

COMMISSION SURVEY ANALYSIS VBA BOARD OF MANAGERS

N=15

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?

Categorized Responses

Adjudicative:

Finance

Case Administration: 5

Education:

General Court Services: 1

Jury Services

Managerial: 7

Other: 1

Technology: 11

Summary of Responses

Adjudicative:

Case Administration:

- Scheduling, case filing, docket management
- Docket filings
- Not in favor of providing any County services regionally or locally (x2)
- Scheduling could be done centrally or electronically

General Court Services:

- Court services pertaining to individual cases should be handled at the court house not regionally or centrally

Managerial:

- Administrative functions such as ordering supplies in bulk, accounting services, payroll services.
- Explore the under-utilized facilities in the smaller counties
- Juror questionnaires, summonses and payments could be processed at one central location.
- Election recounts could be held at the municipal clerk's office of the county seat
- Notary public applications [should] be processed by the Secretary of State
- Passport applications should be processed at post office or town clerks office
- Regionalization of services, although more cost efficient, would limit access to the courts for Vermonters.

Technology:

- On line access
- State wide case management system (similar to Chittenden Superior Court)
- Forwarding motions to judges electronically
- Electronic filings of all documents with [unified] access(x3)
- Scan pleadings onto a court database to enable judges to access motions remotely(x2)
- Motions that require a brief hearing can be held by conference call or video conferencing (X2)
- Notices of hearings sent electronically to attorneys of record

Finance:

Education:

Jury Services:

Other:

- No suggestions at this time

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?

Categorized Responses

Adjudicative:

Finance

Case Administration: 4

Education:

General Court Services:

Jury Services

Managerial: 1

Other

Technology: 11

Summary of Responses

Adjudicative

Case Administration:

- Early neutral evaluation of cases
- More allowances for telephone and video appearances (x2)
- Evaluate judge travel away from home courts

General Court Services

Managerial

- All court staff trained to assist pro se litigants

Technology:

- Electronic filings of all paper available, docket sheets, schedules and all public filings (x4)
- On line access and ECF filings
- Provide as many on line services as possible: payment of fees, filing documents, scheduling, etc.
- Court should invest in a better telephone system for conference calls
- I am not in favor of [mandatory] requirements to file electronically
- Electronic filings as long as it does not impact pro se litigants
- Kiosks and downloadable forms for family and probate
- Any technology should not be implemented without due consideration of pro se litigants

Finance

Education:

Jury Services

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?

Categorized Responses

Adjudicative: 3

Finance

Case Administration:

Education:

General Court Services:

Jury Services

Managerial: 16

Other:

Technology: 2

Summary of Responses

Adjudicative

- Side judges should be replaced by volunteer attorney acting judges
- Use lawyers as acting judges in small claims
- Have magistrates utilize findings day to sit in traffic court

Case Administration:

General Court Services

Managerial:

- Small country courts are obsolete. They should be folded into regional courts
- No need for Probate courts contested matters shifted to family and superior
- Centralized control of judicial administration although maintaining a presence in each county St. Johnsbury, Burlington, Rutland and Montpelier, could serve to provide court staffing needs
- Allow county courts to share the responsibilities
- Should have options to share resources among courts [counties]
- Centralization/ Regionalization of services provided at the county level and the use of technology to facilitate
- Give more authority to the Court Managers at the local level to implement flexible [hiring/ hour of operation] policies
- Statewide facilities manager to coordinate space, rental costs, etc.
- Shared clerk/staff to travel among counties
- Establishing threshold caseloads and adjusting court schedules and staff to address areas of high need vs areas of declining need as population shifts
- Don't run every court everyday
- One CM or Clerk in each courthouse
- Allow use of Superior Courtroom space by all courts that coexist in the county
- Require Presiding Judges to normally remain on the job until 4:30
- Unify court budget and management structure will allow greater use and flexibility of resources
- Centralized case management that allows judicial assignment based on backlog and caseload. [floating judges]

Technology:

- Online access and ECF filing
- Centralized electronic filing

Finance

Education

Jury Services

Other

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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?

Categorized Responses

Adjudicative: 6

Finance

Case Administration: 2

Education:

General Court Services

Jury Services

Managerial: 11

Other:

Technology

Summary of Response

Adjudicative

- Raise Small Claims jurisdiction to \$20,000
- Recruit more acting judges to handle small claims – increase per diem
- Allow Superior Court Judges to develop areas of expertise and assign cases based on that basis
- Eliminate right to de novo appeal to Superior Court
- Permanent Judicial assignment rather than rotations
- Evaluate contributions of the side judges to the judicial process

Case Administration

- The review of permits in E court functioned as an intermediary tribunal rather than a venue for de novo hearings.
- Create expedited/ discovery motion process for special substantive areas to expedite cases and reduce costs, i.e. foreclosures, L/T, collections

General Court Services

Managerial:

- Vermont [should] have a court of chancery that would hear complicated corporate or contract cases
- Keep the family, district, and small claims local and condensed into a user friendly format, and break up the civil docket
- Centralize small claims and VIT hearings
- Move small claims to the judicial bureau
- Place emphasis on local and streamlined access for family, district, and probate courts
- Superior, environmental and judicial bureau activities could be dealt with on a more regional basis.

- Probate Court should not be merged with Family, Superior, or any other court, excepting of counties with more than one Probate court.
- Consider moving Probate to superior court and to family court
- Consider moving environmental court to superior court
- Create unified court with divisions
- Unified court manager per building

Technology

Finance

Education:

Jury Services

Other

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

Categorized Responses

Adjudicative: 4

Finance:

Case Administration: 3

Education:

General Court Services:

Jury Services: 2

Managerial: 7

Other: 1

Technology: 5

Summary of Responses

Adjudicative:

- Create an intermediate regional appellate court system and make the Vermont Supreme Court a court of discretionary jurisdiction
- I have nothing but positive things to say about the side judges in front of whom I've appeared but I question whether having such judges is somewhat anachronistic.
- Have Judges work toward consistency in opinions
- Utilize only law trained judges who have passed the bar exam and are licensed to practice law sit as judges, no matter the court

Case Administration:

- Family court hearing cases when scheduled and not putting it over
- Scheduling for the real time that a hearing/trial in is necessary in family court rather than making parties come back 3 months later to get another day
- Uncontested matters should be able to meet all legal requirements and process their cases on line

General Court Services:

Managerial:

- Courts have an obligation to maintain a local county presence.
- Maintain a few centralized modern courthouses throughout the state then I think we could do with less on the local level

- If local control [is an issue] create voluntary citizen advisory boards for each county court
- I think it is a mistake to close or consolidate courts which see less “activity”
- Enhance services by not changing existing to bring the delivery of justice down to its lowest common denominator – do not ignore the needs of the legal “consumer”
- I believe each county deserves a unified court under a court manager utilizing the same docket and scheduling control systems.
- A unified court will retain its divisions along the same substantive areas currently in place to take advantage of...unified filing, docketing system and if possible a single courthouse.

Technology:

- I would like to learn more about electronic filing
- Utilize interactive T.V. for “routine” matters might be helpful in allowing better use of judge time
- Those working in the smaller courts should be asked for their suggestions
- E-filing by counsel
- E-filing and video conferencing should be utilized

Finance:

Education:

Jury Services:

- Reduce the number of jurors in civil cases to six and/or permitting non-unanimous jury verdicts
- Reduce the number of jurors in misdemeanor cases to six jurors and only requiring 12 jurors in felony cases

Other:

- A culture of unbundled representation by attorneys should be encouraged by the courts and the public education to purchase information and services for their litigation needs from attorneys on an ala carte rather than a fully representative case basis.