

Vermont Judiciary
Annual Statistical Report for FY 2015

Vermont Judicial Branch Annual Statistical Report

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Highlights from the Report:

Family

- The number of CHINS petitions on the grounds of abuse or neglect of child has increased by 91% since 2011. This represents the largest case filing increase in the Superior Court.
- In every year in the past five years, the Superior Court has disposed of fewer CHINS cases than the number of cases filed. The clearance rate in FY15 was 79.9%. The backlog of CHINS cases continues to grow with the steepest growth occurring in the past year.
- Although the overall number of case filings in the delinquency docket rose marginally (3%) in FY 15, there remains a decline in filings compared to previous years.
- Termination of parental rights petitions in juvenile cases have increased by 61% in the last five years.
- There has been a 6% decline in divorce/parentage filings over the past five years, continuing the decline that began last year.
- Petitions for protective orders for relief from abuse have also declined in the past five years by about 12%. Temporary orders were granted in 75% of relief from abuse cases, and final orders in 46%.
- The fastest growing case type in the Mental Health docket is involuntary medication applications, with filings nearly doubled in FY15 over filings in FY11.

Criminal

- Felony filings were down 9% in FY15 as compared to FY14. The major increases in felony filings over the past 5 years are in domestic violence felonies which are up 18% since 2011 and felony drug filings which are up 18% from 2011.
- Misdemeanor filings between FY14 and FY15 were nearly level.
- The number of criminal jury trials has increased 25% over FY14, but consistent with the number observed in 2011.

Civil

- Filings in major civil cases declined by 2.5% in FY15 over FY14, primarily as a result of a decline in collections filings.
- The decline in small claims cases which began in FY11 has continued, with 2015 filings decreasing by almost 9% over FY14.
- Final orders were granted in only 25% of the civil complaints that were filed seeking an order against stalking or sexual assault.

Probate

- Filings in adoption cases declined by 15%. There were 18% fewer minor and adult guardianships combined and 3% fewer estates.

Environmental

- Cases in the environmental division declined by 35% since FY14, the lowest number of filings in five years.

Judicial Bureau

- Filings in the Judicial Bureau were also the lowest in five years, declining 12% since 2011.

Introduction

The purpose of this report is to highlight trends in the five divisions of the Superior Court and in the Supreme Court with respect to the filing and disposition of cases. For many years, the Judiciary has posted annual data reports on our web site. We reported the data for each fiscal year, but without any context. There was no way to compare the data from one year to the year before or the year after without opening every report.

In addition to providing data on the number of cases added and disposed, this report also measures performance with respect to timeliness using the three performance measurements that are part of the National Center for State Courts' CourTools. The three measures are:

Clearance Rate

The clearance rate measures the number of disposed cases as a percentage of the number of incoming cases. The purpose is to measure whether the court is keeping up with its incoming caseload. If the Clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

Age of Active Pending Caseload

This is a point in time measurement usually done on the last day of the fiscal year. The age of the active pending cases is measured against the time standard or disposition goal for that particular case type set by the Supreme Court to determine how many of the active unresolved cases are within the goal and how many have exceeded the goal.

Time to Disposition

This measure looks at all of cases disposed during the fiscal year and measures the percentage that were resolved within the disposition time standard or goal for that case type and the percentage that exceeded the goal. It is important to note that it would be very rare indeed for every case to be decided within the disposition goal. (If that were the case, the goal is probably too high and should be lowered.) Typically, if the percentage decided within the disposition time standard is around 80% to 85%, it probably means that the court is doing fairly well provided that the cases that exceeded the goal did so within a reasonable margin.

Disposition Time Standards

The Vermont Supreme Court has adopted by Administrative Directive disposition time standards or goals for many, but not all, case types in the Superior Court. Where time standards have not yet been adopted, it is obviously difficult to use either the second or third NCSC measurement described above. We have noted in this report case types which do not yet have time standards. Where the Court has adopted time standards, it has recognized that in every case type, there are standard cases and then there are complex cases and the complex cases need longer time frames. The Court has therefore adopted a differentiated case management system which sets a time frame as a goal for standard cases and a somewhat longer goal for complex cases. Unfortunately, we lack the capacity in our current case management system to easily identify the complex cases. Therefore, for the most part, our measurement with respect to timely disposition are based on an assumption that all cases are standard, an assumption that we recognize is not accurate.

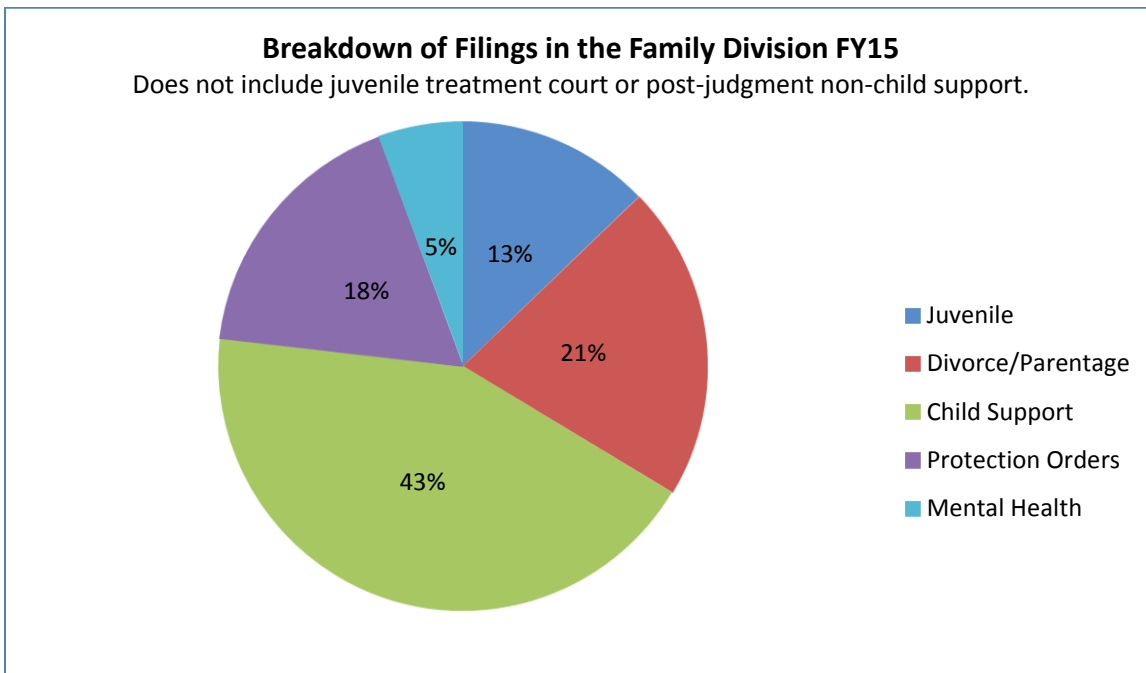
Family Division

Statewide Data

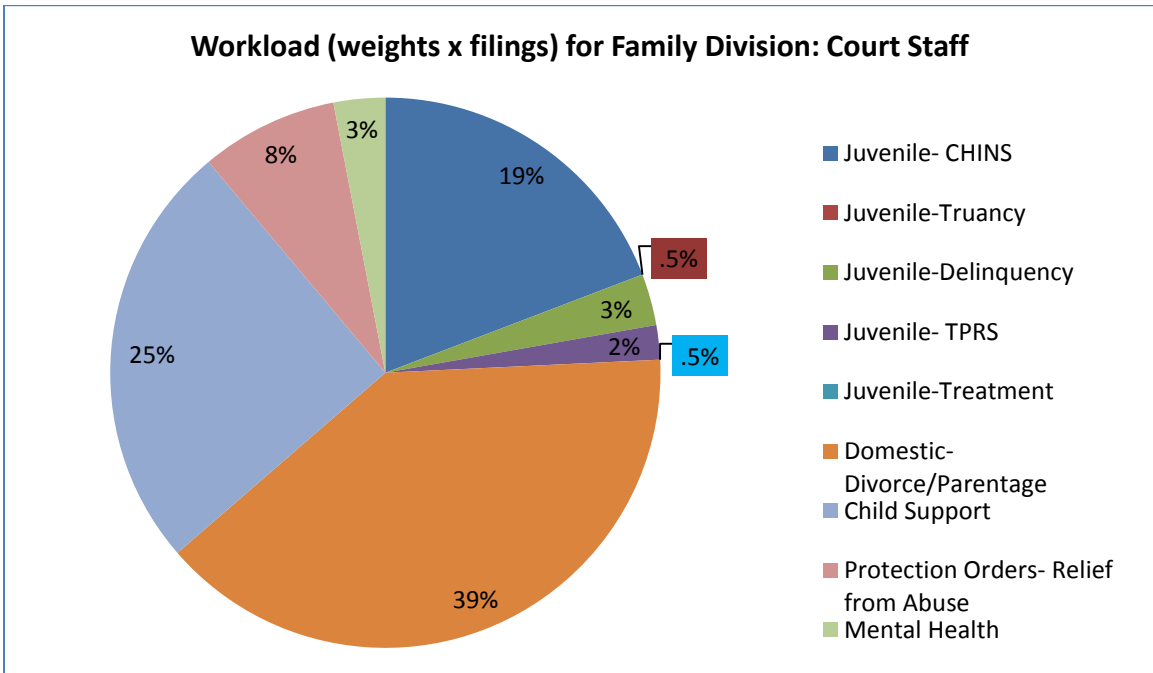
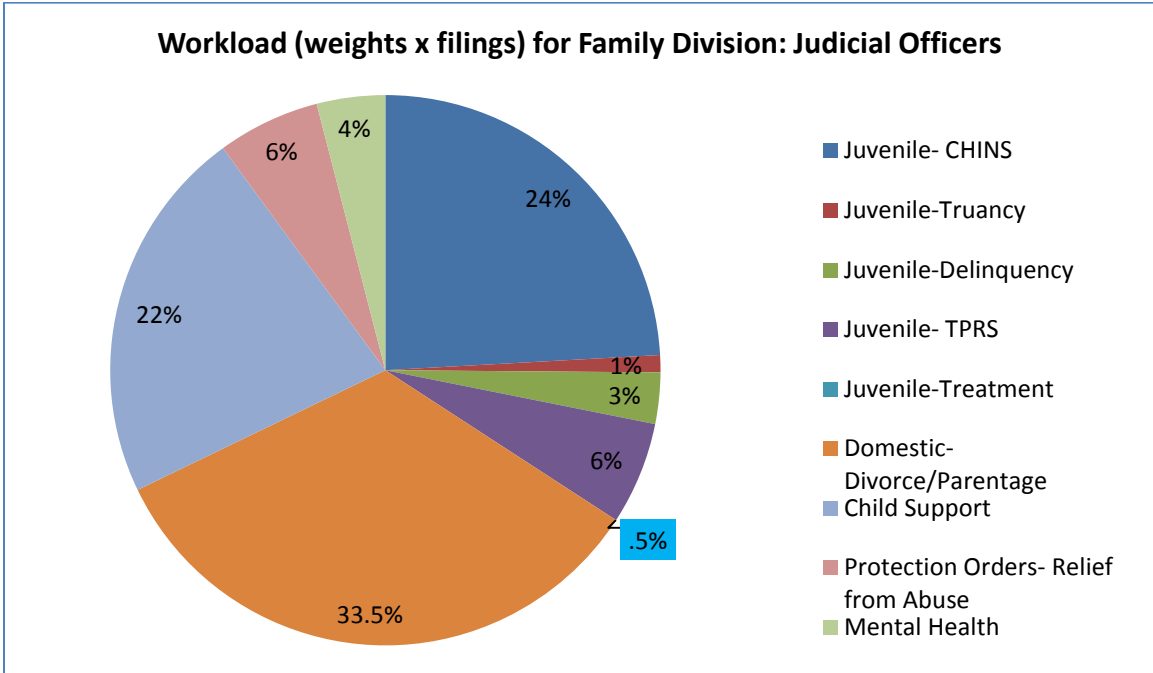
For statistical purposes Family Division cases are divided into three major categories: domestic, juvenile and mental health. Each of these categories is comprised of several different case types as shown below:

