

**Focus Group Meeting
State's Attorneys
June 4, 2009
Basin Harbor Resort**

Opening Introductions and Statements:

- Don't jeopardize justice for the sake of saving money
- Shifting responsibilities equates to shifting resources from one court to another—no real savings realized
- Look to increased productivity to save money- outsource the expense, increase retirements
- E-filing, electronic decisions, reduce paperwork
- Communication between courts and prosecutor should be electronic. Filing and scheduling should be electronic. Automatic updates to attorneys' calendars.
- Regional arraignments have been problematic for prosecutors. No ownership of the prosecutor and judge from the other county. There is a cost to the savings. The defendant doesn't get to meet with his/her own attorney. Prosecutor from originating county has the background information that isn't always conveyed.
- Be cautious of the integrity of the county operations. Courts need to be accessible to the public. Regionalization may discourage accessibility.
- Shunting off cases to "lesser" courts not supported. DLS for example. 40% of the District caseload is DWI and DLS cases.
- Don't discount F&W cases as being "less important".
- If video was working well, might be more supportive of the regional arraignments.
- Some prosecutors in other counties do not want to take the regional arraignments on for another county.
- Videoconferencing might be the solution. Likely to be less supported by defense attorneys.
- Suggest a wing of the probation department working for the court (as in many states) as probation is a court order.
- Cases don't resolve with video arraignments. Victims aren't getting the information they should be getting when regional arraignments are used.
- For some cases, it is important that the arraignment take place in the county where the crime occurred.
- Places a burden on the prosecutor in the county where the defendant is held.
- Side judges are archaic, get rid of them, they've served a purpose, time to go.
- The state/county system is cockamamie. Constitutionally, we should have a unified system- first change that should be made.
- Don't need two managers for one county. Can eliminate middle management.
- VT Courts Online is useful but not complete. Need more information. The Superior Courts aren't online.

- Probate judge should be appointed, not elected. Under a uniform system, the way judges assume the bench needs to be all one way or another.
- When times are good, we overspend. When times are bad, we make cuts we later regret.
- Improve productivity in way that doesn't erode services. Deal with simple issues.
- When lights are on and the parking lot is full, the court should be open. The courtroom is open empty. Put uniform scheduling in place. There should be no down time. The courts don't run on time—no punctuality. Running on schedule may not save money for the court, but it saves money for those who use court services.
- Status conference reports and calendar calls could be rendered electronically.
- Communicating convictions with DMV via fax is not effective or efficient. Pushing information to VCICC or DMV via technology.
- More access to information (VCASE) means less calls to court office. Reduced staff time equals savings.
- Uniform court system should result in a uniform product. Uniformity of forms and court security procedures is needed. Transport teams often delay hearings.
- Criminal code is an ad hoc hodge-podge; we need a comprehensive criminal code revision.
- Should all cases heard in criminal court be there? Could some be heard in criminal court—could they go to the Judicial Bureau? For example, bad checks, fish and wildlife, noise in the nighttime, DLS – cases where jail will not be an option. This would leave the District Court open to more pressing matters.
- Having a jury trial on a speeding ticket is inefficient.
- Instead of delinquencies, move to Possession of Malt Beverage tickets.
- Desire to keep things small and local versus need to have a uniformed court system with consistency. Cultures between counties is very different. The court is often a reflection of that community. The regional arraignments do not take these different cultures into account. Difficult for the prosecutor from the court where the correctional facility is located to handle the case.
- Uniformity versus cultural identity makes it difficult to manage the system.
- Relationships between prosecutors and defense counsel very different from county to county. Some congenial, some contiguous. The latter sucks up time. Makes a difference in how quickly you can resolve cases.

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?

- Federal model is so much easier. Access to all motions are available electronically, saves so much time
- If there was a centralized database and electronic filing would make centralized filing easier

- Having a team of judges rotating through the courts will only work if we improve scheduling drastically among the courts in that region
- You can identify the courts that need judges all the time. Rather than a massive restructuring, recognizing that some courts don't need a judge all of the time.
- If scheduling were more efficient, may not need so many clerks. Move the staff to help in other courts (either physically or by computer).
- Judicial rotation causes attorneys to anticipate a certain response. If you don't know who the judge is on any given day, it is very difficult.
- 1 judge – 1 case gives judges an incentive to resolve the case. Could be a procedural nightmare for scheduling/tracking, etc.
- Attorney would get caught between judges who both need them at the same time.
- Implement changes one at a time to see what works and what doesn't; if you implement everything at the same time, it's hard to see the cause and effect of specific changes.
- Electronic filing makes sense. Do that first—and then look at other issues.
- 1 judge – 1 case works for some cases like homicides, serious felonies.
- High tech courtrooms not supported for criminal caseload
- Constitutionality of witnesses appearing by video might be challenged (right of confrontation).
- We need to take baby steps first.

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?

- Of the three courtrooms (in my county), only 1 has an amplified system.
- Court schedule on judiciary webpage is not accurate.

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?

- We're paying for building rent anyway- explore flex scheduling which would allow for night court as an option
- Phase out, not expand, side judges.
- Anyone can be elected to be a side judge, doesn't mean they have the disposition, training, etc to be a judge.
- Would not be comfortable with side judges presiding over criminal matters, less troubled by civil matters.
- More intensive oversight by the trial court judges is needed (over the side judges).
- Prosecutors need to take responsibility for moving cases / communicating with defense attorneys.
- Judges need to be more on the same page regarding philosophies and practice.

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?

- Domestic violence and violations of probation matters should be moved out of the District Court.
- Pulling cases involving younger offenders out and working them out in a “rocket docket” may lend efficiencies.
- Throwing out big ideas without looking at small things. Why not look at what is working and expand those successes rather than throwing everything out and starting over?
- Put more emphasis on settling cases on arraignment day- there is a systemic culture that is comfortable with delay.
- All the resources spent on calendar calls and status conferences could be reduced.
- Judge shopping occurs when attorneys believe they can get a better deal with the next judge, so they delay.