

Washington and Orange County Bar Associations Focus Group

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The Chief Justice reiterated the goals of the Commission; structural change and increased efficiency. He stated that VT is 7th on a list of states expected to see budget cuts in the next fiscal year. He stated that there are two different ways the judicial branch could respond to these budget cuts; to refuse them or engage in the discussion and process which the Commission is facilitating.

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 it was also important to look at the reverse of this question; what functions should be kept on a local level in the interest of justice?

They felt very strongly that there is a unique legal culture in VT which needs to be protected; it brought many of the lawyers to VT to practice.

The group questioned whether or not other states had gone through a similar transition, and if they had been successful. The consensus seems to be that in the states that have undertaken this it has been successful.

People in the group understood that there is a huge disparity between the state and county power and salary amongst employees of either working within the same courthouse.

They felt that a move towards centralizing back-office work would make sense.

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?

They saw no reason that lawyers could not receive notices via email, and thought there was an overuse of paper in the judicial system in general.

They agreed that electronic-filing would make sense. Right now the courthouses are flooded with paper.

A centralized electronic scheduling system was also agreed upon to be a good idea.

A concern for the privacy issue behind making this central scheduling system easily available was raised; especially with regards to family courts.

They felt that no matter what developments are undertaken, it is important for some clients to personally see a judge.

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 consensus was that the side-judges are not an appropriate use of resources. Although, they do retain a considerable amount of power. If they chose to maximize their taxing potential they could raise an additional \$28 million. However, they are elected from the same electoral base as the senate. We cannot kick them out and ask them for their money at the same time.

Side-judges sitting in on Small Claims Court was agreed upon to be a bad idea. There are currently doing such. They can go into Family Court for 15 minutes and be paid for a half-day's work. It was agreed that their qualifications do not reach as far as either of these courts.

The notion was put forward, and was not met with opposition, that elected judges are not appropriate and their jurisdiction should be minimized.

The group thought that rotation in general was a good idea. However, it was thought that the rotation term should be made longer.

It was agreed that specialized judges in the rural courts would not make sense. It would be uneconomical. If one judge is stuck there they have the opportunity to become multi-faceted.

The notion of a centralized magistrate base which would be deployed to court experiencing back-up was put forward.

The group felt the problem with a traveling judge and staff leaving a skeleton staff behind in each courthouse could be inconsistency with changing judges and personnel. It could also result in a loss of momentum in certain cases. In rural areas this could end up being expensive. They were unconvinced this could allow for greater flexibility.

It was questioned whether or not the court had considered going to the English instead of American system?

People seemed to think the environmental court was a good model, but questioned whether or not the specialized court model could be applied to more generalized courts.

The group felt that clients really do need to see a judge.

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?

Some in the group questioned the qualifications of many Small Claims judges. There are five or six counties in which side judges preside over Small Claims. It was not felt that they were properly qualified to do so.

They felt that moving adoption and minor guardianship cases to the Family Court would be unnecessary and ultimately end up being more expensive.

The group thought that transferring drug cases from rural counties to more urban ones where there are needs for Drug Courts could make sense.

About ¼ of the group thought it would be a good idea to increase the limits of the Small Claims Courts. The needs of medium sized cases needs to be addressed. The jurisdiction of Small Claims was just raised from three to five thousand and the case load almost doubled.

Summation

The Chief Justice closed by thanking the Bar and calling for their involvement. He said that they are the people who are most familiar with the system, its shortcomings and what would need to be done to fix it.