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## **MEMORANDUM**

**TO:** Representative Alice Emmons, Chair, House Committee on Institutions and Corrections  
Members, House Committee on Institutions and Corrections

**FROM:** Bob Greemore, Court Administrator

**DATE:** February 22, 2011

**RE:** Judiciary Capital Construction Request

Under our constitution and our system of government, people are guaranteed the right to “find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property or character.” Vt. Constitution, Ch. I, Article 4.

To make that right meaningful, people must be able to enter courthouses knowing that they can present their case fully and completely without fear of violence or intimidation from other parties or their families; courthouses must provide a setting that gives people confidence that within those walls, justice will be served fairly and impartially and the community will respect the decisions made there.

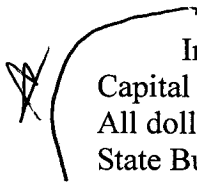
The Legislative and Executive Branches have understood the impact of the building on the delivery of justice and have historically built courthouses that the community reveres with pride. Years ago, the county built county courthouses on town greens or in town centers. With the creation of the District Court in the late 1960's, the state has built courthouses in Barre with recent renovations for security, Bennington, Brattleboro, Newport, St. Albans, White River Junction, Burlington, Middlebury, St. Johnsbury and Rutland. The courthouse in Brattleboro has just been renovated to improve clerical spaces and security.

Over the past year, the Commission on Judicial Operation has studied the court system and has recommended significant restructuring of the Judiciary. These recommendations resulted in the passage of Act 154. The commission recommendations do not change significantly which facilities are used for Judicial business but the Commission does recommend that the Supreme Court determine what services be delivered in each facility whether State or County owned. Act 154 requires each County to maintain its level of support to the county facilities at the same level as exists on July 1, 2009. Also, the Act required the Commissioner and the Court Administrator to study the county courthouses with

regards to compliance with the Americans with Disabilities Act and make recommendations to the General Assembly. I have attached the results of the study.

The Judiciary proposes the following capital construction program to address a number of critical needs relating to improving security and providing appropriate space for the users of our courthouses. The security of users and staff in our courthouses is the Supreme Court's primary concern. Several buildings have serious security deficiencies that require immediate attention while others lack appropriate spaces for litigants to pursue their advocacies or for court staff to effectively do their jobs.

We continue to be concerned about the facilities for the Judiciary in the Montpelier Complex. There still may be opportunities to work with the Department of Libraries to reorganize space in 111 State Street and the Pavilion Addition to meet needs of the Judiciary and the Department of Libraries. We continue to have, as a priority, a consolidated Court Administrator's Office and improved space for the Supreme Court. We request the Legislature to direct the Department of State Buildings and General Services to continue to explore options and present possible solutions as it manages the space within the Complex.

 In addition to the needs of the ADA study, the Supreme Court's request for the Capital Budget for FY 2012 follows. We will phase this request over the next five years. All dollar amounts are estimates and have not been specifically priced by the Department of State Buildings.

- **Lamoille County Courthouse**

The Lamoille County Courthouse is still a high priority for the Judiciary. The Assistant Judges in Lamoille County in conjunction with a local committee and the Department of Buildings and General Services have re-studied the needs of the Judiciary and the county government in Lamoille County. An architectural firm has revised a report that details the needs and a recommended approach to meet those needs.

The FY08 Capital Bill contained \$100,000 to complete a design on a solution for the Lamoille County Courthouse. The money would also relocate a radio tower that is used by the sheriff's department to allow an addition to be built between the courthouse and the sheriff's office building. The addition would also wrap around the rear of the courthouse. The new addition would improve clerical space for the Civil, Criminal, Probate and Family Divisions of the Vermont Superior Court, improve the second courtroom to be a fully functional jury courtroom, improve circulation to provide better security for prisoners and judges, improve prisoner delivery to the courthouse, and provide more appropriate access to the facility for persons with disabilities. The Supreme Court in conjunction with the Assistant Judges requests a total of \$6.7 million for the project over 2 years and in FY 2012 specifically request \$3,250,000 to complete design development, construction drawings and begin construction.

- **Washington District & Family Court**

The Washington Criminal and Family Divisions of the Vermont Superior Court, Washington Unit have been consolidated under one manager. In the consolidation, most of the clerical functions have been moved to the office space on the first floor in order to provide all

customer service at that location. The Judiciary paid for renovations to accomplish the relocation. This is a short term fix. We need to take a comprehensive look at the space available in the Barre courthouse and plan a more permanent occupancy.

