

Caledonia, Orleans and Essex County Bar Association Focus Group

July 1, 2009

Facilitator: Bob Paolini

Note Taker: Elise Milne

Mr. Paolini opened the discussion by explaining that the Commission has been charged with the four questions of the survey phrased as affirmative statements. Furthermore, he explained that the legislation predates the economic crisis, though rescissions and cuts have certainly become an ever-present reality to be dealt with.

The Chief Justice explained that the exercises which the Commission is undertaking are not taking place within a theoretical vacuum. Economic reality must play a role in these reforms which are to be adopted. He explained that some court staff have seen a 14% cut in pay already, and as of today more are seeing a 5% cut. The courts system needs to be equipped with the flexibility which these challenges require. The Commission is simultaneously investigating ways to better deliver justice, and ways to operate more efficiently on less money.

Mr. Paolini asked the group to consider what they would design the courts system in VT to look like if they were starting from scratch. He also said that everything was on the table for discussion.

A member of the group asked if anyone had found another state which had successfully gone through a similar transition with positive results. The Commission responded that via NCSC they were getting a national perspective. Precisely, NH, ME, CT and CA have gone through similar restructuring.

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 did not see any problems with a centralized jury questionnaire system.

The group agreed that a centralized calendar system would be beneficial.

The group saw no issues with handling Small Claims like traffic tickets when asked.

Some members of the group felt adamantly that net-costs were not being properly studied. They were concerned that the centralization being discussed may not save any money.

The group was divided on the topic of technological centralization. Some felt it would be appropriate, while others felt that many Vermonters, often those most in need of justice, do not have access to technology and would be further marginalized by such centralization.

A member of the group shared concern over the reliability of a technologically centralized information base. If it were to crash the system would be paralyzed and chaos would inevitably ensue. We would need a very sophisticated back-up system.

Those that felt an electronic filing system may be a good idea did not think it mattered where the actual server would be. They did feel that a confirmation of receipt would be integral.

The group felt that in their area regionalized arraignment had not been very successful. The money spent transferring and housing they found to be unnecessary. They found issue with the lack of familiarity in such a system; the public defender may not know the defendant, the judge reads the case once to deal with the defendant once, and will probably never see them again. There is not this issue without regional arraignments. It was also felt that regional arraignments create issue with contracted private defenders; it is not in their contract to travel and deal with clients from other systems. Furthermore, there are issues with the court performing the arraignment attaining all of the necessary documentation. The group did acknowledge that regional arraignments could potentially be improved by a centralized filing system.

When posed with the notion of creating 4 or 6 regional judicial districts around the state the group did not have an adamant response. They did feel, however, that certain courthouses, such as Essex, could be closed.

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?

The group felt that if the centralized filing system discussed above were to be adopted a kiosk in every court where the public could access the information base would be nice.

The group agreed that a video system could be beneficial and greatly increase efficiency. However, they were weary of the reliability of such a system.

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?

The group felt that responsibilities of transferring people to court could be reassigned from the sheriff's office to the Department of Corrections, which is the only department responsible for incarcerated persons' whereabouts.

The notion was put forward that savings could be attained by contracting out public defense to private attorneys.

It was felt that some of those arraigned don't even need to see a judge. If we had a process for weeding these cases out they could be dealt with by a clerk.

The notion was put forward that in some cases other departments are responsible for matters that should be retained by the courts. For example, if a young person is clearly in need of behavioral therapy the Department of Corrections can say they can only go through that class if they get incarcerated for X number of months, when all they really need is to take a class.

It was said that particularly in the Family Courts orders are not always enforced. Thus generates a huge amount of confusion for clients and wastes court time and money in the long run.

It was said that by expanding a core of judges better equipped to deal with more and having them travel flexibility could be attained.

It was felt that Side Judges judicial jurisdiction should be limited or rescinded.

It was agreed that judges sitting on Small Claims should be law trained. Some of the cases being dealt with are extremely complex.

The group did not reject the notion of a traveling staff with a skeleton staff existing in local courthouses on a daily basis.

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?

It was agreed that probate judges should be law trained.

Some felt that it would make sense to move minor guardianship and adoption cases into the Family Courts because the issues at hand are similar. Family Court Judges have a great amount of expertise and are used to hearing such cases.

The group was adamant that the quality of justice dispensed in the Probate Courts was very high, though they did seem unaware of the expense. They were receptive of the idea that the system could operate with fewer Probate Judges doing more, as the Chittenden County Probate Court seems to be the most efficient.

It was said that it could be beneficial to turn the Probate Court into much more of an administrative court. Contested hearings could take place elsewhere.

Summation

The group was thanked, and advised that the survey was still available via the VBA website.