

**COMMISSION SURVEY ANALYSIS FOR
CALEDONIA, ORLENS AND ESSEX COUNTY
N=5**

- 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 Yes. There should be electronic filing for all documents filed with the court. There should also be a centralized calendar so that if attorneys have court hearing conflicts, many can be dealt with by the clerks without the expense and time spent on motions to continue.
- 2 Scheduling and filing could be done electronically, as it is done in Bankruptcy Court, so long as there is the opportunity for pro se people to continue to do it the old fashioned way.
- 3 Criminal arraignments for misdemeanors could be done most often by mail or electronically or by a clerk as opposed to a judge; there ought to be a better way to do status conferences at least where all parties are represented by counsel - perhaps electronically. It would seem that there could be an electronic "status" sheet that could be established to eliminate or lessen court appearances and scheduling conflicts for status conferences. I seem to file more motions to continue for status conferences than anything else.
- 4 No.
- 5 I practice primarily in Probate Court. Although some Probate Districts might possibly be consolidated I believe it would be a serious mistake to merge Probate Courts with any other court.

- 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 Yes. The telephone systems should be upgraded so that status conferences can be more easily held. In addition, remote television/computer hookups should be set up so that people can communicate through video conferencing, and witnesses can testify by video.

3 No.

4 Burying probate dockets in any other court would destroy effectiveness and efficiency.

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

Responses:

1 The family court discovery process needs to be overhauled. There is a great deal of time wasted on motions to compel and motions for sanctions and hearings on those motions, because the court does not enforce discovery orders, or sanction those who fail to provide discovery. Therefore those who do not want to provide discovery do not, knowing that they will not be punished. The unintended consequences of that is more litigation. Parties are also forced to subpoena documents from third parties because the opposing party refuses to supply the documents requested. This also results in more expense for the client, and more litigation, as third parties (particularly banks) will move to quash the subpoena. I have to tell my clients that the rules requiring a 30 day response to discovery requests are never complied with (except in this office), and that if the other side does not respond, the client will have to pay for discovery practice, and the likelihood of the other side being punished for failure to comply with discovery is nil, and the likelihood that attorneys fees will be awarded for the efforts to obtain discovery are also nil. The clients are shocked at that information.

2 Require mediation in family court cases not involving domestic violence.(i.e. prior to final hearing), small claims court judges should be attorneys who receive substantive trainings in the matters that they will be deciding (consumer law etc), staggered hearing times for Relief from Abuse matters.

3 I think that the Probate Court should be seriously limited. There should be no contested hearings in that Court. It is a waste of time and the process is poor for contested matters.

4 Since the Probate Courts are not broken, please do not fix them.