

**Windsor County Bar Association
July 31, 2009**

Facilitator: Bob Paolini
Note Taker: Elise Milne

Mr. Paolini opened by stating that the Commission had conducted focus groups all the way around the state and giving a brief overview of the Commission and the NCSC. He then introduced the Chief Justice.

The Chief Justice opened by thanking the various member of the Commission present and the members of the Bar for their participation. He emphasized that the Commission is not running tests with this process, but aiming to find real solutions which will best serve everyone. He emphasized the issue of the bifurcated county system and the Supreme Court's lack of central authority; in particular issues surrounding the firing, hiring, and salaries of, state versus county employees in the courts system. He stated that the aim of the Commission is not only to find fiscal efficiencies, but also to design a better and more just system for the state.

Mr. Paolini asked the group to take themselves back to 1791, and consider what kind of system they would design if given the opportunity.

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 civil actions/ small claims bureau would be fine from a lawyer's point of view. They did acknowledge that this might make things difficult for pro se's or trying to file things on an emergency basis.

An individual felt that the centralization of traffic courts in this manner would not work out. They felt it would not be more efficient and struggled to understand how the people in the courts would function if this were to happen.

The group did not disagree that the centralization of jury qualification pools could 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?

A representative from the Court Administrator's office shared with the group the plans in place for an e-filing system. The representative also shared with the group that their office was exploring the possibility of creating an interactive system based on the "turbo-tax" model to help pro se's and possibly the public. It was emphasized that the funding for this was not coming out of the normal judiciary budget.

The group was concerned that technology might not really help the people the courts system is designed to serve. They wondered if the benefits dreamt of when technological advances are undertaken ever really come to fruition for Vermonters. They were concerned about the preservation of the "people helping people" culture in the VT courts system.

An individual wondered if anyone had taken the time to do a study on the carbon foot print of the system. They felt that driving around paper wastes a huge amount of time, money and energy. Technological advances could eliminate this unnecessary expense.

Every member of the group had been scheduled in two different courts at the same time. They were very eager to see the adoption of a system that would prevent this.

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?

It was suggested that the time for side judges has passed. The individual suggested that instead of fighting the battle to get rid of side judges the court might simply change their duties. Their salary for sitting in court could be pulled. The elimination of paying for side judges could lead to more predictability in the budget. It was suggested that the court administrator should have the

power to decide who can sit on traffic cases. An individual emphasized the difficulty of budgeting for side judges.

The group acknowledged the difficulty of managing a budget divided between state and county funds. There was consensus that the time for this has passed.

An individual emphasized the difficulty of trying a case and sticking with the same judge. If they begin a complex case in county A and the judge moves to county B they cannot continue the case in the judge's new courthouse because they would be using county B's resources to try a case from county A. They found this very frustrating.

The group felt that trial judges in VT generally lack a solid support staff. An individual shared that they were surprised to learn that the staff in the court does not work for the judge, and that the judge often wastes time deciphering the practices of every courthouse. They acknowledged this to be a common problem across the state; generating vast inefficiencies.

Along with the above point, an individual shared that in their firm they keep an updated list of the best practices of the four different Family Courts in which they practice. A standardization of best practices across the state would make things easier for everyone working in the system, and easier to understand for the users.

Despite the inefficiencies that might be generated by rotation, some members of the group felt that rotation protects the courts from being stuck with a judge they're not happy with, or the judge becoming too friendly with the people in one court.

An individual did not disagree that rotation is a good idea in theory, but asked the Commission to consider what it's like for a client sitting in jail whose case has to be reviewed every time a new judge comes into the court.

The group felt that extending the rotation term might be an appropriate compromise.

There was a plea to extend the restorative justice program across the state. An individual asked the Commission to think about the system from the point of view of the guy sitting in prison waiting for trial while the wheels of justice turn. The individual felt that a different approach towards criminal justice which aims at restoring the health of the individual and the community could be more beneficial to the state.

The group felt that Family Court judges require a very special skill set to succeed, and that they should not be rotated through other courts.

The group felt that a flexible judiciary could allow judges to specialize like lawyers do, and this could lead to more efficient trying of cases.