

1 H.842

2 Introduced by Representative Jewett of Ripton

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; Consumer Credit Docket Efficiency and Savings

6 Study Committee

7 Statement of purpose of bill as introduced: This bill proposes to establish a
8 committee to study issues related to establishing a specialized docket for
9 consumer debt collection matters in the Civil Division of the Superior Court.

10 An act relating to the Consumer Credit Docket Efficiency and Savings
11 Study Committee

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. CONSUMER CREDIT DOCKET EFFICIENCY AND SAVINGS;

14 STUDY COMMITTEE; REPORT

15 (a) Creation. There is created the Consumer Credit Docket Efficiency and
16 Savings Study Committee to study institutional, technological, and process
17 changes that can be made to the Consumer Credit Docket in the Civil Division
18 of the Superior Court in order to render sustainable savings to the judiciary and
19 promote greater efficiency, integrity, and fairness in the delivery of judicial
20 services.

1 (b) Membership. The Consumer Credit Docket Efficiency and Savings
2 Study Committee shall be composed of the following members:

3 (1) All members of the Vermont Bar Association's Joint Commission on
4 the Future of Legal Services (VBA Joint Commission).

5 (2) A person, who may also be a member of the VBA Joint Commission,
6 appointed by the Executive Director of Vermont Legal Aid.

7 (3) An attorney, who may also be a member of the VBA Joint
8 Commission, with significant experience representing creditors appointed by
9 the Executive Director of the Vermont Bar Association.

10 (4) A person, who may also be a member of the VBA Joint Commission,
11 who serves or has served as an acting judge in small claims proceedings
12 appointed by the Executive Director of the Vermont Bar Association.

13 (c) Powers and duties. The Committee shall:

14 (1) develop a verified and streamlined pleading process to focus on
15 preliminary issues and defenses in consumer credit collection actions;

16 (2) develop incentives to bring debtors into court early in the litigation
17 process;

18 (3) review and make recommendations for the postjudgment process that
19 promote greater fairness, uniformity, and efficiency; and

20 (4) recommend whether:

1 (A) debt collection cases should continue to be treated as small
2 claims proceedings or be consolidated into a separate docket;

3 (B) the statute of limitations for debt collection actions should
4 be changed;

5 (C) postjudgment interest rates should be indexed to market
6 rates; and

7 (D) changes to procedural rules or statutes could advance fair and
8 efficient adjudication and enforcement of collection cases.

9 (d) Report. On or before November 1, 2016, the Committee shall submit a
10 written report to the House and Senate Committees on Judiciary including
11 proposals for legislative action, if any.

12 (e) Meetings.

13 (1) The Chair of the VBA Joint Commission shall be the Chair of the
14 Committee.

15 (2) The Chair shall call the first meeting of the Committee, which shall
16 occur on or before July 1, 2016.

17 (3) A majority of the members of the Committee, whether physically
18 present at the meeting location or participating remotely, constitutes a quorum
19 for the purpose of discussing the business of the Committee and for the
20 purpose of voting on an action. A member of the Committee may vote on an
21 action in person or when participating remotely. The Committee may take

1 action only with the assent of a majority of the members physically present and
2 voting.

3 (4) The Committee shall cease to exist on the date it submits its report
4 pursuant to subsection (d) of this section.

5 (f) Reimbursement. Members of the Committee shall not be entitled to per
6 diem compensation or reimbursement of expenses.

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage.