

NOTES, VERMONT JUDICIAL COLLEGE FOCUS GROUP, JUNE 2, 2009
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Suzanne reviewed the mission statement.

REGIONALIZATION

Regionalization would shift the burden to litigant/court users – no good public transportation in Vermont.

Access to justice is a major consideration; small claims is not a good docket to regionalize.

Depends on how you define regionalized; it would be a disservice not to considering re-districting – the population centers have changed.

We may have to look at things like venue – looking at where population centers are.

Technology – could it be done by video conference? If we go that route, we have to make sure that the technology works well.

Small claims – it is nice for them to be localized; might look at sense of community; should not assume that case management would improve if it is run centrally.

There is uneven training (e.g., management) of assistant judges.

Significant differences between traffic and small claims cases – traffic could more easily be changed to video.

Small claims, in some counties, utilizes mediation, which must be face to face.

Moving the location to a population center would not be exclusive of maintaining community.

I agree with regionalization but not small claims. I think we should encourage telephone participation, as is used in UIFSA cases. It would require rules regarding process.

Consolidation of services into one court location in a county – St. Johnsbury does it – it can work very well. Cross training of staff, one manager, the judge does all dockets, but more judicial help. Switching between dockets and a mish mash of cases – this would depend on the temperament of the

judge. Another judge preferred segregated organization of how dockets were scheduled.

Rutland is much better now. One building promotes efficiency. There is an effort in the court system to have one judge for one family – e.g., the Bennington IDV court. It would allow the judge and court managers to be able to schedule where the judge goes.

This would impact the superior court buildings we all love.

One example that would be better if all courts in one building – someone seeking an abuse prevention order at family court, e.g., in White River Jct., and the person's case actually being a civil case, so the person would have to go to Woodstock to file.

I would advocate for a judge not being assigned to district, family or superior court, but to all courts in one building; all judges there would do what is needed.

It works well with one manager – reducing competition between dockets. There is an attitude that if I give up some of my docket's time to the other docket, they will expect me to do it in the future.

One proposal could be a team of judges in one area, e.g., the southern counties, where a group of judges would be assigned – this could combat rivalry of managers.

Where would management lie? Make a regional group that would be responsible for all courts in the region.

Judges in Bennington work together to keep cases moving – e.g., plea changes in Bennington being handled at Bennington Superior.

For Franklin Family, jury draw dates are backed up with divorces (one clerk).

It takes too much time to arrange between two court managers, to go from one building to another; with two managers, there is no staff cross training.

Having multiple judges in the building might negate the need for attorney acting judges.

Broaden what magistrates can do, e.g., contempt and temporary parental rights and responsibilities.

Use magistrates better.

We rely on acting judges for Relief From Abuse cases at least two days a month because the juvenile docket backs up.

Expand the acting judge component and offer training.

Perception in the Vermont Judicial Bureau where one day you are the judge; the next day you are representing a client in court – *this is a perception*.

Concern about probate judges who have private practice.

Attorneys as acting judges are a good resource; this provides a good benefit to the court, and the attorneys benefit from seeing things from the bench.

It worries me to have attorneys doing Relief From Abuse cases.

Magistrates' duties are limited by statute.

They could do temporary divorce hearings and contempts.

My magistrate is so backed up.

There should be a full time magistrate in every court.

TECHONOLOGY

How about a basic telephone? In Relief From Abuse cases with defendants in jail and plaintiffs very soft spoken, it is difficult with phones in courtrooms now.

A conference phone with a projection method is appropriate for court.

The sound systems are better in some places than others. You can't always call both attorneys at once.

Get rid of the DOS based case management system.

I don't want to make it too easy for someone who is ticked off at another person to go to a kiosk and send off a motion.

A comment on technology: Technology is the answer to modernize – our current generation is not savvy about technology – one or two generations down – they live electronically.

We need to hire someone to bring us into the 21st century.

We need an infrastructure and people willing to work in it.

Federal courts use electronic filing and case management. They use e-mail to send hearing notices.

Collection of fines and fees cannot be done in Rutland County – Senator Bloomer carved Rutland out of this process.

We need consistent technology and laws across the state.

We are working on a new case management system.