JUVENILE	<ul style="list-style-type: none"> • Child in Need of Care and Supervision – abuse/neglect and beyond parental control • Delinquency (including youthful offenders) • Termination of Parental Rights
DOMESTIC	<ul style="list-style-type: none"> • Divorce/Dissolution • Parentage • Post Judgment Motions for Enforcement or Modification of final orders • Child Support Establishment and Motions for Enforcement or Modification of final orders • Protection Orders for Relief From Abuse
MENTAL HEALTH	<ul style="list-style-type: none"> • Application for Involuntary Treatment (Hospitalization) • Application for Involuntary Medication

The chart below depicts the breakdown of the various case types in the family division based solely on numbers of cases filed. It is not reflective of the relative work load associated with these cases from the perspective of staff and judicial resources.



WEIGHTED CASELOAD WORKLOAD WITH FY15 FILINGS



Family Division: Juvenile

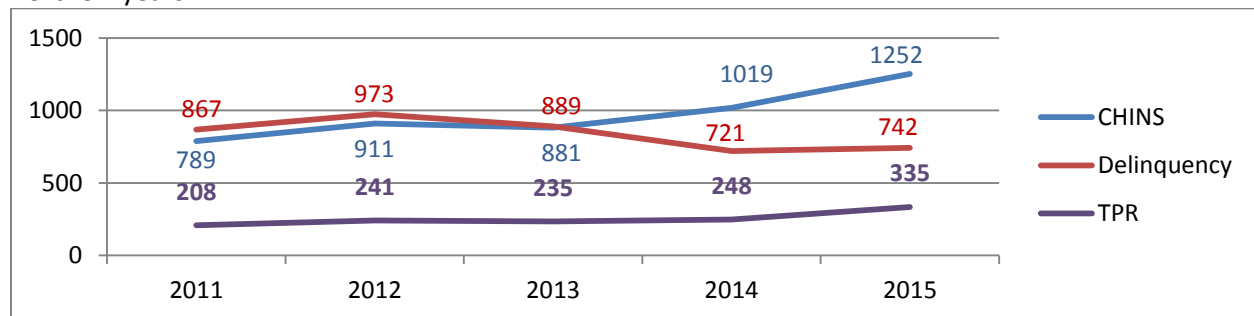
There are two major categories of juvenile cases:

1. Cases involving children who are in need of care and supervision known as CHINS cases and cases involving children who have committed a delinquent act known as delinquencies. CHINS cases are divided into two subtypes: children who have been abused or neglected and children who are truant or beyond parental control.¹
2. The delinquency docket includes both youth charged with a delinquent act and youth transferred from adult criminal court as youthful offenders. State custody (i.e. the removal of a child from the custody of the child's parents) is a potential outcome in all juvenile cases and court records in all juvenile cases are confidential.

Juvenile cases often involve significant post judgment activity. This is particularly true of CHINS cases. As long as a child who is the subject of a CHINS proceeding is in state custody, multiple review hearings will occur in the family division including a post disposition review and numerous permanency reviews. The purpose of these review hearings is to ensure that the child moves towards a permanent resolution – usually either reunification with a parent or adoption – with as little unwarranted delay as possible. If parents are unable to either reunify or make significant progress towards reunification with the child within a reasonable amount of time, the State will then petition the court to terminate parental rights so that the child can be adopted. Termination of parental rights petitions are resource intensive and for statistical purposes are therefore tracked as a separate case type.

Trends

As indicated in the chart below, while the number of delinquency cases has declined over the past five years, the number of CHINS cases has significantly increased, especially in FY15. Whereas five years ago, there were more delinquencies filed than CHINS cases, now there are a greater number of CHINS cases. From a workload perspective, CHINS cases rank as one of the most labor intensive case types not only in the family division, but in any division of the Superior Court.² The dramatic rise in CHINS cases over the past five years has put a significant strain on the resources of the trial courts. The increasing caseload in the CHINS docket also has resulted in an increase in the number of TPR petitions filed. Given the significant increase in CHINS cases in the past year, the increase in TPR filings is likely to continue for the next few years.

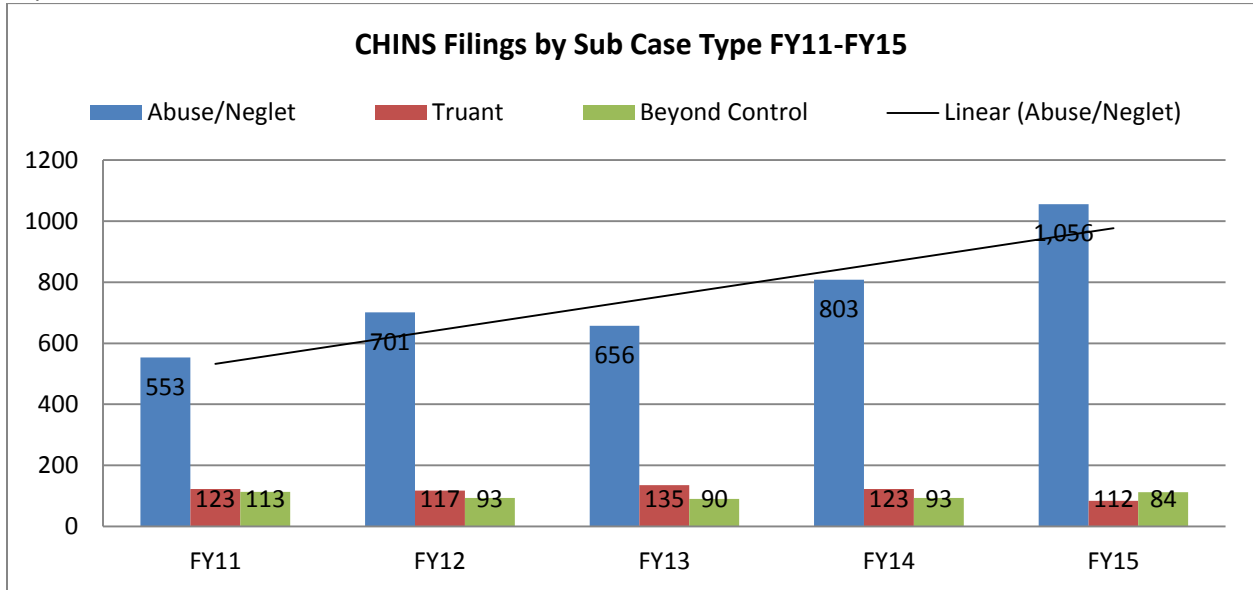


¹ Children beyond parental control are sometimes referred to as “unmanageable.” This category includes youth who have run away from home and youth who are chronically truant from school.

² According to the 2015 Weighted Caseload Study by the National Center for State Courts, of the work involved in juvenile cases, a CHINS abuse/neglect case on average requires nearly six times the amount of judicial resources and slightly more than 3 times the amount of staff work compared to the work load involved in disposing a delinquency case.

CHINS

Of the 1,252 CHINS cases filed in FY15, 1,056 were abuse/neglect cases, the remainder were beyond parental control or truant. The increase in CHINS filings over the past few years has been fueled primarily by a dramatic growth in abuse/neglect cases. The number of abuse neglect filings increased by 91% between FY11 and FY15. This represents the largest increase in any case type in any division of the superior court.



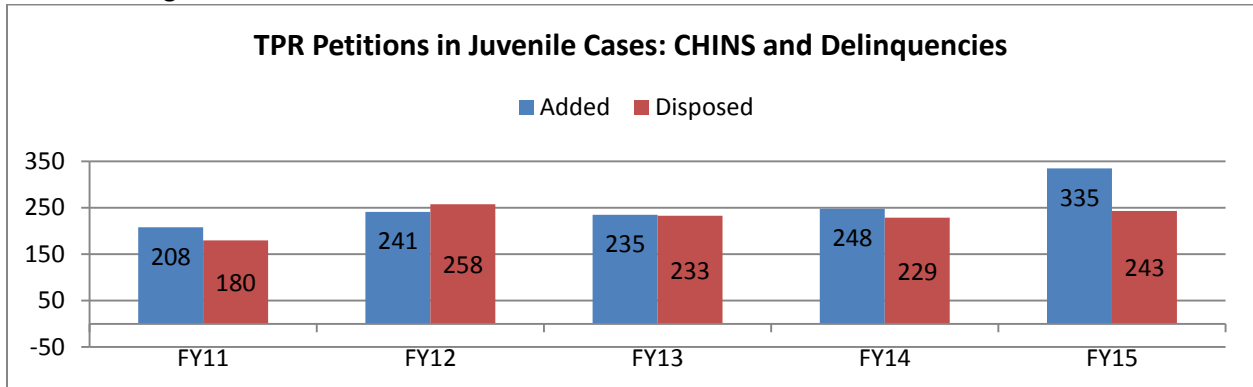
Delinquency

Although the overall number of case filings in the delinquency docket rose marginally (3%) in FY15, there remains a decline in filings compared to prior years. This decline parallels a similar decline in criminal filings.

