

Public Defender Focus Group
The Essex, Essex, VT
June 5, 2009

Facilitator: John Douglas
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:

A couple of people thought that Essex courthouse should be closed and cases handled by other counties courts. One person asked that when you think of closing court houses, you should take another view and look at them as community centers.

Most thought e-filing was a good idea.

Scheduling was a big issue with these people. They have cases scheduled throughout the day but not consecutively, so spend a lot of time at courthouse waiting for the next case. Also, they are scheduled to appear in different county courts on the same day. They want courts to communicate with each other about scheduling.

They would like access to the internet at courthouses and in courtrooms. The idea of having Wi-Fi at the courthouses was endorsed enthusiastically.

For permanency planning hearings, a couple of people suggested that a case manager system of handling these hearings would work, instead of using judge time. They cited Chittenden as an example.

Most of this group felt that there were too many status hearings on cases. There should be arraignment, 1 pre-trial conference, jury draw and then trial.

Also, calendar calls were considered a big waste of time.

Several people recommended that the role of the side judges be examined. They thought that while these positions might once have served a purpose that they didn't believe that it was true today. They thought that their judiciary functions and county functions should be removed.

Several believe a lot of cases (trivial) go forward that shouldn't. They talked about judges needing to exercise discretion. Examples were given: dismiss if lack probable cause; accept plea deals at arraignments when suitable; more cases referred to diversion. Also, it was suggested that complicated conditions of release for a trivial case were not useful. Many inmates' cases lack merit.

They were against regional and video arraignments. They felt the technology is not good enough. These types of arraignments shift the burden onto them, having to provide attorneys at the courthouse and the jail. Everyone thought these types of arraignments were dehumanizing. It costs them money to have to transfer around the paperwork. There is no easy way for them to do this. Also, they cited many paperwork problems on regional arraignments. There was a lot of discussion about this topic.

Also, a couple of people thought that Grand Isle court should be closed and cases heard by other nearby courts. It is time consuming for them to cover places like Grand Isle and Essex.

One person said that Probate Courts should be eliminated. Probate cases could be split between Superior and Family Courts. Someone like the Probate Register should be available to help with forms.

Someone suggested streamlining the process to correct sentences, especially where the error is due to a clerical mistake.

A couple of the people talked about the need to have better statistics available from the courts. Currently, there is no easy way to find out all the public defenders that have worked on a case, instead of just the final attorney of record.

Continuity throughout the state is needed.

Shifting resources without more advanced notice is difficult, so it would be good to have advanced notice.

The concept of regionalization was appealing from a management perspective because it would allow for clustering of resources and would save them money, but with regionalization there will be a cultural cost. Also, the person who was responding thought the idea of regionalization would help provide consistency. The size of a region couldn't be too big. Most agreed that regionalization in the Northeast Kingdom might make sense. If you paired this with less hearings, people might be willing to drive longer distances if they do not having to go so often. Another consideration was that regions be developed where the attorneys are because many of the Public Defenders are contracted attorneys.

Several agreed that having no venue might work.

They thought scheduling from the bench might work.

They liked the idea of a statewide database that included scheduling. However, it was pointed out that the Public Defenders Office does not have a case management system and very little money budgeted for one. They were not sure how they would be able to interact electronically with a statewide system.