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Honorable Paul L. Reiber  
Chief Justice  
Chair of the Vermont Commission on Judicial Operation  
109 State Street  
Montpelier, VT 05602

Re: Proposed Restructuring of the Courts

I attended the Sept.11 VCJO meeting and am conversant with the reports of the various study groups, as well as with much of the ensuing correspondence. I offer the following comments:

Closing Grand Isle & Essex Courts inevitably reduces access to the court system to the elderly, infirm and financially disadvantaged. My understanding of Vermont's judicial philosophy has been one of encouraging greater access to the courts. How else could we justify our "user friendly" encouragement to *Pro Se* litigants, even though it often taxes judge time and patience. Reduced access means reduced visibility, do we really want that? I agree with the report of the *Restructuring of and Access to the Judiciary* group that as "caseloads grow...the need for flexibility in allocating trial court resources becomes ever greater" but does that really mean reduced access or could it mean greater access? The study compares the dollar staff cost per case for the Grand Isle & Essex courts against the Statewide average, heavily influenced by the denser populations in the larger jurisdictions. Of course we smaller, rural courts are more costly! Quite possibly the unit costs for litigation in densely populated New York City are lower yet. That is the price we pay for living in an essentially rural area. But does that mean that we must shut down our local facilities and ship our litigants, along with their witnesses and interested parties, off to Franklin or Chittenden?

The report ignores the fact that State pays no rent to Grand Isle, it's only contribution to Grand Isle operating costs are for part of the Xerox machine and part of the telephone bill. I find it hard to believe that providing one clerk at Grand

Isle to provide an information and referral service will provide the kind of judicial service we aspire to. And all that while the fixed costs of what would become a truly underutilized building continue.

The Current funding Crisis: Attorney Mark Ottinger has proposed a unique solution<sup>1</sup> for the short term: that the counties collectively contribute \$1,000,000, with appropriate safeguards, to supplement the judiciary's general fund budget. I would expect that this contribution would phase out in time as technological improvement phases in and the budgetary crisis retreats. But even if this didn't happen I think limited property tax support through the counties is not all that bad a thing.

Assistant Judges Utilization: I urge continued use of this historical function, both on the bench and off. I think Attorney Oettinger's recommendations have merit. We have a lot to offer. There is a significant economic advantage to the use of Assistant Judges providing limited judicial functions. I should point out that funding for Assistant Judge training has been entirely by the counties, nothing from the State. As the title implies, we are "Assistant Judges", nothing more, but nothing less.

Respectfully,

Andrew N. de Treville  
Assistant Judge  
Grand Isle County

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<sup>1</sup> Mark Oettinger, Esq.: *Proposal for Improved State and County Judicial Funding and Structure*  
September 11, 2009