ADDED	FY11	FY12	FY13	FY14	FY15
Domestic Violence	80	93	67	60	72
Drug	68	71	99	44	51
Motor Vehicle - DWI/DUI	1	2	9	8	4
Motor Vehicle - Other	40	35	35	27	16
Other	26	42	33	54	0
Person	198	244	191	176	195
Property	160	174	145	106	104
Protection	0	2	8	3	4
Public Order	294	310	302	243	296
Grand Total	867	973	889	721	742

Termination of Parental Rights (TPR)

TPR petitions have increased by 61% since 2011 with the major increase occurring during the past three years. As indicated earlier, this is a trend that is likely to continue given recent increases in the number of CHINS filings.

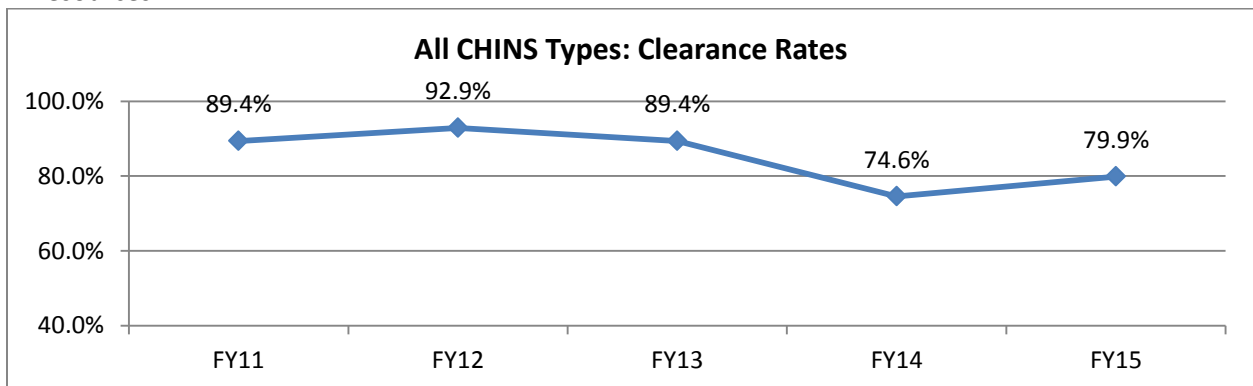


Clearance Rates

A clearance rate reflects the number of cases closed/disposed divided by the number of cases added/filed. If the Clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

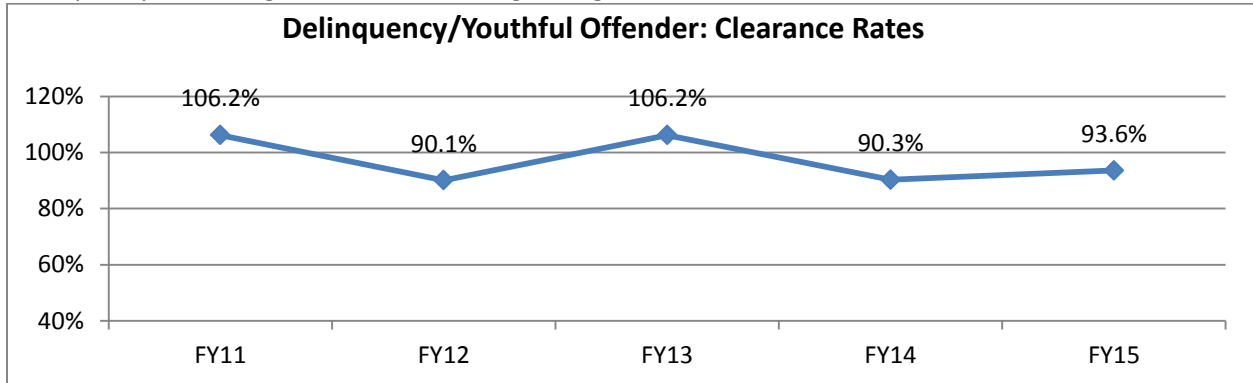
CHINS

Given the dramatic upsurge of abuse/neglect cases in FY15, the clearance rate for CHINS cases was one of the lowest of any group of cases in any division of the superior court. As pointed out in the introduction to this section, CHINS cases are labor intensive for judges and court staff. They require numerous hearings and the stakes for the litigants are high. Not only are many of the children involved in these cases removed from the custody of their parents, there is always the threat of termination of parental rights if parents are unable to regain custody within a reasonable amount of time. Five years of clearance rates below 100% is a source of significant concern. It means the development of a backlog of cases that will be difficult to overcome without a dramatic decline in the number of filings or an increase in resources.



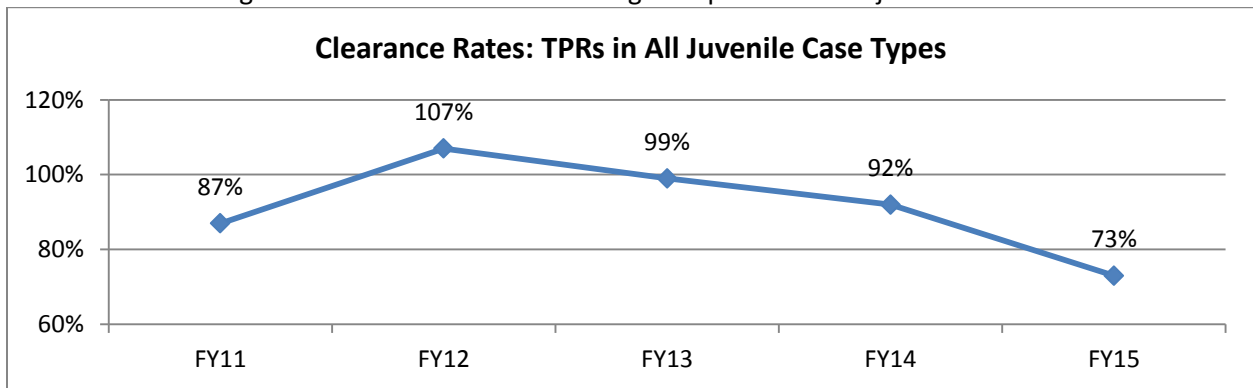
Delinquency

The clearance rate for delinquency cases rose slightly. This is likely a reflection of the slight increase in delinquency case filings, as well as the burgeoning CHINS caseload.



Termination of Parental Rights

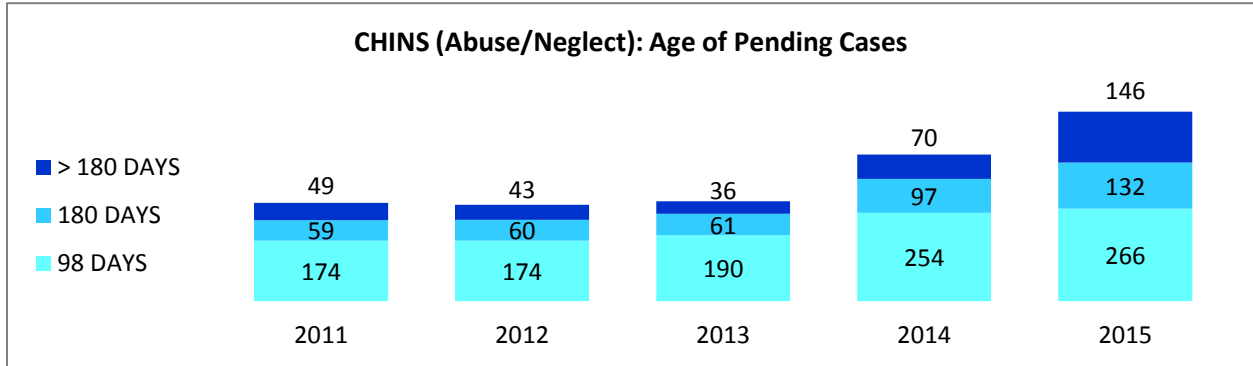
The clearance rate for termination of parental rights petitions fell dramatically in FY15 – yet another indication of the degree of stress that increased filings has placed on the juvenile caseload.



Age of Pending Cases

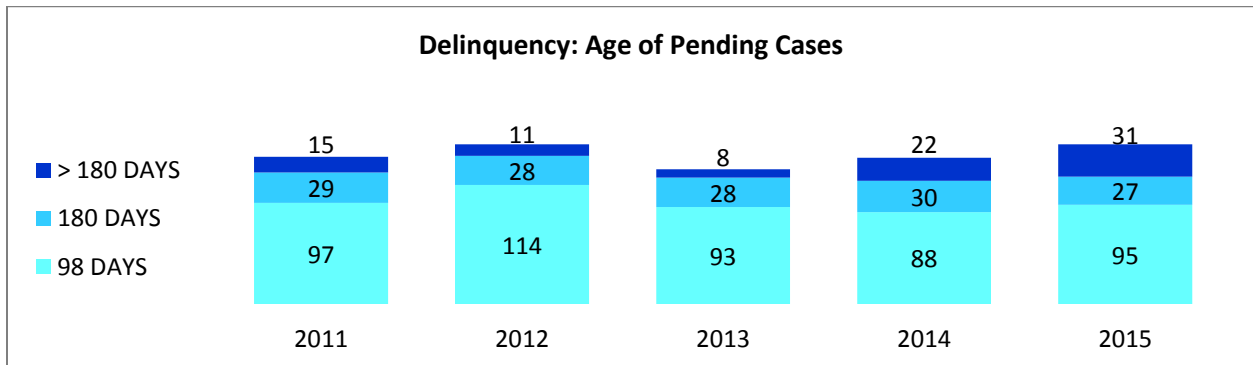
CHINS

The Supreme Court has established a disposition goal of 98 days for standard (i.e. non-complex) CHINS cases. The chart below shows the age of the cases pending on the last day of FY15. The chart indicates not only the growth in the total number of pending cases, but also that the pending cases older than the disposition goal has more than doubled when measured against FY11.



