

Legal Aid Focus Group
Pavilion 3rd Fl, Montpelier VT
June 3, 2009 (afternoon)

Facilitator: John Douglas, Suzanne (from NCSC)

Note taker: Arlene Hanson

John Douglas asked people to introduce themselves and offer any topics that they hoped would be addressed during this discussion.

Topics:

Small Claims court

- 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?**
 - a. Can small claims, magistrate and/or traffic court matters be heard centrally or regionally and improve the efficiency of court operations?**
 - b. Can all Judiciary services be centralized into one court location per county and maintain or improve court operations?**

Scheduling – there should be a centralized place to report your availability and have all the courts know.

Uniformity is needed across the state for procedures, forms, etc. Connectivity across state is needed. Consistency was another term folks used and thought was important in how people were treated and information that they were provided.

They were opposed to closing or changing physical sites because they believed that their clients would be negatively impacted and have reduced access to justice. They weren't opposed to limited hours or days of operation.

Small claims brought up the issue of side judges which everyone agreed after much discussion that it would be better to have law-trained judges than non-law-trained side judges. But they felt that judges needed training in the small claims area. Again, they mentioned consistency.

They were against centralizing small claims hearings because it would be a huge burden to most of their clients. They recommended staying in the counties for hearings and as an access point. They also stated that most of their clients do not have the knowledge, the time or resources to do an appeal.

- 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?**
 - a. If the Judiciary invests in the equipment so that notices/informations, divorce complaints, parentage complaints, juvenile petitions, etc. are filed electronically will that, in your opinion, improve access and make the courts more efficient?**
 - b. Will easier access to the Judicial computer system allow working from other locations (home/another court) improve judicial operations?**

Same computer system needs to be used statewide (including counties).

They agreed that some video conferencing would be a good idea; they're already calling in on status conferences, so it might work there. They felt for hearings that it was important to appear in person. There may be other situations where it would be acceptable. There should be guidelines for use. It would allow for more access of witnesses for low income people; like a doctor is willing to be a witness if they don't have to travel, but will charge if the client if they have to travel.

On E-filing, they thought that you would need to provide access to technology for pro se litigants – not just access but help using it. Training for e-filing would have to go beyond bar and courts; it would need to be like senior centers; outreach beyond judiciary. Also, with e-filing, you would have to have a way to detect fraudulent filings.

Internet access is not available across state. They liked the idea of having Wi-Fi in all courthouses.

The courts need the ability to host a conference call for multiple people.

Quality of taped hearings needs to be improved.

- 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?**
 - a. What would be the effect of making all Court Managers and Court Staff all state employees?**
 - b. What would be the effect of eliminating side judges and hiring law trained judges with the savings?**
 - c. How much of an impact would the cross training of all staff have on workloads, etc.?**
 - d. Can and should we “float” judges along with staff to handle peak workloads as they occur?**

Everyone in the end agreed that they would prefer law-trained judges to side judges.

Everyone agreed that no venue would help with scheduling and uniformity issues.

They liked the idea of a regional team of judges.

There was some concern with the process of filing that pro se litigants don't understand who the decision makers are – if they get a “no” to something at the clerk's office, they believe that means “no” for their case. If you change access, it will further confuse them and they won't understand.

Again, they emphasized one judge one case.

All people are not being treated the same by clerk's offices.

They endorsed the idea of a statewide 800 number.

They thought that the idea of a regional rotation of judges might be good.

Scheduling was a concern. A suggestion was made about possibly doing block scheduling where there is a high volume of certain type of cases, mainly pro se. For example, set one day a week aside for evictions. There is a problem with block scheduling with long waits. You would need to schedule everyone with a different time.

- 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?**
 - a. What would be the impact of uniting Probate into Family Court?**
 - b. Could the Environmental Court be absorbed into the Superior Court?**
 - c. Would it be feasible/cost effective to: Have Magistrates hear child support contempt cases; move civil suspensions to Judicial Bureau; and eliminate de novo appeals hearings in Superior Court?**

They were in favor of moving contested cases from Probate to Family Court and Superior Court. They believe that Family Court has more structure and procedures than Probate. Probate Court varies greatly from courthouse to courthouse. Too cozy in Probate Court; everybody knows everybody and that can be a problem.