

**STATE OF VERMONT  
VERMONT SUPREME COURT  
MARCH TERM, 2023**

**Order Promulgating Amendments to Administrative Order No. 18**

Pursuant to the Vermont Constitution, Chapter II, §§ 30, 31 and 37, Administrative Order No. 18, is hereby amended to read as follows (new matter underlined, deleted matter struck through):

**Administrative Order No. 18**

**CHIEF SUPERIOR JUDGE**

Pursuant to the Vermont Constitution, Chapter II, §§ 30, 31 and 37, the Supreme Court issues the following order creating a Chief Superior Judge and authorizing the Chief Superior Judge to exercise all powers necessary to perform ~~his or her~~ the assigned duties under the direction of the Supreme Court.

**§ 1. Policy and purpose**

It is the purpose of this Administrative Order to improve the administration of justice and the availability to the public of limited judicial resources by the appointment of a Chief Superior Judge to supervise and oversee the administrative responsibilities of the judicial officers who serve in the Superior Court of the State and the Judicial Bureau (trial courts).

**§ 2. Appointment; term of office**

The Chief Superior Judge shall be appointed to a four-year term by the Supreme Court from among the superior judges and shall serve at the pleasure of the Supreme Court. In the event of removal or resignation as Chief Superior Judge, the superior judge shall continue to serve in the office of superior judge as before.

**§ 3. Staff assistance; cooperation and coordination with court administrator**

(a) The Office of the Court Administrator shall provide the Chief Superior Judge with necessary administrative assistance from its staff, as resources permit.

(b) The Chief Superior Judge and Court Administrator shall cooperate to:

(1) ensure that the trial court system operates as efficiently and effectively as possible and to preclude duplication of services and overlapping authority;

(2) work toward uniform and improved procedures in the trial courts, including procedures for docketing, calendaring, scheduling, and caseflow management;

(3) implement operational policies within all units, consistent with statewide trial court operational policies, in collaboration with the various unit presiding judges and superior court clerks, with the express purpose of increasing operational efficiencies and implementing best practices;

(4) support the collaborative relationship between the unit presiding judges and superior court clerks as envisioned in Administrative Directive No. 29 ¶ 1;

(5) assist unit presiding judges and superior court clerks and court operations managers, as needed, after consultation with the local bar and court users, to implement a caseflow management program that will enable each trial court to meet its goals;

(6) develop and implement judicial education, orientation, and mentoring programs and facilitate judicial performance review programs as adopted by the Supreme Court; and

(7) assist in arranging judicial officer availability for court staff training to ensure that all superior court staff obtain the requisite level of subject matter knowledge for their respective positions.

#### **§ 4. Duties of Chief Superior Judge**

(a) With respect to assignment of judicial officers, the Chief Superior Judge shall:

(1) Make annual assignments of superior judges, including the Chief Superior Judge, the magistrates, hearing officers, judicial masters, and assistant judges sitting alone as presiding judges (judicial officers), to the trial courts subject to Supreme Court Administrative Orders ~~No. 13~~, taking into account the skills and temperament of the individual judicial officers;

(2) Specially assign ~~the judicial officers~~ judges, as defined in 4 V.S.A. § 22(a)(2), to within the trial courts on a daily basis, as needed;

(3) ~~Specially assign a probate judge from another probate district to perform the duties of a probate judge as permitted by law who is incapacitated for the duties of office for the reasons specified in 4 V.S.A. § 355;~~

(4) ~~3) Assign attorneys, as required, to sit as acting judges in the trial courts, meeting such criteria as established by the Chief Superior Judge and approved by the Supreme Court as acting judges,~~ taking into account their skills and temperament to perform the judicial duties to which they are assigned; and

(5) ~~4) With the approval of the Chief Justice, assign active or retired justices, retired judges, and active or retired magistrates with their consent to the trial courts.~~

(5) Have the authority to remove a judicial officer from hearing cases if deemed necessary to facilitate the administration of justice, as well as to suspend a judicial officer pending an investigation of misconduct in accordance with the Rules of the Supreme Court for Disciplinary Control of Judges.

(b) With respect to ~~complaints regarding the~~ management and operation of the trial courts, the Chief Superior Judge shall:

(1) Investigate or cause to be investigated complaints with respect to the management and operation of the trial courts and take action on reports referred by the Court Administrator ~~related to gender biased conduct or sexual harassment by judicial officers and periodically report to the Supreme Court the results thereof. (Cf. Rules of the Supreme Court for Disciplinary Control of Judges, relating to complaints of judicial misconduct, and Section A. of the Sexual Harassment and Gender Bias Policy.);~~ and

(2) ~~Take~~ Implement policies and take steps to ensure that decisions are completed by all judicial officers within a reasonable time; which steps may include prohibiting a judicial officer from hearing cases pending appropriate progress in their issuing timely decisions. The Chief Superior Judge shall report to the Chief Justice the status of any decisions that are not completed within ~~a reasonable time, established timelines~~ along with a report on steps taken and/or to be taken to address the situation.

(c) The Chief Superior Judge shall also:

~~(1) Sit throughout the state, from time to time as the needs of the various units of the Superior Court and the responsibilities of the Chief Superior Judge require, and also for the purpose of maintaining contact with the conditions across all units of the Superior Court~~  
Maintain knowledge of the conditions across all units of the Superior Court, which may include sitting throughout the state, from time to time, as the responsibilities of the Chief Superior Judge may permit;

(2) Resolve trial attorney scheduling conflicts when necessary, rule on motions for disqualification of judicial officers pursuant to the rules of procedure, and approve jury sequestration and change of venue requests pursuant to Supreme Court Administrative Directive No. 21;

(3) Report to the Supreme Court at such times as requested by the Chief Justice on the administration of the trial courts with recommendations for revised or additional rules, orders, statutes, or implementation of other practices needed for the improvement of the operation of the trial courts;

(4) Meet with unit presiding judges from time to time to review judicial officer policies and procedures to increase efficiencies;

(5) Take steps to ensure judges provide reasonable notice of plans to take annual and personal leave time in order to ensure court coverage;

(6) Fulfill other administrative duties assigned from time to time by the Court, which may include providing testimony before the Legislature on issues affecting the administration of the trial courts;

(7) Be an ex officio member of the various Superior Court oversight committees; and

(8) Carry out the responsibilities of the Chief Superior Judge as are established by law.

This Order shall become effective immediately.

Dated in Chambers at Montpelier, Vermont, this 6<sup>th</sup> day of March, 2023.



Signed by the Vermont Supreme Court

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice

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William D. Cohen, Associate Justice

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Nancy J. Waples, Associate Justice