

Addison County Bar Association Focus Group

June 22, 2009

Facilitator: Bob Paolini

Note Taker: Elise Milne

Mr. Paolini opened the discussion by explaining that the survey had been sent out for the purpose of generating dialogue and introducing the Chief Justice. He emphasized that everything is on the table, and that the survey is still on-line and can be taken.

The Chief Justice opened by stating that the Supreme Court has recognized inefficiencies within the current courts system and the need for a centralized authority with the ability to practice uniform control across the counties. The Chief Justice emphasized that his concern, and the concern of the Commission is the delivery of justice to Vermonters; not a personal agenda. Especially in this time of economic turmoil access to justice must be improved. The courts of the state must be transformed into a uniform body as the constitution already provides for; this is the only decision the Supreme Court has made.

Question 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?

The group felt that a centralized jury questionnaire system in Montpelier would be a good idea.

The group felt very strongly that an electronic centralized hearing schedule would be a good idea. There could be a built-in attorney schedule conflict checker and they could submit their vacation schedule to one place.

An individual in the group was extremely concerned with what the cost-savings would be of the new e-filing system that the court is already in the process of implementing.

The group was also very skeptical of the down payment that this kind of a system would require, and if this is the ideal time to be making this investment. It was explained by the members of the Commission that there is a fund for technology in the courts.

The group felt that a centralized small claims filing system similar to traffic tickets could be an attractive concept, but the issue could be that of error. The judicial bureau was agreed to be extremely error-prone. The group also felt that there was value in keeping small claims local due to access to justice issues.

The issue that the group saw with a centralized system was mainly that of accessibility. They felt that horizontal integration could be useful.

They felt that one of the issues with regionalization may be that rural counties such as their own are grouped in with more urban counties. Particularly with regards to such matters as the family courts and juveniles this could be problematic; their problems are different.

Question 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?

It was agreed that a few technologically developed courtrooms around the state might make sense.

They thought that computer terminals as they have in Rutland could make sense and cut-down on wasted staff time helping clients with that.

The group repeatedly expressed that a new electronic system should be designed to better serve the public. The public should be able to access the system.

One individual advocated for “a virtualized centralized clerical system.”

The group felt that moves towards technological advancement may very well not cut costs at all; that the personnel required to run such a system combined with the cost of the system itself might not be cheaper.

Question 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?

This county saw themselves as somewhat of a model of efficiency, with one front door and a relatively small staff.

They thought that bringing in personnel for the Superior Court when necessary could make sense, but not in other courts.

The notion was put forward that in smaller counties the division could be into only two courts.

Question 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?

Maintaining access to justice was a major concern of this bar.

They felt that the Probate Court should be left alone. Partitioning the duties of the court into the various other courts would not be beneficial. They saw it as a unique court, user friendly, often dealing with individuals in time of great strife, and critical to the delivery of justice. Good Probate judges deliver qualitatively different justice than other judges.

The group noticed a gap in between Small Claims Court and Superior Court. There is an issue with delivery of justice in the middle-sized cases that are not large enough to bring to the superior court and walk away financially ahead.

The group felt that in their county the small claims system is generally efficient, even though there may be the issue of the middle-sized cases.

The group felt that sending cases to the closest courthouse instead of the county courthouse could in some cases make sense, but further research would be required.

Summation

The summation of the meeting was very brief; the Chief Justice reiterated the importance of the Bar in this movement towards reform, which must be largely grassroots based.

It was put forward by a member of the group that the solution to the problem was for them to come to a conclusion as a unit.