We have heard there may be some consolidation of space in Barre and that the second floor of the state office building may become available. We are renewing our request to reallocate the remainder of the second floor of the Barre Criminal and Family Courthouse and State Office Building for use by the Criminal and Family Divisions. Building circulation needs to be reconfigured to create a safer environment for users and staff of the facility. We have a need for an additional hearing room with judge's chambers for the magistrate, case management settlement areas, improved administrative clerical spaces, pro se litigant service area, office space for the Assistant Judges, and attorney/client meeting spaces. The Department of Buildings and General Services is completing estimates for this work. Funding for the first phase is requested to be included in the FY 2012 Capital Bill recommendations.

- **Franklin District and Family Court**

There is a need for a legitimate third courtroom in the facility. The facility currently supports the Criminal and Family Divisions of the Vermont Superior Court, Franklin Division which has 2 full time judges assigned to the dockets, a magistrate assigned 1 day a week, and a Judicial Bureau hearing officer 1 day a week. Now that assistant judges can hear certain cases within these dockets, the shortage of courtroom space has become critical. We have temporarily converted a jury room to a hearing room but there is no direct access to the room for the public (users of the courtroom must exit the building and enter through a rear door to gain access), the space is tiny, and the cases scheduled for the space have to be carefully screened for security risks. This configuration puts pressure on the buildings security and increases the security expense. A study is needed on what can be done within the facility and renovations accomplished to meet this need. We request money in FY 12 to study solutions for the facility.

- **Chittenden District and Family Courts**

It is time for the Agency of Human Services to move some of their first floor functions out of the Costello Courthouse. This space is immediately adjacent to the main entrance and was configured for clerical and hearing room space. The Judiciary requires the space for the Courts operating in the building. When AHS moved into the building, a hearing room and offices were developed in the jury receiving area and a jury courtroom was used for jury receiving. The Criminal Division needs to use the jury courtroom as a courtroom again. The Judicial Bureau function should be returned to the first floor along with our treatment court program and a court services center should be developed. The second floor area should be redeveloped for the jury. We should also consider whether to relocate the Professional Responsibility Board to a more secure office area within the courthouse thereby freeing attorney attorney/client rooms for the courts operating on the second floor. Also it will provide an opportunity to improve the security at the entrance of the building relating providing more separation for incoming and exiting traffic and more room for persons waiting to go through screening.

**Court Services Center** -This request is to establish a court services center modeled on a project begun in Arizona and copied in Connecticut. The idea is to establish a “store front” at the Costello Courthouse where pro se litigants, attorneys, and citizens can obtain information about the court system. The information would range from pamphlets & forms to being able to ask court staff questions. The center could have legal materials, public computer terminals, copying machines and other items that could assist someone in filing papers, researching procedures or assembling information. It will also be a point to file papers or pay obligations owed to the court.

**Treatment Courts** - The approach to cases where the litigants have issues with substance abuse is changing. The Chittenden District and Family Court has initiated experimental dockets specifically targeting cases within the juvenile, criminal, and family dockets to begin treatment of the underlying problems in these cases. Space within the courthouse should be redesigned to be appropriate for adjudicating the cases.

We estimate that \$500,000 will be needed to reconfigure spaces and improve security.

- **Uniform keycard system for access to Judicial Branch Facilities**

A significant problem is the security of our facilities especially outside of business hours. Most facilities are controlled by traditional locking systems or old style Schlage automated locking systems. All state owned courthouses should be equipped with the new Pelmecc Security type locking and control systems or similar equipment. This will reduce the vulnerability of our facilities due to keys not being accounted for during personnel turnover and facilitate judge access to facilities during rotation. This would allow the Judiciary to maintain the building access permissions from a central location. Persons who leave Judicial Branch service would have their building access revoked immediately, personnel who serve multiple sites would not have to have multiple keys, access to spaces could be administered on a door by door basis and could also be administered by the time access is needed. These systems have been installed in the Supreme Court, the Environmental Division, the Criminal and Family Divisions in Barre, Burlington, and Rutland and the Criminal Division in Newport. There are five facilities that would need this technology and we request \$175,000 to accomplish this.