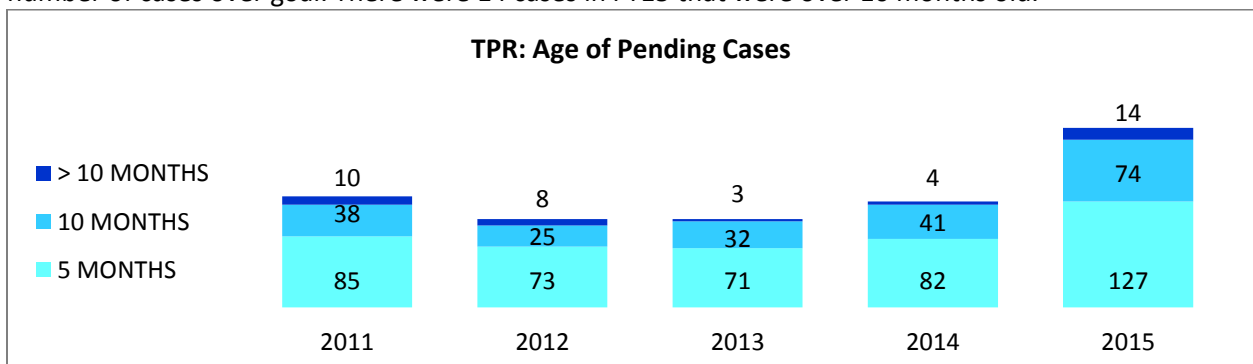
Delinquency

The disposition goal for delinquency cases is 98 days. There has been some growth in the backlog of delinquency cases older than 98 days, but the numbers are considerably smaller and the backlog is thus less of a concern.



Termination of Parental Rights

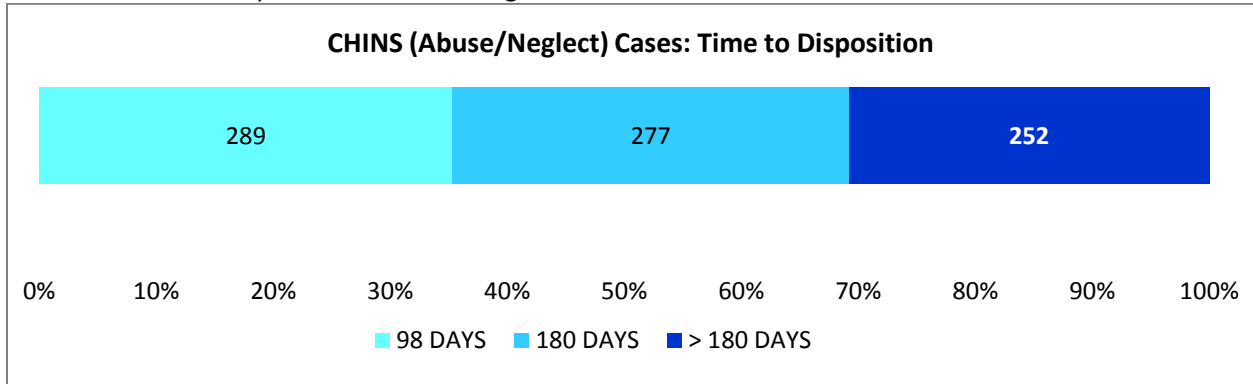
The disposition goal for a non-complex termination of parental rights case is five months. The chart below shows that the number of pending cases at the end of FY15 has grown dramatically, as has the number of cases over goal. There were 14 cases in FY15 that were over 10 months old.



Time to Disposition

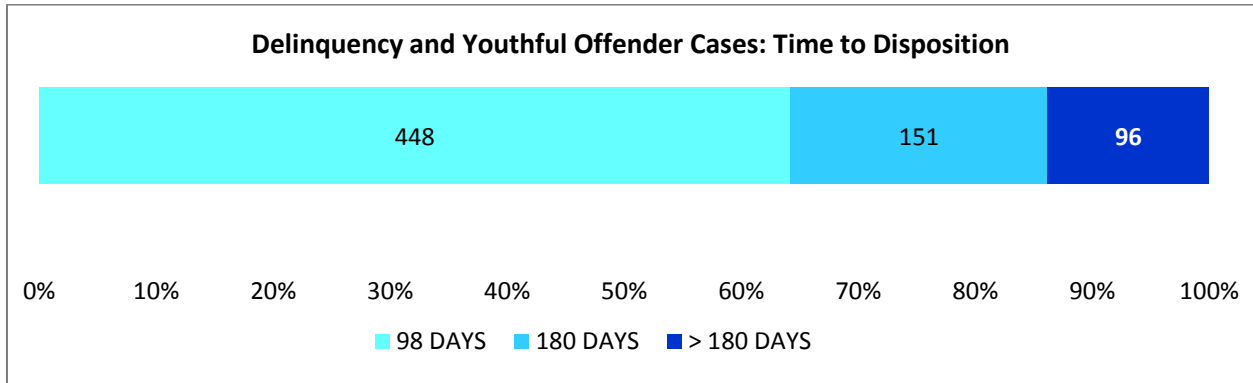
CHINS

Only about 35% of CHINS cases were disposed within the 98 day disposition goal set by the Supreme Court. 31% of the disposed cases took longer than six months.



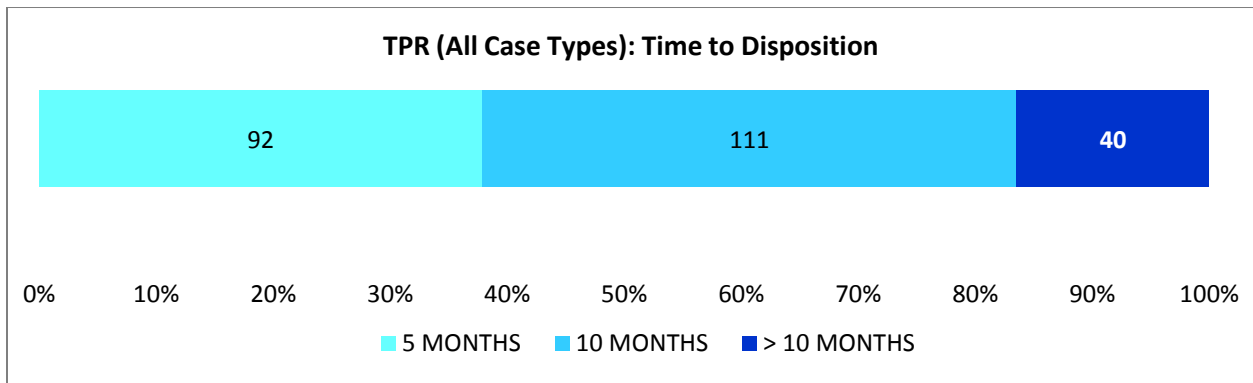
Delinquency

By contrast, 64% of the delinquency cases were resolved within the disposition goal of 95 days and less than 14% exceeded six months.



Termination of Parental Rights

It continues to be difficult for the Superior Court to meet the time frame for TPRs set by the Supreme Court. 39% of TPR cases were resolved within the five month time frame for standard cases.



Method of Disposition

CHINS (Abuse/Neglect, Truancy, Beyond Control of Parents)

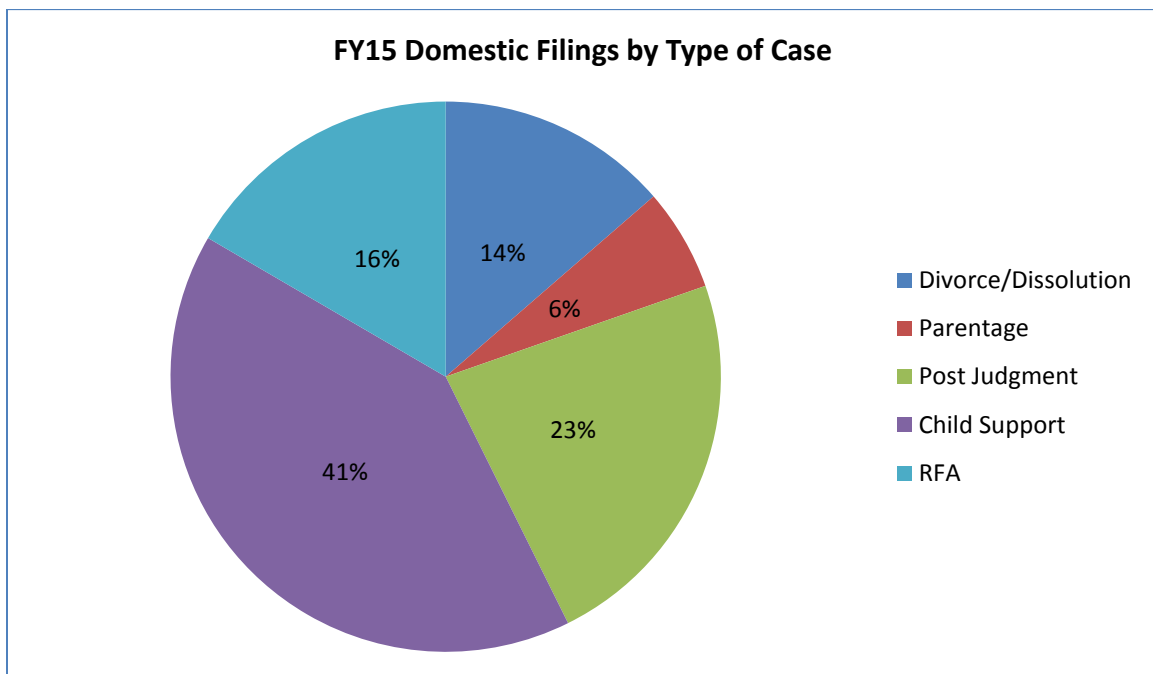
Out of the 1001 CHINS cases disposed in FY15, 69% resulted in a finding that the child was a child in need of care and supervision. 27% were either dismissed by the Court or withdrawn prior to disposition.

