

## COMMISSION SURVEY ANALYSIS FOR VERMONT ASSOCIATION FOR JUSTICE

N=10

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: 3

Finance

Case Administration: 3

Education:

General Court Services:

Jury Services

Managerial: 4

Other: 1

Technology: 7

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### Summary of Responses

#### Adjudicative:

- The time and need for assistant judges has passed.(x3)

#### Case Administration:

- There could be one morning per week in superior or family court where, if you filed a motion for emergency relief by a Monday, you could have a hearing on Friday by showing up and waiting your turn. First come first served.
- Family courts [should] start to observe the time frames in the civil rules, and not rule on motions until the motions period was up
- Prospective juror questionnaires and answers should be made available electronically to attorneys with cases coming to trial.

#### General Court Services:

#### Managerial:

- The current structure of Superior, District and Family courts in each county is certainly inefficient.
- I think there are tremendous opportunities for savings if there were fewer courthouses.
- All courts should have similar and functional phone systems for attorney appearances.
- It is an interesting idea especially for potentially under utilized counties in Essex or Grand Isle.

#### Technology:

- [Institute] a PACER like electronic document filing system like federal court (X2)
- Set up electronic docket w/ search capacities for the other courts like Chitt superior court has
- Much of the (pre-trial) work of the Superior Court could be done electronically although I believe these courts should not be relocated.
- Status conferences could be done electronically.
- Filings could be done electronically.
- Trial attorney's schedules could be electronically updated so the courts now, in advance, when there is a conflict

**Finance:**

**Education:**

**Jury Services:**

**Other:**

- Notary Applications should be done by the Secy of state's office directly

**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: 1**

**Case Administration: 2**

**Education:**

**General Court Services:**

**Jury Services**

**Managerial: 1**

**Other**

**Technology: 9**

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**Summary of Responses**

**Adjudicative**

**Case Administration:**

- There ought to be a centralized calendar so that I don't have to have cases scheduled with cases already scheduled in other courts
- The default procedure for hearings should be by phone.

**General Court Services**

**Managerial**

- There is too much reliance on technology at the expense of effective judicial services. For example, video conferencing to perform arraignments could impact a defendant's constitutional right to have the assistance of counsel.

**Technology:**

- Video/digital recording systems in other courts (like Chitt Sup Ct) - higher upfront costs, but reduces needs for court reporters and makes it less expensive to get an electronic transcript.
- Review if the VT Supreme Court rule requiring the expense of a traditional transcript for video/digitally recoded proceedings in excess of 12 hours is necessary
- Allow ordering of copies of court records by e-mail and using scans
- Closed circuit hearings could obviate the need to transport defendants in criminal cases for certain hearings that are not evidentiary and at which very little occurs other than discovery deadlines, etc
- Have all courts on the same electronic docket/calendar systems and get Franklin Superior up to speed.
- Get all staff trained on e-mail and able to send and receive .pdf documents for hearing notices, decisions etc.
- Filings, notices, and orders can all be sent around electronically (x3)

**Finance**

- The cost of the calls (phone hearings) should be allocated pro-rata among the parties appearing.

**Education:**

**Jury Services**

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**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: 5**

**Finance: 2**

**Case Administration: 4**

**Education: 1**

**General Court Services:**

**Jury Services**

**Managerial: 2**

**Other: 1**

**Technology: 1**

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**Summary of Responses**

**Adjudicative**

- Consider eliminating side judges
- Consider having unopposed motions, where the opponent has appeared, being more expeditiously and routinely granted
- Use masters for discovery disputes with the losing party required to pay the master's fee to decide the discovery dispute;
- Consider experimenting w/ a panel of volunteer lawyers who will agree to promptly decide some non-dispositive motions for the parties, if the parties agree to use the option and be bound by the result for the motion
- Stop using Superior/District Court judges for small claims trials.

**Case Administration:**

- Mediation should be required in every case, funded privately.
- There should be a lesser form of judge, such as a Magistrate, who hears all of the routine issues that bog down this system
- Judges should figure out that assessing legal fees for persistent offenders/abusers of discovery would work wonders
- Greater coordination between the courts and attorneys concerning scheduling would be helpful.

