

COMMISSION SURVEY ANALYSIS FOR BENNINGTON COUNTY
N=6

- 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 Small claims are handled by side judges who are, with all due respect, incompetent. They can deal with factual disputes but have no idea what they are doing when they deal with legal interpretations. This is a disservice to the public and an embarrassment to the legal system. There is no need for 2 Probate Courts in Bennington County although historically there has always been a Northshire/Southshire distinction that was essentially abandoned by the Superior Court about 20 years ago, leaving the Manchester Courthouse without much activity except for Manchester Probate. There should be some way to make better use of that facility.

2 I use the probate court services on a regular basis, so my comments are focused on probate court. The probate courts do not seem to be technologically up to date, if they were, I think they would operate more efficiently. Scanning all documents that come in on a file would be one way to start. Our office has become much more efficient since we do not have to locate the physical file in order to answer a question. We have all of the files at our fingertips since all documents are scanned into the computer.

3 Electronic filing is the future and we should be moving toward it more quickly. To the extent that centralized staffing is appropriate to service this, fine. I strongly oppose centralizing paper-based functions. Superior Court staff in our county are very good, and we often need to file papers same day at the courthouse for immediate action.

4 The video arraignments are not working. Our office has had trouble speaking with our clients in private in the past.

5 Probate court could be regionalized. Traffic Bureau could be regionalized. No need for Side Judges.

- 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1 We no longer have a court reporter but have a tape recorder who records using large cassettes that were outdated years ago. This is an area where there could not really be any budget cuts and should receive a budget increase.

2 I don't know whether the probate courts' docket management systems are old or up to date but this is an important question. Also, I think probate court operations could be more cost effective by streamlining the process in a probate proceeding where all of the interested persons consent. Many other states have more efficient ways of dealing with "uncontested" probate matters and we may be able to learn some lessons from them.

3 The Federal pacer system is an appropriate model for Superior Court. I would not favor making criminal and family dockets so accessible to a broader public.

4 Electronic filing. (x2)

5 Courts should be wired so that projected images can be seen by jurors, e.g. Power Point; digital photos.

6 To make files electronic or accessible on line.

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 Perhaps the court employees could be offered flex-time to deal with this issue. Most people appreciate having predictable flexibility in their schedule.

2 The clerk in Bennington Superior Court is very responsive to these types of issues, and these are issues best addressed at the county level. Centralized administration is unlikely to aid effective use of local resources. Training might help.

3 Decriminalize marijuana. Too many resources are wasted prosecuting low level marijuana cases.

4 Public Defenders could be used to help people process their PD applications at arraignment day. Each person that is charged should be required to visit with the PD to determine if they should apply for an attorney or should retain an attorney. Too often, in fact the great majority of the time, the Deputy State's Attorney are put in the position of having to advise defendants if they should get an attorney; or, knowing that the defendant should have an attorney, do not guide them in that direction. If the PDs were required to meet with each person charged who didn't have a private attorney, there would be less pro ses and more justice.

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 I am not sure how this could be done without decreasing accessibility to the courts (maybe using Skype or some other technology where the judge and litigants are not necessarily in the same place?)

2 The system needs more resources to be effective rather than fewer.

3 Courts need to be uniform in terms of hearings and motion procedure. In Bennington, if I file a motion to suppress, the court will not automatically pull the status conference off, and I need to file a separate motion that needs to be handled by court staff and the judge. Other counties seem to automatically pull the case off of the status conference list when a motion is filed

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

Responses:

1 The Court system needs a budget increase and not a decrease. These services should be considered a necessity rather than a luxury that can be done away with. The people in charge of the Court system are doing the best they can with what they have to work with and to make further cuts would be a mistake. Reorganization of the different Courts back to the way they used to be when District Court judges stayed in District Court, for example would be an improvement in efficiency.

2 Fund it adequately.

3 Better use of diversion and alternatives to prosecution.