Delinquency/Youthful Offender

Of the 695 delinquency cases disposed in FY15, 35% resulted in a finding of delinquency, 34% were dismissed or withdrawn and 29% completed diversion satisfactorily.

Family Division: Domestic

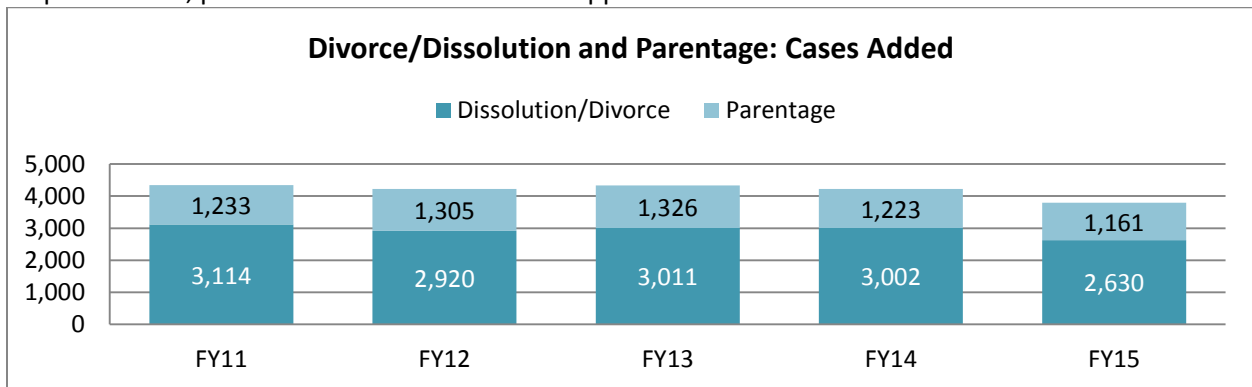
The domestic docket is made up of five different case groupings: initially filed divorce and civil union dissolution; initially filed parentage cases; cases re-opened because of a post judgment filing for enforcement or modification on an issue other than child support; child support cases including establishment, enforcement and modification of child support; and civil protection orders for relief from abuse by a household member. The distribution of the cases in FY15 based on filings is shown in the chart below:



Trends

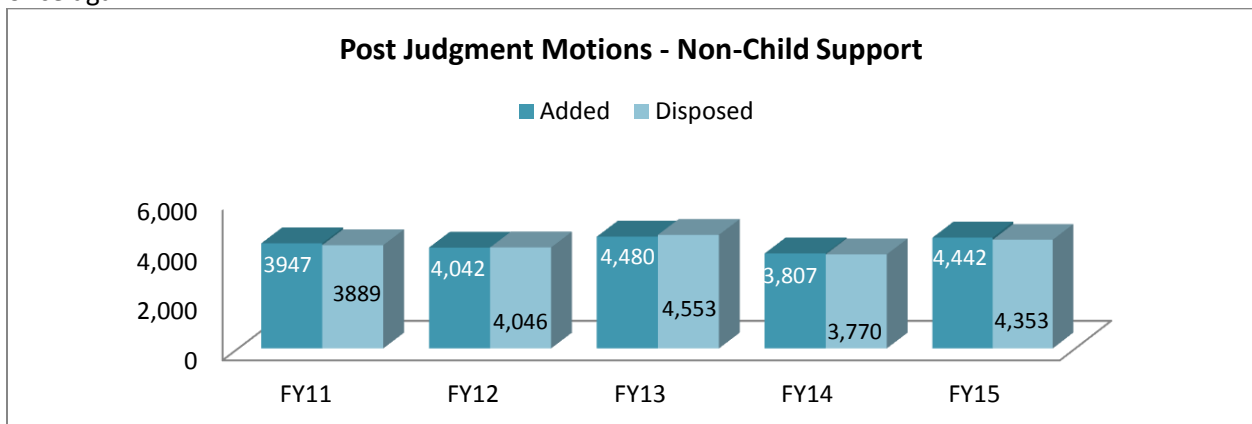
Divorce/Dissolution and Parentage

The Divorce/Dissolution docket includes newly filed divorce and civil union dissolution cases. Divorce/dissolution filings have declined by about 6% in the last five years while parentage filings have remained relatively stable. In a divorce or dissolution cases, there are often multiple issues that the parties or the court must resolve in addition to ending the divorce or civil union. Issues can include property division and spousal support, as well as issues of parental rights and responsibilities (custody), parent child contact (visitation) and child support if the case involves children. In 2014, about 43% of divorce/dissolution filings involved children under the age of 18. Parentage cases are cases where either a parent or the State is seeking to establish parentage for children whose parents were not married when the child was born. These cases also involve the resolution of issues related to parental rights and responsibilities, parent child contact and child support.



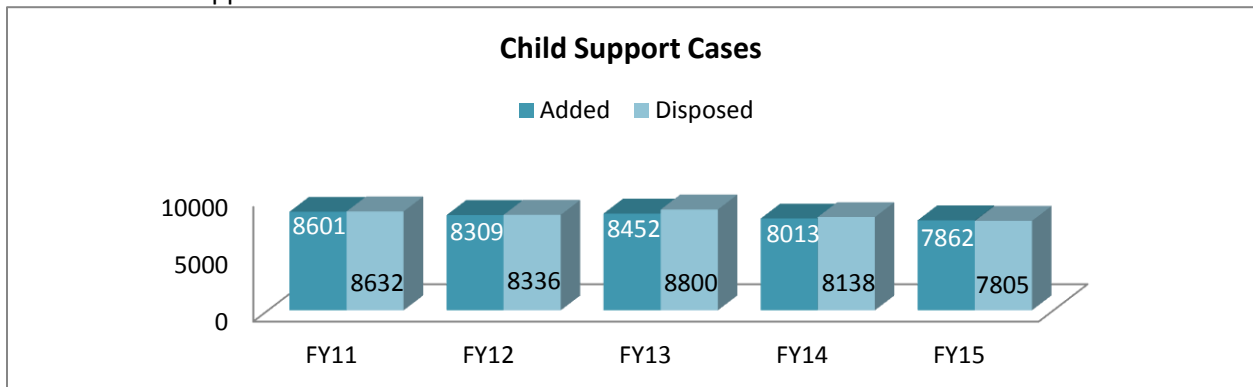
Post Judgment Motions for Enforcement and Modification (Non Child Support)

Once a divorce or civil union dissolution is finalized, either of the parties may file what is known as a “post judgment” motion to either enforce or modify a provision of the final order. Property division cannot be modified post judgment, but provisions related to parental rights and responsibilities, parent child contact, child support and spousal maintenance can be modified upon a showing of a substantial change in circumstance. The figures shown in the chart below include all post judgment motions except motions to modify or enforce child support. In FY2013, post judgment filings increased 12% over the number filed in 2011. FY14 saw filings recede back to more normal levels. In FY15, filings began to rise once again.



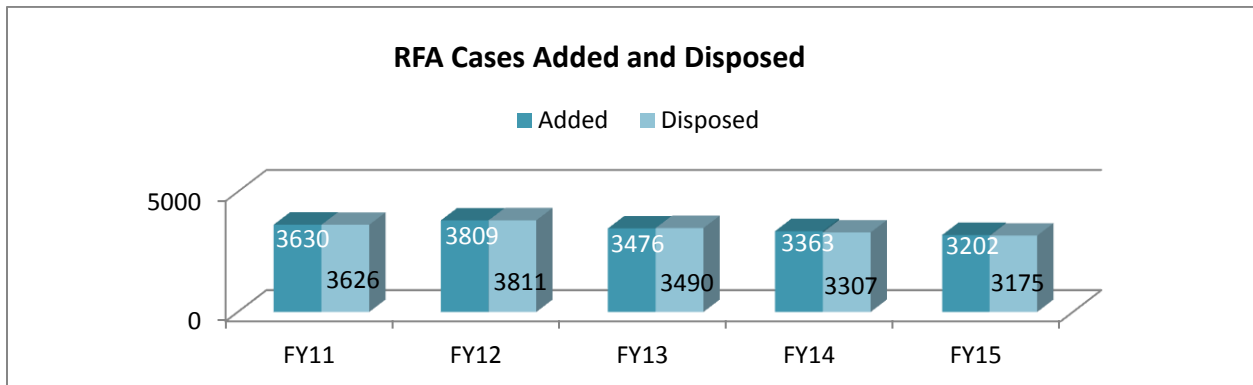
Child Support: Establishment, Enforcement and Modification

In Vermont, issues related to child support in divorce, dissolution or parentage cases are heard by magistrates as opposed to superior judges. Five magistrates cover the entire state. In FY15, about 35% of child support cases involved the establishment of an initial amount of child support. 65% involved post judgment motions to modify or enforce existing child support orders. There is a significant overlap between the cases in the child support docket and the cases in the divorce, parentage and post judgment dockets discussed above. Child support is established in virtually every divorce and dissolution case involving children and every parentage case. Many of the post-judgment motions to modify parental rights and responsibilities and/or parent child contact, if granted, will involve modifications of child support. 74% of the child support cases in FY15 were IV–D cases involving assistance from the Office of Child Support.³



Protection Orders for Relief from Abuse

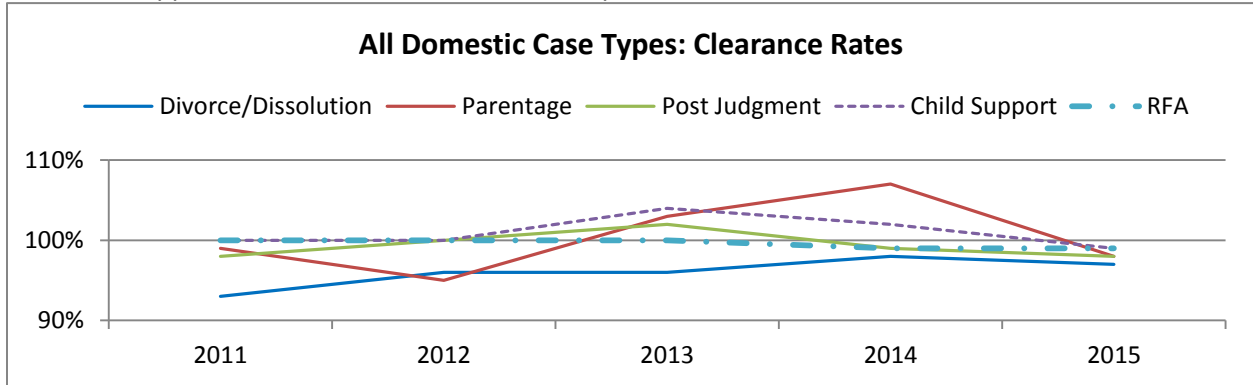
Civil protection orders that protect a household member from domestic violence, also known as orders for relief from abuse or RFA orders are an important part of the domestic docket. Typically these cases have a very short life span that usually begins with an emergency temporary order that is issued ex parte often after hours. At the time the temporary order is issued, a hearing is set within 10 days. At the hearing, the case is either dismissed or a final order is issued. With the exception of FY12, there has been a gradual decline in the number of filings over the past five years with about 12% fewer filings in 2015 than in 2011.



