

**Focus Group Meeting  
Judicial Officers  
June 2, 2009  
Blue Parlor Group**

- 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?**

**Probate Courts**

- Consider deferring the issue of closing Probate Courts. Try saving with other reforms, then examine why we have probate courts at all.
- Consider having the Probate Register rotate to various counties on various days. Look at weighted caseload study to determine whether a register is needed full time.
- Consider moving contested matters from Probate Court to Superior Courts.

**Superior Courts**

- In some counties that have multi-jurisdictional courts, the Superior dockets are getting squeezed. Services are not being delivered. Family Court is a monster that devours everything in its path. Stand alone Superior Courts work better.
- There are presumptive deadlines for District and Family Courts but the impetus isn't there for the Superior Courts. Court Clerks aren't overseen by CAO in the same way the other court managers are.

**Rotation**

- Rotation is inefficient. If the judge wants to make any long term systemic change that the court manager disagrees with, the manager will simply wait out the judge. There is no time to implement change under the rotation system. If the judge does not want to deal with certain cases, he/she simply waits out their time on the bench and the problem is there for the next judge to deal with.
- Ending rotation ends up with little "duchies". Rotation eliminates personality conflicts between judges and attorneys.
- Consider specialized judges. The advantage is that they can apply their experience in various locations.

- Leave judges in courts where they excel. Asking them to become generalists and moving them to new jurisdictions means they will struggle until they become comfortable. Not an efficient use of their time and people are not well served.

### **Regionalization**

- Support regionalization of assignments and docket control if within one jurisdiction. Do not support regionalization of multi-jurisdictions as it would set up competition between the Superior, District and Family Courts for judge time.

### **Court Managers and County Clerks**

- We spend too much money on middle management.
- Consider eliminating the need for a sole county clerk or consider 4 or 5 regional court clerks.

### **CONSENSUS: Some regionalization and centralization will work.**

#### **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?**

- All courts need to be on the same case management system. Gets in the way of productivity and is not efficient.
- Staff spend a lot of time with pro se litigants on forms. Many litigants don't have access to email or on-line services.
- No money for technology anyway so why bother? Deal with reality—we need to address buildings and personnel issues.
- Technology doesn't take less staff.
- Kiosks work great until someone can't read.
- Videoconferencing an improvement in some areas. Regional arraignments are not working well.
- Human interaction is important. Litigants need to be able to see the judge.
- We don't have the right technology to support hearings by phone well. If technology doesn't work well, it impacts professionalism.
- There are always ways to save money but we can't lose sight of the fact that we are dealing with people's lives. We need to preserve some dignity in the process.
- Historical context and tradition has value. We need to find a balance.
- Public access is an issue as well.
- Substantive hearings through technology not supported.
- Consider having a division of pre-trial services in District Court.

### **GENERAL CONSENSUS: Yes, but not on substantive hearings.**

**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?**

**County / State Employees**

- We would see an improvement by making all staff state employees.
- In the county system, it is unclear who is in charge, who has the power to hire/fire, reprimand, etc.
- There is a huge disparity in workload and workspace between county and state courts.
- Superior Court is like a party boat; State Courts are like a fishing boat.

**Side Judges**

- Focus on their judicial authority, not their existence.
- Duck the question about competence and focus on the economic piece. Eliminate the per diem and collect facts about what side judges are being paid (including benefits) as a base salary by the county.
- Consider paying them for the hours actually worked rather than a per diem.
- Eliminate them from Family Court cases.
- Let the voters decide on a county level and let the county pay to have them sit in Family Court if they should choose.

**Cross Training**

- Totally ineffective unless it is clear who is in charge.
- If all staff were state employees, would facilitate cross training.

**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?**

- All courts were created to fulfill a specific need. We can withdraw from that model but how will it impact the reasons they were initially created?
- De novo hearings are a waste of time- a dress rehearsal.
- Against moving civil suspensions to anyplace other than District Court as they go hand in hand with DWI cases.
- Family Court is already overburdened.
- Most adoption stuff is administrative, not judicial.

- The Environmental Court is a “duchie”. Bad idea to have 1 or 2 judges in charge of a whole court.
- Environmental Court lends itself to specialization—all judges would have to be up to date on Act 250 training issues.
- Magistrates during child support contempt supported.
- Don’t impose change for the sake of change.
- Rotation doesn’t work well for juvenile cases. Kids need consistency.
- Being a jack of all trades, master of none can be challenging and uncomfortable.
- Whatever recommendations come out, funds are needed to implement them. The necessary horsepower must accompany them.
- Whatever changes we come up with will not keep the wolf from the door permanently. Don’t think “there, we’ve solved it”.

### **Summary Discussion: Biggest Priorities / Most Effective Solutions**

- Political is the art of the possible. Get everyone to come to a common understanding first.
- If the focus is really to save money, look at the probate courts.
- There is no cohesiveness between state and county. We need to deal with the uniformity of management.
- We should exploit this opportunity for change. Focus our attention on the big issues.
- The Judiciary needs to serve itself under the separation of powers. Why do we always roll over to the Legislature? We need to assert ourselves.
- When you take efficiency to its logical conclusion, it is ridiculous. Keep things in perspective, don’t always be driven by the mighty dollar, ask what is the real cost.
- Commission needs to focus on the bigger picture issues.
- Make all court staff state employees.
- Focusing the discussion on eliminating probate or assistant judges will bog down the Commission.
- All court managers need to work for the Chief Justice.
- One person in charge.
- We need some serious leadership to make the hard decisions. Focus groups are good, but the rubber needs to meet the road.