Service) increased missed court dates and concomitant need for additional use of court resources.

Other

- I appreciate flexibility but I do not concur that increased flexibility means increased efficiency.
 - Family Court has programs that are only available at the sacrifice of other courts. We need to examine whether one court is consuming more than its fair share of resources and whether it is actually fair and reasonable that it does so.
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4. Are there ways in which the types of cases heard in our various courts (superior, district, family, environmental, probate, judicial bureau) could be reallocated in a way that would increase the effectiveness of judicial operations or improve court efficiency?

Categorized Responses

Adjudicative: 18

Finance

Case Administration:

Education:

General Court Services

Jury Services

Managerial: 5

Other: 3

Technology

Summary of Response

Adjudicative

- Combine family and probate courts
- De-criminalization of small marijuana possession cases, ...being handled as an administrative fine or referral to diversion, overseen by the judicial bureau or centralized unit.
- Remove certain cases from the jury system such as traffic tickets and fish and game cases, possession of malt beverages or other cases that involve both civil and criminal penalties - remove the criminal sanction
- Combine common cases for hearing by one judge, ie domestic violence, rfas, and related vops
- The model of the Bennington DV Court-eliminate de novo hearings in Superior court from Probate
- The Magistrates should hear and decide child support contempt motions
- There should not be the right to a trial by jury in judicial bureau appeals.
- Get rid of the right to jury trial in probate appeals and in small claims actions
- Small claims cases should either be heard by the presiding judge or an acting judge who has a legal background
- Allegations of abuse & neglect) & adoptions could be transferred to family court. Probate court (or the court could be given a different name) could be expanded to handle small claims cases.(traffic) (X2)
- Civil suspension proceedings should be held in the judicial bureau.
- Appeals of judicial bureau decisions should be heard by another hearing officer. Magistrates should be able to hold contempt proceedings in child support cases
- Family Court should be given "ancillary jurisdiction."
- Contempt cases could be moved to the Magistrates
- We COULD realize great efficiency by expanding the powers of our Magistrates to include small claims, traffic, misdemeanor arraignments, motion hearings etc
- Family court should probably be doing the stalking cases and guardianships as well as adoptions resulting from TPRS, BUT NOT WITHOUT COMMENSURATE INCREASES IN ALL RESOURCES.

- The work of the probate judges could be done by assistant judges under the rubric of the family court.
- Probate courts could be eliminated and the work of the probate judges folded into the family court docket, with the assistant judges and the family presiding judge assuming certain aspects of the docket.

Case Administration

General Court Services

Managerial

- Unify the courts
- Judicial bureau - cut down on the number of sites where cases are heard
- Probate court - consolidate the counties which currently have 2 courts and consider consolidating even more.
- The courts should try to use attorneys as "acting judges" in small claims cases, and traffic court
- guardianship cases involving minor children- they should be brought in family court
- We should consider moving the Superior Courts to a pure Superior Court model

Technology

Finance

Education:

Jury Services

Other

- It would be a huge mistake to abolish the probate judges and reroute their dockets onto the backs of the already overworked trial Judges.
- I believe judges should be given the option to remain in family court, without rotation, if they wish.
- I have heard practitioners say there is no longer justice in Vermont's Superior Courts because of the long delay in bringing cases to trial and because of the allocation of resources.

5. Please suggest other ideas that would enhance the efficient and effective delivery of judicial services to Vermonters.

Categorized Responses

Adjudicative: 7

Case Administration: 5

General Court Services:

Managerial: 14

Technology:

Finance:

Education: 1

Jury Services: 1

Other: 1

Summary of Responses

Adjudicative

- I think we could dispense with the assistant judges altogether without harming the system-(X5)- use saving for new judgeships

- Increase the number of law clerks so that each building has at least one assigned there full-time
- Consideration given to revise areas where the law allows for a de novo appellate process: probate appeals

Case Administration

- Increase funding for mediation, and alternative dispute resolution
- I think that we should consider having more than one case manager in the larger courts
- Ensure that mediation is a more fully utilized resource in contested family court situations
- Assign judges so that there is a better chance of the same judge seeing the same family
- Make alternative dispute resolution a mandatory first effort in post judgment divorce cases where there are no allegations of abuse or contempt

General Court Services

Managerial:

- It seems wasteful to have multiple court houses ... I don't recommend centralizing the entire system....; however some courts (essex and grand isle) could close as well as multiple probate courts
- More funding for enough judge time to have a "floating judge" cover several counties
- More staff to help litigants
- Better funding for attorneys for children in divorce/parentage matters
- Appropriate funding for the judicial system to avoid furloughs and restricted days
- Get rid of rotation so that judges can actually MANAGE their courts
- Eliminate side judges: they are unnecessary
- Better utilization of retired judges
- Cross-train employees
- Clerks and Judges should be prepared, to go to another court as needed to handle backlogs or particularly difficult cases
- There should be Family Court judges in the same way that there are Superior, District, and Environmental judges.
- Do not do vacancy savings on judge positions
- Create a floater case manager position
- Eliminate Essex and Grand Isle counties and move their work to St. J and St. Albans, respectively.
- Eliminate the archaic county system of a "county" clerk and a district/family manager

Technology

Finance

Education:

- There is not enough public information available about the workings of the judicial system

Jury Services

- A jury of 6 works just fine...
- The idea that venire men are excused from further service after they have been thrice selected is cumbersome and unnecessary.

Other

- It is time to give authority to the chief justice to function as a chief and have the authority to make decisions about routine administrative matters without consensus of the other justices being required

