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October 20, 2009

Patricia Gabel, Esq.  
Commission on Judicial Operation  
Vermont Supreme Court  
109 State Street  
Montpelier, VT 05609

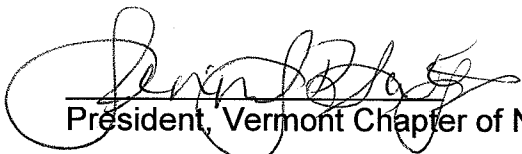
Dear Ms. Gabel:

The Vermont Chapter of NAELA, the National Academy of Elder Law Attorneys, held a conference on October 9, 2009. At the Vermont Elder Law Summit, the members, having reviewed the contents of The Working Group on the Restructuring of, and Access to, the Judiciary Report, and projected U.S. census data for Vermont, unanimously adopted the following recommendations:

1. That Probate Courts be granted new jurisdiction over adult involuntary commitment and mental health cases. (Involuntary commitment issues relating to minors would continue to be heard in Family Court).
2. That the Working Group's recommendation to docket contested guardianship and adoption petitions in the family division of the trial court, and contested estate matters in the civil division of the trial court be opposed.
3. That the Probate Court, in addition to its new statutory jurisdiction under the Vermont Trust Code, retain exclusive jurisdiction over guardianships and estates.

The thrust of the Vermont NAELA members' resolution is that the recommendations of the Working Group will not result in judicial economies and will not serve the people of the State of Vermont well. The needs of elder and disabled people are best met by a court that is local, user friendly and is capable of rapid and flexible responses. Our members are of the opinion that the existing Probate Court system largely meets these needs. Our members are of the opinion that the court which now works best is the Probate Court because the issues are specialized and distinct, much like those in the Environmental Court, and would be best and most efficiently addressed by judges already familiar with them. That court should be allowed to retain its jurisdiction and continue its tradition of serving the public in an exemplary manner.

Respectfully submitted:

  
President, Vermont Chapter of NAELA