**General Court Services**

**Managerial:**

- Offer reduced, flexible hours for some administrative positions with the understanding that there will be times when an increase in workload will require an increase in hours
- In Rutland the mediation Center is usually locked up tight as a drum at 4:30 in the afternoon. I suggest the Court become more flexible and that the side judges permit attorneys (court officers) to stay beyond the normal business hours and allow the participating attorneys to lock up the mediation Center after hours

**Technology:**

- Status conferences could be held by telephone

**Finance**

- Refund filing fees if parties agree to go to binding arbitration;
- Increase small claims court to \$7500, and /or consider a higher initial jurisdictional threshold - \$10,000 or so - but where the defendant can "remove" to superior court

**Education**

- Provide a training program for lawyers to do this (hear small claims) CLE could be offered or make a certain number of hours mandatory for each CLE period as a SmC judge, or provide some other incentive to encourage participation.

**Jury Services**

**Other**

- People who work frequently in the courts should not have to wait in long security lines. We should be able to have a priority line with appropriate ID.

**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: 1**

**Finance 1**

**Case Administration: 2**

**Education:**

**General Court Services:**

**Jury Services:**

**Managerial: 10**

**Other:**

**Technology:**

**Summary of Response**

**Adjudicative**

- Advocate for more judges as part of the consolidation and base location of courts and use of judges not on territorial desires, but caseloads.

**Case Administration**

- Refuse funding for drug courts and decriminalize small possession crimes (as is already being done by prosecutorial discretion) and use the savings in resources to fund drug treatment.
- Many types of traffic tickets should be able to resolved with the option of driving school, with a check box on the ticket itself

**General Court Services**

**Managerial:**

- Consider closing some courts but perhaps opening or using satellite link offices (like the VT Interactive TV locations or the federal Burlington district court) to allow persons to "appear" in court from a distance.
- Operating some of those [consolidated] sites (or leasing use of them) may be cheaper than operating so many courts and give reasonable access to persons for whom travel distance to the court is an issue.

- Combining Probate Court (and perhaps Environmental) with Superior Court might require fewer total positions and less expenditures for equipment
- The administration of courts could be consolidated in each county into one office instead of up to 5 different administrative staffs in each county.
- Small claims and judicial bureau might better be administered on a regional basis instead county by county.
- Probate court [could] be handled via a regional office.
- I think the specialty court systems needs to be examined closely to be sure they really offer better service.
- There appears to be a natural synergy with family and probate court matters for which potential efficiencies should be explored.
- There is also a set of synergies as well that involve family and district court especially with the juvenile docket for which potential efficiencies could be explored
- They seem to be allocated correctly now.

**Technology**

**Finance**

- Get rid of county funding of superior and probate courts and sheriffs. Establish a state wide marshals' service instead, allocating resources on use, not territory.

**Education:**

**Jury Services**

**Other**

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

**Categorized Reponses**

**Adjudicative: 2**

**Finance:**

**Case Administration: 4**

**Education:**

**General Court Services:**

**Jury Services**

**Managerial: 2**

**Other:**

**Technology: 1**

**Summary of Responses**

**Adjudicative**

- The anachronistic institution of the side judge should be abolished.
- Establish a voluntary (?) medium claims court, non-jury, with a limit of \$50,000 or so with limited discovery, limited motions practice and fast track trial schedule, say 90 days

**Case Administration**

- Allow counsel located more than 25 miles form a courthouse to more routinely appear by phone

- Loosen the witness "unavailability" standard for parties to take doctor depositions to preserve testimony for trial, with notice of same to the opposing party, rather than having to prove "unavailability" of the doctor
- Increase use of court diversion programs. Give judges the ability to impose deferred sentences w/o consent of the prosecutor.
- Allow lawyers in divorces to assist two parties, otherwise represented to reach a negotiated agreement.

**General Court Services:**

**Managerial**

- Encourage annual or semi-annual professionally facilitated conferences of trial and appellate judges throughout the year to identify hot spots of legal issues and discuss them generally and collectively with an eye toward having more uniform responses to the same issues or at least fewer different responses to those issues.
- I believe there is a lack of judicial resources that is impacting the effective delivery of judicial services. There is inadequate judge time in several counties where one judge essentially sits with multiple jurisdictions, e.g. Orange, Lamoille, and Orleans counties.

**Technology**

- Allow electronic filing of pleadings and other documents.

**Finance**

**Education:**

**Jury Services**

**Other**