- **Windsor District and Family Court and Judicial Bureau**

The Judicial Bureau is running out of space to administer the burgeoning traffic complaint caseload. The third courtroom is too small for many proceedings. There are significant security issues with the front entrance and the space available to do appropriate weapons screening.

New office space should be acquired for the Judicial Bureau. The small courtroom should be expanded into the current Judicial Bureau space and the possibility of creating 2 adequately sized hearing rooms should be considered. The front entrance should be reconfigured to provide a more secure environment for weapon screening and separation of entering and

exiting traffic. We request money to study possibilities to provide adequate space for the Judicial Bureau and the Vermont Superior Court, Windsor Unit.

- **Orleans Criminal Division, Vermont Superior Court**

The prisoner holding area at the Orleans Criminal Division is inadequate. There is no secure prisoner delivery area, no secure prisoner circulation within the building and the prisoner has to be escorted through public areas to enter the court room. There have been studies to alleviate the issues but no funding for any solution. Also, there is no private, secure circulation between floors. We request \$250,000 to improve prisoner delivery and holding at the Orleans Criminal Division and create a private stair between floors.

Legislative Report 19 -- 2011 Report to the General Assembly

State of Vermont  
Agency of Administration  
Department of Buildings & General Services

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**Reports to the 2011 General Assembly**

**Legislative Report 6**

**Title: American with Disabilities Act (ADA) – County Court House compliance audit**

**ADA Compliance cost analysis**

In accordance with Section 235a, of Act 154 the Commissioner of Buildings and General Services is submitting the following analysis of ADA compliance for County Court facilities.

**Sec. 235a. AMERICANS WITH DISABILITIES ACT; COURT FACILITIES; REPORT**

The commissioner of the department of buildings and general services and the court administrator shall study the county courthouses to evaluate whether the courthouses comply with ADA accessibility standards and shall report the results of the study to the general assembly, along with any recommendations and estimates of the costs of bringing courthouses into compliance, on or before December 15, 2010. Where it is necessary that expenses be incurred in order to bring a courthouse into compliance with the ADA, the judiciary shall submit a capital budget request to the commissioner of buildings and general services for consideration in the capital budget request process.

Findings and observations:

- The following 13 county courthouse facilities were audited for compliance to current ADA code requirements. (cost to comply)
  - Bennington Superior Court (\$34,000)
  - Chittenden Superior Court (\$17,900)
  - Essex Superior Court (\$35,328)
  - Franklin Superior Court (\$2,382)
  - Grand Isle Superior Court (\$32,846)
  - Lamoille Superior Court (\$143,036)
  - Manchester Probate Court (\$51,267)
  - Orange Superior and Probate Court (\$37,149)
  - Orleans Superior Court (\$7,576)
  - Rutland Superior Court (\$35,572)
  - Washington Superior Court (\$16,689)
  - Windham Superior Court \*
  - Windsor Superior Court \*

\*Renovations would be costly and detrimental to Historic Character of the building

- In all locations, non-compliant conditions existed.
- The total project cost to bring all facilities into compliance would be \$413,769
- Audits were performed by Vermont Arch Collaborative (7) and Arnold & Scangas (6)
- Audit reports have been circulated to the respective courthouses for review and comment.

### Recommendations:

- Based on no alternate court location being in close proximity, the following facilities should be upgraded:
  - Essex County Courthouse
  - Orange County Courthouse
  - Grand Isle County Courthouse
- Upgrade for the Lamoille County Courthouse needs to be weighed against the proposed new courthouse and timeframe.
- The following facilities should be considered in this priority for upgrade as funding is available:
  - Bennington County Courthouse in Bennington
  - Orleans County Courthouse
  - Chittenden County Courthouse
  - Franklin County Courthouse
  - Washington County Courthouse
  - Rutland County Courthouse
- Bennington County Courthouse located in Manchester client needs can be accommodated in Bennington after it has been upgraded.
- Windham & Windsor County Courthouses should not be upgraded for the reasons noted. In both of these locations alternate sites are in reasonable proximity.
- All tenant feedback needs to be evaluated and incorporated as necessary to insure the building occupants participate in the solutions.
- Work needs to be performed on notification to clients whenever an alternate site is the solution. This needs to be studied so that the solution can be operational in all impacted locations and confusion to the public is non-existent.