

COMMISSION SURVEY ANALYSIS FOR ADDISON COUNTY
N=4

- 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?**

Responses:

- 1 None that I know of. A large portion of litigants in our county have limited means. Some do not have access to private transportation. It would be a burden on them to have to travel to Rutland or Burlington for court appearances.
- 2 No.
- 3 Yes. There could be some centralized electronic docketing and recordkeeping functions.

- 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?**

Responses:

- 1 Interactive television makes it possible for people to appear for routine status hearings and the like. But as the experience of the Bankruptcy Court shows, these are of limited value.
- 2 Yes, electronic filing and notices.
- 3 Electronic filing and docketing, while imperfect in some types of cases, could make operations more cost effective in the long run. Court access cards for attorneys might lessen some security costs while also improving lines.

- 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?**

Responses:

- 1 Look. We're talking about the third branch of government here, not some agency that performs services that conceivably could be outsourced elsewhere. It would help to provide more (not fewer) resources to assist judges to do their jobs. The legislature needs

to understand that by restricting the ability of the judiciary to do its job properly it is messing with the basic nature of our democracy.

2 consider some integration of the various courts (e.g., District, Superior, Family, and Probate) in a given county, so that court staff does not need to be duplicated. This is a much better option than geographic integration of a single court (e.g., combine more than one district, family, or superior court), which is a problem in such a rural state. There may be exceptions in the case of some probate courts if they are geographically very close. Most judges "cross over" between courts already; it is just too expensive to maintain so many courts as freestanding, individually-staffed entities to do the work to which judges are already assigned fungibly.

3 Active management of judicial resources by the administrative judge and staff could help. That said, Vermont is a small state but there are many areas that are difficult to travel, especially in the winter. And though statistics matter, they only tell part of the story. The standard statistical fallacy of small samples will always hamper management in VT.

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?

Responses:

1 The one thing that deserves serious examination is the family court system. There are strong arguments to be made that divorce should not be handled in an adversary mode by judges accustomed to determining winners and losers. I believe Judge Teachout has written extensively on this. We should look at creating a different process for dissolving marriages. But this should not be about saving money.

2 The judicial bureau and the environmental court as separate entities are largely unnecessary and should be realigned/absorbed/discontinued.

3 It would probably make sense to move all the proceedings that are akin to relief from abuse filings ("orders of protection", and the like) out of superior court and into family court. Certain guardianship proceedings involving children that are currently heard in probate court could probably be better handled in family court. But these are issues at the margins only. Major changes are probably not called for and would in the end result in greater inefficiencies. This does not mean, however, in counties where courts are co-located in the same buildings that staff could not be shared.

5. Please suggest other ideas that would enhance the efficient and effective delivery of judicial services to Vermonters.

Responses:

1 Consider moving the PD and the P&P and the State's Attorneys offices in to the courthouse.

2 Judges should have state-of-the art research resources and assistance with the writing of opinions. There should be some law clerks to assist judges with research. One way to save money would be to reduce the police presence in court. Is there really that much danger to require round the clock police? If we are looking at risks and benefits, the risk of a violent attack is probably minimal.

3 Maintain friendly, "local" feel, which we have in Addison. There is no reason why courts should not be "user-friendly" to litigants and counsel - this promotes efficient use of resources and resolution of cases (for which this county is known). Excessive geographic consolidation would have the opposite impact. Continue strong ethic of mediating cases.

4 E-filing and online access to records, co-location of different courts in the same building with shared staffs and decriminalization of certain drugs and other victimless crimes. The legislature should stop passing laws that it wants the courts to enforce without an "economic impact statement" of the cost of the proposed law on the courts, police, prosecutors, etc.