³ OCS is the state agency responsible for establishing, collecting upon, enforcing, and modifying support orders for children who do not live with both parents. Services are available to both custodial and non-custodial parents.

Clearance Rates

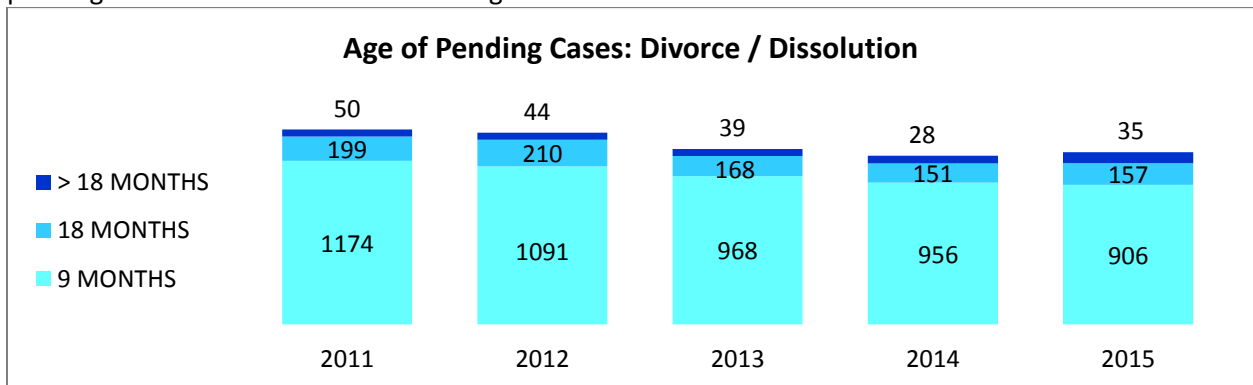
Clearance rates for the various categories of cases have remained fairly steady over the past five years. There has been a noticeable improvement in the clearance rate for divorce and dissolution cases since FY2011. The clearance rate for parentage cases dropped in FY12 due to a sharp increase in filings, but has since stabilized. The number of cases disposed in post judgment child support and post judgment non-child support, and in RFA cases, have all kept even with or exceeded the number of cases filed.



Age of Pending Cases

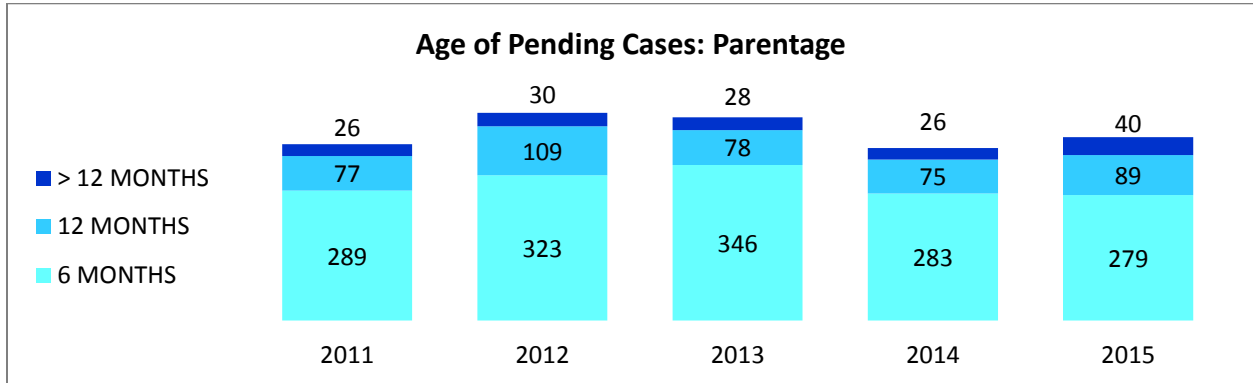
Divorce/Dissolution

The number of pending divorce and dissolution cases has decreased 23% over the past five years. While this decline is attributable to some degree to a decline in cases filed over the last five years, it has also been accompanied by a significant reduction in the number of older cases. The Supreme Court has set a disposition goal of nine months for a standard divorce/dissolution case. At the end of FY15, 83% of the pending cases were within the standard goal.



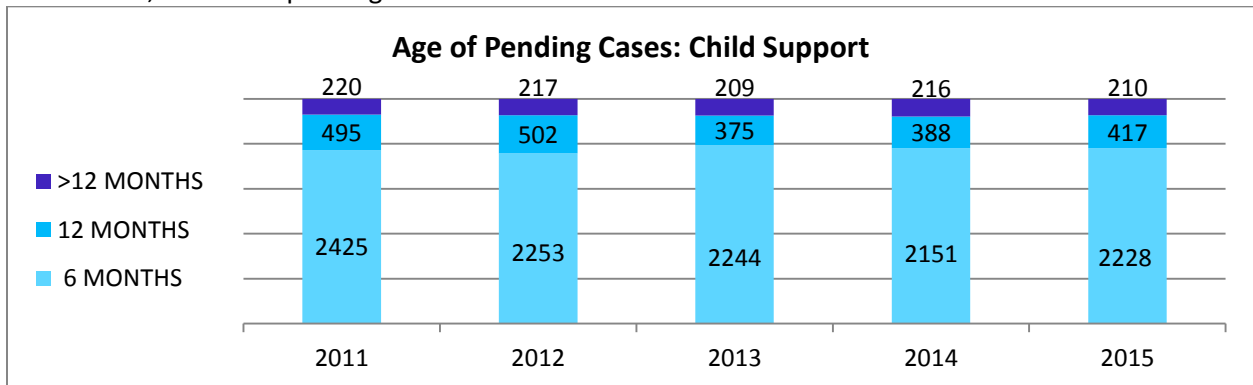
Parentage

The Supreme Court has set six months as the disposition goal for a standard (non-complex) parentage case. The number of parentage cases pending over six months remained relatively stable in FY13 and FY14. The number of pending cases within the disposition goal dropped from 74% in FY14 to 68% at the end of FY15.



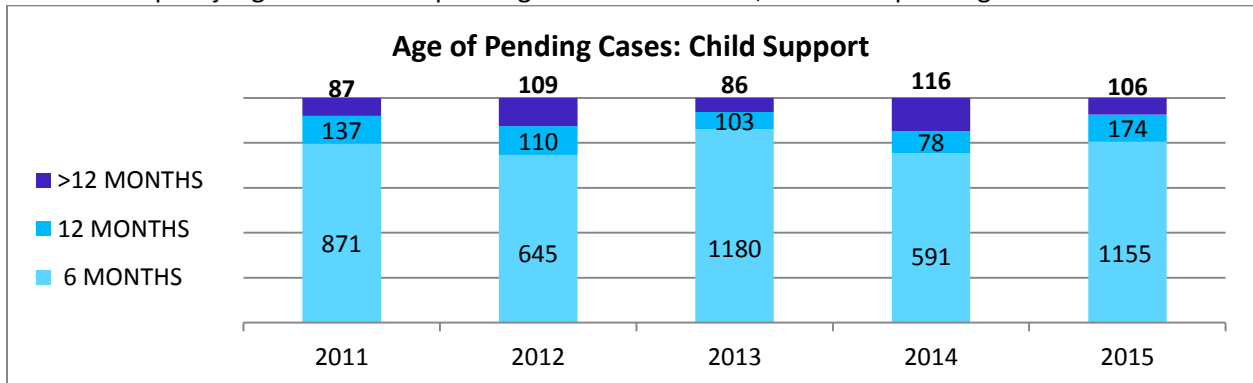
Child Support

The number of pending child support matters has decreased 9% in the last five years. This decline is attributable to some degree to a decline in cases filed. Of the 2855 child support matters pending at the end of FY15, 78% were pending less than 6 months.



Post Judgment -Non Child Support

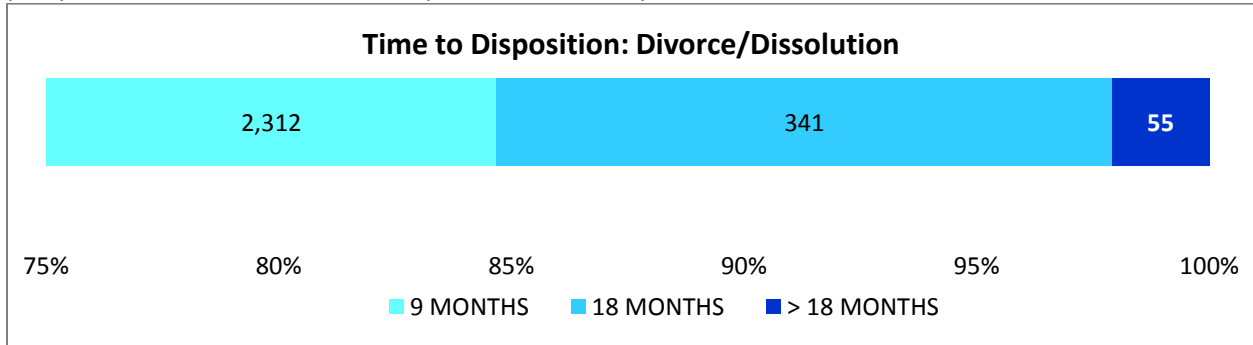
The number of pending post judgment non-child support matters has increased 83% in the last year, but is only 5% higher than in FY13. This increase is attributable to some degree to an increase in cases filed. Of the 1435 post judgment matters pending at the end of FY15, 80% were pending less than 6 months.