Be careful expanding video conferencing; make sure the defendant has access to a lawyer.

There are certain docket areas where face to face contact is needed.

It would be great to know electronically the availability of attorneys.

There are different answers on how to obtain a job; I can't even get a new keyboard. There is inconsistent information as to what is available.

Inconsistency is a theme.

Telephone headsets for committee meetings, phone conferences and webinars would save travel.

FLEXIBILITY OF JUDICIAL RESOURCES

Have a 2-tier system – who handles arraignments, etc.? expand the jurisdiction of magistrates and hearing officers to do more things.

There would be difficulty in making all court staff state employees.

I am not sure cross training of staff would work well.

There should be cross training of staff, but it has its limits.

The union dictates some of what is done by state vs. county employees.

Vacancy savings causes morale issues.

The pay is not consistent county to county in county government.

Some assistant judges spend all their time at family court and know nothing about their own building.

Inconsistencies.

Are we considering court officers and security when we say make all employees state employees?

Sheriffs' contracts dictate what court officers/security can do.

Franklin, Grand Isle, Bennington, and Windsor Counties use sheriffs for security.

Court officers should be state employees – the court would have more control over them.

The public may not have an appreciation for the intricacies provided by court officers.

What would be the effect of eliminating assistant judges and hiring law trained judges?

My assistant judges won't do anything but contested hearings.

We have to get rid of them.

Some hear small claims.

It is appalling to hear what some assistant judges are doing and saying.

If you do away with assistant judges, hire another hearing officer.

Keep probate judges and have them hear small claims.

Two more hearing officers could also hear small claims.

My experience over the years working with side judges has been more positive, especially in child custody cases, and especially with a mixed gender bench.

I am sometimes embarrassed to walk to the bench, and there are three women in black robes. What is a male defendant thinking?

Cross train staff.

Probate judges handle a lot more financial information than the trial bench does.

Centralize probate estate management – it would promote consistency statewide.

If we have county and state unified and have staff cross trained, it would be better for service and more efficiency for the public.

Cross training promotes better relationships among staff members.

What about one or two floating judges with floating staff to handle peak workloads?

There is not enough court space; where would you put them? There is not a third courtroom at Franklin District/Family. We went to Franklin Superior to hold a hearing and superior court sent a bill for use of the courtroom.

Retired judge time is a tremendous bang for the buck. Retired judges are good in jury trials, divorces and sometimes TPR's. It is an amount of money that can be leveraged.

One idea I have thought about is a night court. It might work in Burlington, Rutland and a couple of other larger courts; cost of security would be one issue.

I think that there are some courts where caseloads are less and the judges there have more time.

The weighted caseload study might turn out that resources will be moved.

I don't see a need for a floating judge to bring staff.

ARE THERE WAYS IN WHICH TYPES OF CASES HEARD IN VARIOUS COURTS . . . COULD BE REALLOCATED IN A WAY THAT WOULD INCREASE EFFECTIVENESS . . . OR IMPROVE COURT EFFICIENCY?

What would be the impact of uniting probate and family court? Guardianships for incompetents, children, and adoptions could be done in family court.

Probate court does TPR's now.

Centralization of finite probate duties into family court would take more judges in family court; messy estate cases could go to superior court.

Combine environmental court with superior court? Environmental court is too specialized, what we have is better than the way it was. Technology improvements would help if it stays the same.

Sometimes permit issues in environmental court are related to boundary disputes. Maybe have the environmental judge handle the boundary dispute.

It is time to make everyone trial court judges.

Civil suspensions to Vermont Judicial Bureau?

Mixed opinions. No de novo appeals to superior court. There are some wrinkles in the statute.

De novo traffic appeals to district court? Especially for jury trial should be done away with.

Jury trial for small claims is an option.

Reduce number of jurors to eight or six.

We have too many peremptories.

One efficiency might be to have the judge do voir dire. It is done in federal court.

The average amount of time for jury draw varies.

Use of law clerks – two full-time law clerks for two environmental judges; 12 law clerks for the other trial judges and assistant judges.

We have gotten used to limited law clerk support.

More law clerk time would be helpful in superior court, especially for summary judgments.