

Judicial College Focus Group
Library 1st Floor
June 2, 2009

Facilitator: Susanne Terry
Notetaker: Arlene Hanson

Susan asked for any topics that people felt they wanted to list right up front in the hopes that they would be covered during this discussion.

Topics:

2 tier trial court system

Elimination of Assistant Judges

Unified trial court, possibly with tiers

Needs of rural courts and multiple courts

Rotation in new scheme

Managing a statewide court – Tips from Environmental Court on how it might work

One family one judge – rotation?

- 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?**
 - a. Can small claims, magistrate and/or traffic court matters be heard centrally or regionally and improve the efficiency of court operations?**
 - b. Can all Judiciary services be centralized into one court location per county and maintain or improve court operations?**

The Judicial Bureau is already centrally managed. Why include it in this question? If you're talking about fewer locations for hearings, while it may save some money, it will cost both law enforcement and litigants more. Not a good idea.

Combining courts – Possibly folding Grand Isle and Essex into other counties might work. Without information about caseloads, costs, etc, it is hard to know what might work.

Geography is a concern to this group as an access to justice issue. In the very rural areas, there is concern that many don't have cars or reliable cars. How will they be able to travel to a further destination?

Administration of small claims could be centralized.

They were unsure what was meant by Magistrate in this question. If this means you are suggesting centralizing child support, the answer is "no".

A 2 tier level trial court system was espoused by 1 judge where you have regionalized presiding judges and then the 2nd tier judges would be local and hear things like small claims. Not an idea favored by most of the others. They mentioned that NH had just ended a system similar to this.

It was noted that part time judges are a large expense for the court system.

You could centralize around money collection issues like bail, fees, etc. This work is time consuming. They were not sure how this would work with cash payments. Take the bookkeeping out of the courts.

Moving larger scale trials to a more high tech courtroom might work. It would free up courtrooms in local courts for use by other dockets.

- 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?**
 - a. If the Judiciary invests in the equipment so that notices/informations, divorce complaints, parentage complaints, juvenile petitions, etc. are filed electronically will that, in your opinion, improve access and make the courts more efficient?**
 - b. Will easier access to the Judicial computer system allow working from other locations (home/another court) improve judicial operations?**

Technology can make things more efficient, but with technology comes a price. You need to support the technology so it can be used effectively, not just at the beginning of the use of technology but throughout its use. Technical support in Montpelier does not always work when an issue arises in the courtroom. They were not sure all the solutions needed to be so high tech, like improved phone systems with more than 2 lines (there were other examples). Quality of equipment needs to be high for things like video arraignments to work. Equipment needs to work.

Not every litigant is computer literate; how will we respond to these folks? Possibly a scanner where they file.

They are in favor of electronic filing.

- 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?**
 - a. What would be the effect of making all Court Managers and Court Staff all state employees?**
 - b. What would be the effect of eliminating side judges and hiring law trained judges with the savings?**

- c. **How much of an impact would the cross training of all staff have on workloads, etc.?**
- d. **Can and should we “float” judges along with staff to handle peak workloads as they occur?**

The docket clerks should be crossed trained when they are in the same building.

All court staff should be state employees.

Most of the judges agreed that side judges may once have had a function but no longer, and most agreed that their responsibilities should be curtailed.

One judge offered that the removal of side judges was a political impossibility. He offered that we should look at training side judges, so they can meet their responsibilities. Most of the other judges disagreed. How do you give them legal training? The point was also made that a significant number of judges throughout the US are elected.

It was offered that the solution might be done legislatively similarly to what was done to address concerns about constables. For side judges, you ask for legislation that restricts their responsibilities based upon being law trained or lawyers.

Everyone agreed that addressing the issue of side judges was a political nightmare. There needs to be more information to the public about abuses, job, etc.

Everyone agreed on the redundancy of side judges sitting on cases where there is a presiding judge.

Everyone agreed that “floating” judges was a bad idea. They felt these issues were already being dealt with by the Administrative Judge.

Most agreed with the concept of 1 judge for a case.

- 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?**
 - a. **What would be the impact of uniting Probate into Family Court?**
 - b. **Could the Environmental Court be absorbed into the Superior Court?**
 - c. **Would it be feasible/cost effective to: Have Magistrates hear child support contempt cases; move civil suspensions to Judicial Bureau; and eliminate de novo appeals hearings in Superior Court?**

On folding Probate into Family Court , some contested issues they deal with are civil, like wills. These cases should not be moved to Family Court. There is a lot of paperwork and administration of estates. They didn't think this service should be moved from Probate. There could be fewer Probate Courts, but they would need to see statistics to offer recommendations. If the functions of the Probate Courts were limited, they thought regionalization or limiting the number of Probate Courts might be possible. There would need to be someone like a Probate Register in each county. The judges agreed that if it saved money that Probate Court should be folded into Family and Superior Courts for contested cases. Also, they expressed a concern over resources to handle these additional cases if added to Family Court and Superior Court.

They did not think absorbing Environmental Court into Superior Court was a good idea. They did not see the cost savings or efficiency of combing them.

Everyone agreed that Magistrates should hear child support contempt cases. They are more familiar with the history and the impact would be more immediate. You would need to add some statutory language when broadening their powers to include must be law trained to exercise contempt and make it concurrent with presiding judges.

The discussion turned to getting rid of DUI 1s -- make it civil and do it administratively. Most DUI 1s end with fines. It will allow for quicker adjudication.

There was a suggestion to broaden the use of the diversion statute – change it so it is not so limited. No consensus, many liked the idea.

Rotation schedules were discussed. There was no consensus reached except that the lengthier cases do not benefit from a change in judge.

List to Take Back to Group

1. All court employees become state employees. Consolidate all administration of courts, including financial, under control of the Supreme Court.
2. Eliminate judicial function of side judges (re-structure functions).
3. Consolidate contested Probate hearings into Family and Supreme Courts. Reduce the number of Probate Judges around the State. Eliminate de novo appeals from Probate, Judicial Bureau and workers comp.
4. Central administration of small claims.
5. All child support contempt matters heard by Magistrate.