Time to Disposition⁴

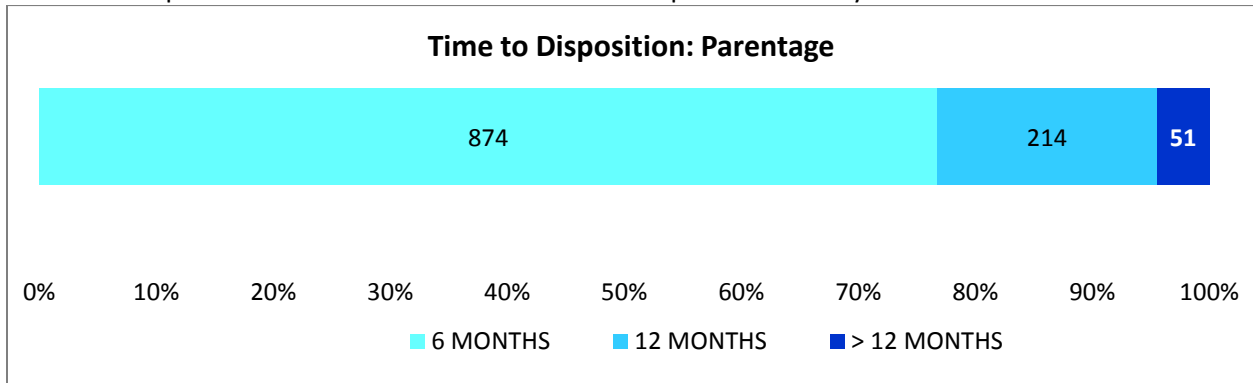
Divorce/Dissolution

As stated above, the disposition goal for a standard divorce case is 9 months. Of the 2,708 divorce and dissolution cases disposed in FY15, 85% were disposed within nine months from the date the opposing party was served and 98% were disposed within one year.



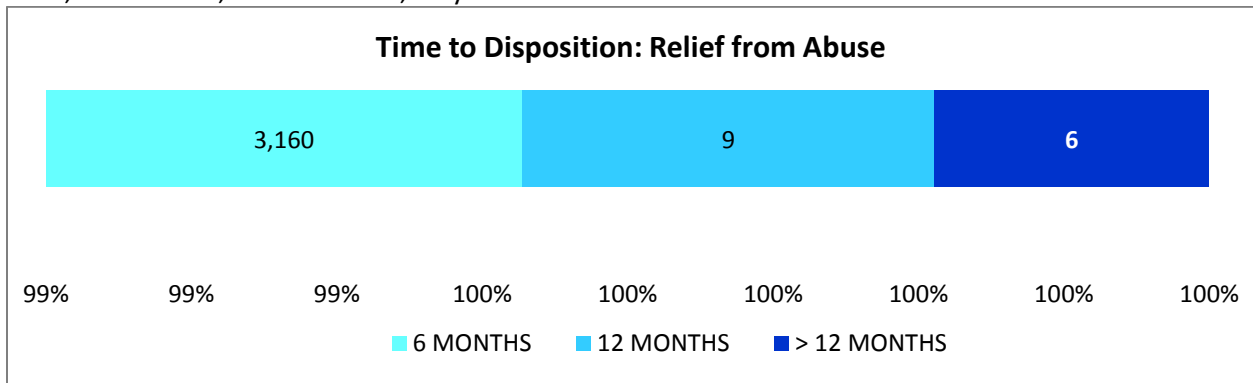
Parentage

The disposition goal for a standard parentage case is six months. Of the 1,139 cases disposed in FY15, 77% were disposed within six months and 96% were disposed within a year.



Protection Orders for Relief from Abuse

The Supreme Court has not set a goal for disposition of protection orders in relief from abuse cases. In FY15, out of the 3,202 cases filed, only 15 cases took more than six months to resolve.

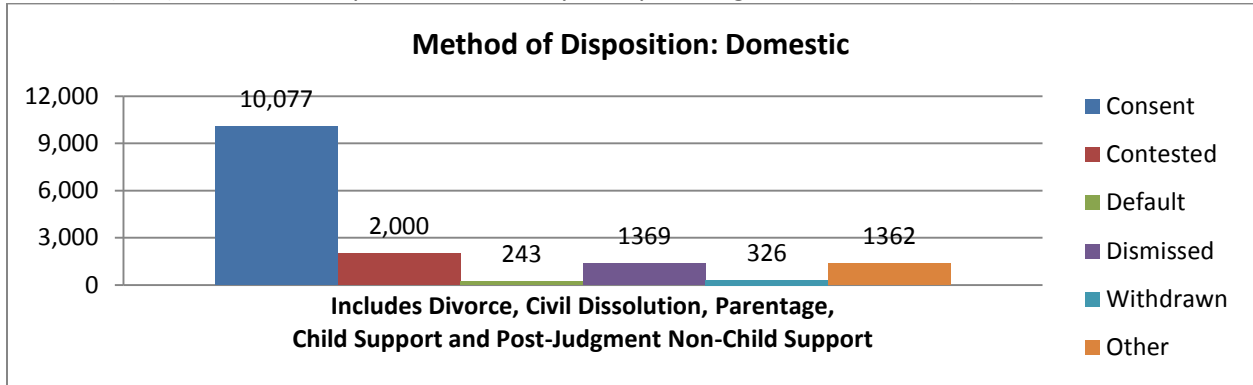


⁴ Time to disposition data is not available for child support cases and non-child support post judgment cases.

Method of Disposition

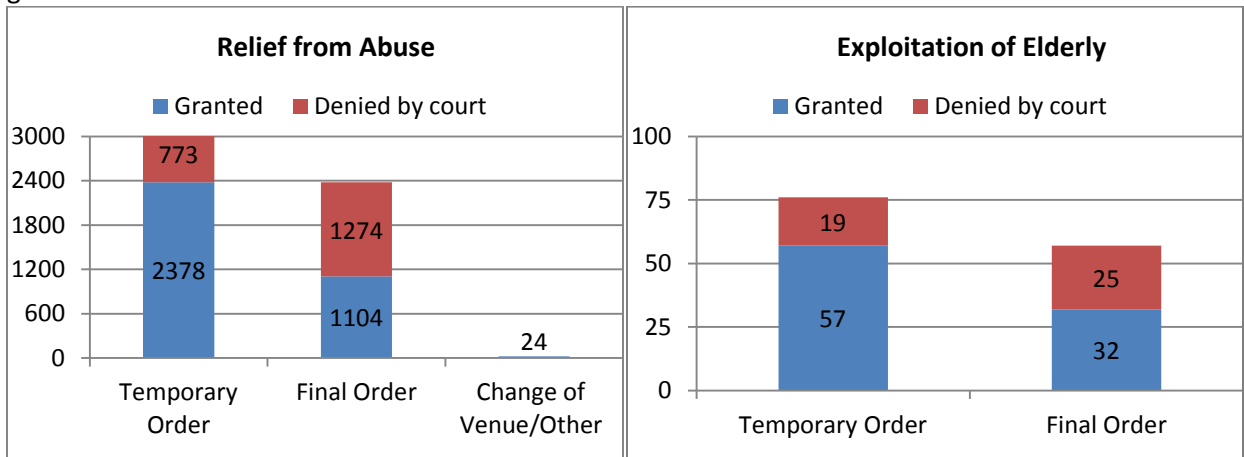
Divorce/parentage/post-judgment/child support

Approximately 67% of the cases disposed in the family division are resolved by agreement of the parties or result in a default judgment because one party does not participate. Contested cases that require a judgment by the court tend to be more frequent in post disposition matters (19%) and child support matters (12%) than in the disposition of initially filed parentage or divorce cases (7%).



Protection Orders for Relief from Abuse

A temporary order was granted in 75% of relief from abuse cases and in 75% of cases involving exploitation of the elderly. Of the 2,378 relief from abuse temporary orders granted, 54% were later dismissed or withdrawn. The remaining 46% were granted a final order. Of the 57 exploitation of the elderly temporary orders granted, 44% were later dismissed or withdrawn. The remaining 56% were granted a final order.



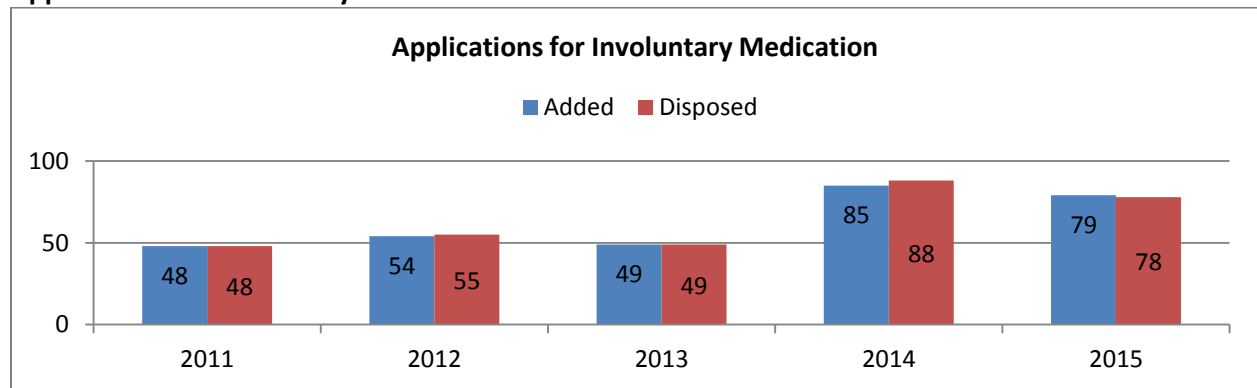
Family Division: Mental Health

There are three types of Mental Health cases filed in the Family Division by the Department of Mental Health. The first is an application for involuntary treatment (sometimes referred to as an AIT), where the State is seeking a 90 day order from the Court that a person either be involuntarily placed in a designated psychiatric hospital or placed in the community on an order of non-hospitalization (often referred to as an ONH) because the person suffers from a mental illness and is a danger either to himself/herself or others. When involuntary hospitalization is requested, the applications are generally filed only in a county where there is a designated psychiatric hospital. If the Court issues an order for involuntary treatment, the State can seek to have the order extended for up to a year by filing the second type of Mental Health Case known as an application for continued treatment. The third case type in the mental health docket is an application for involuntary medication. In these cases the State is seeking to involuntarily medicate a person who is suffering from a mental illness. In almost all of such cases, the person is hospitalized at a designated psychiatric hospital under an order for involuntary treatment.

Trends

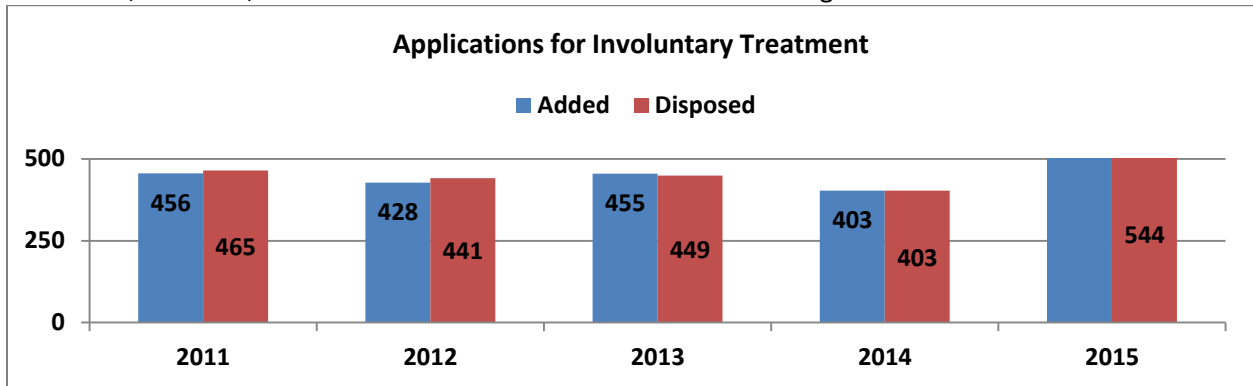
The fastest growing case type in the mental health docket is involuntary medication. While the numbers of cases still remain small in comparison to applications for involuntary treatment or continued treatment, they nearly doubled in FY14 as compared to FY13. Case filings remain high in FY15. From a workload perspective medication cases require a significant amount of judge time since they are almost always contested. They also place a significant burden on the family division units where a designated hospital is located.

Applications for Involuntary Medication



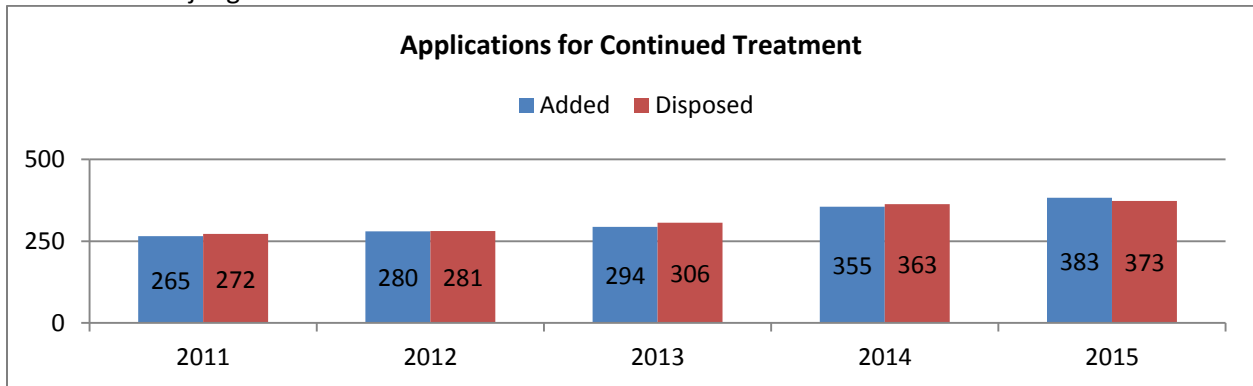
Applications for Involuntary Treatment

There were 551 applications for involuntary treatment in FY15, about 37% more than the prior year. There was, however, almost double the number of contested hearings in FY15 than in FY11.



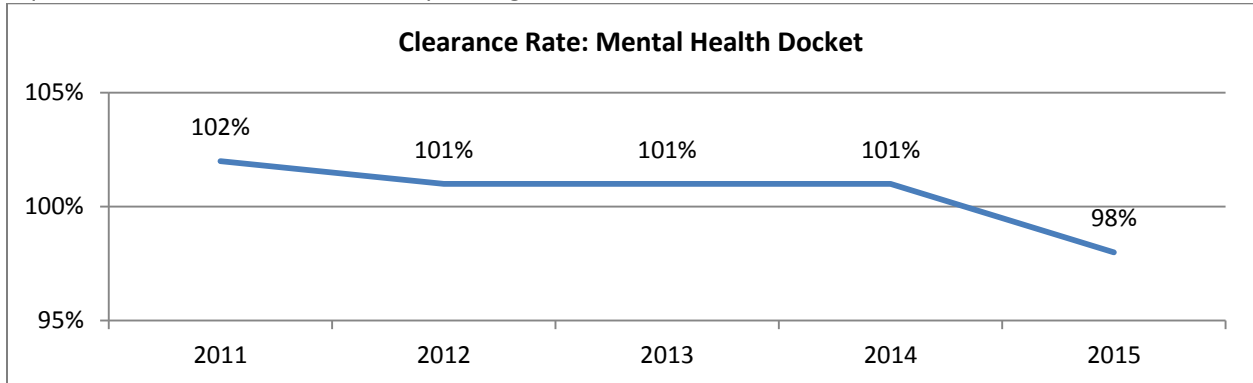
Applications for Continued Treatment

Finally, applications for continued treatment have increased 8% in the last year. There are relatively few contested hearings on these applications since the vast majority involves persons living in the community receiving services from a local community mental health agency. Most resolve by agreement with a consent judgment.



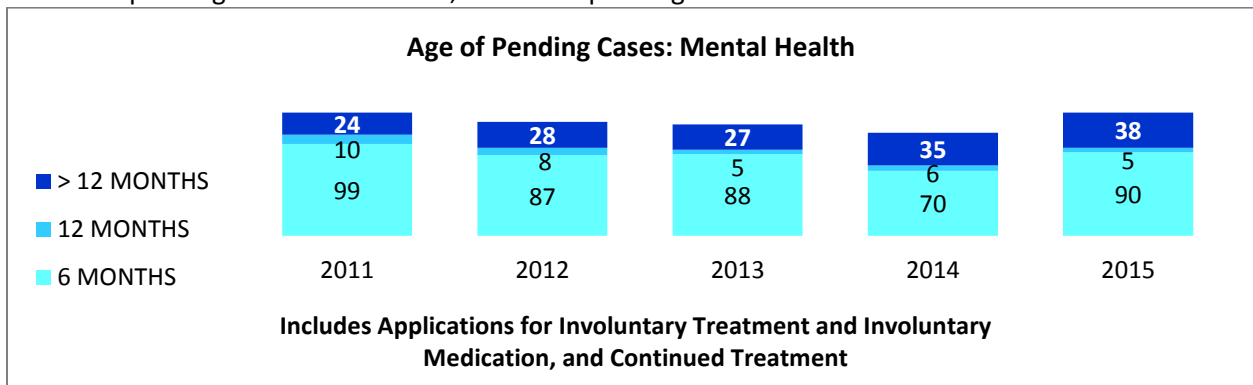
Clearance Rate

Mental Health cases, regardless of case type, are subject to tight statutory time frames. The overall clearance rate should be consistently at or above 100%, in other words, the number of cases disposed is equal to or exceeds the number of pending cases.



Age of Pending Caseload

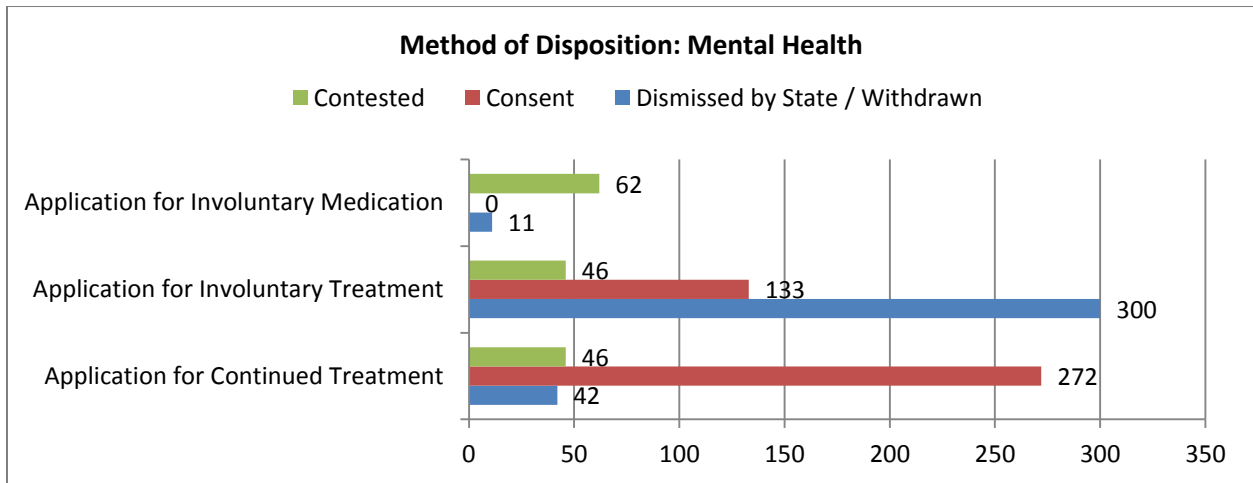
The number of mental health cases pending at end of year has stayed fairly constant since 2011. Of the 133 cases pending at the end of FY15, 68% were pending less than 6 months.



Time to Disposition

Method of Disposition

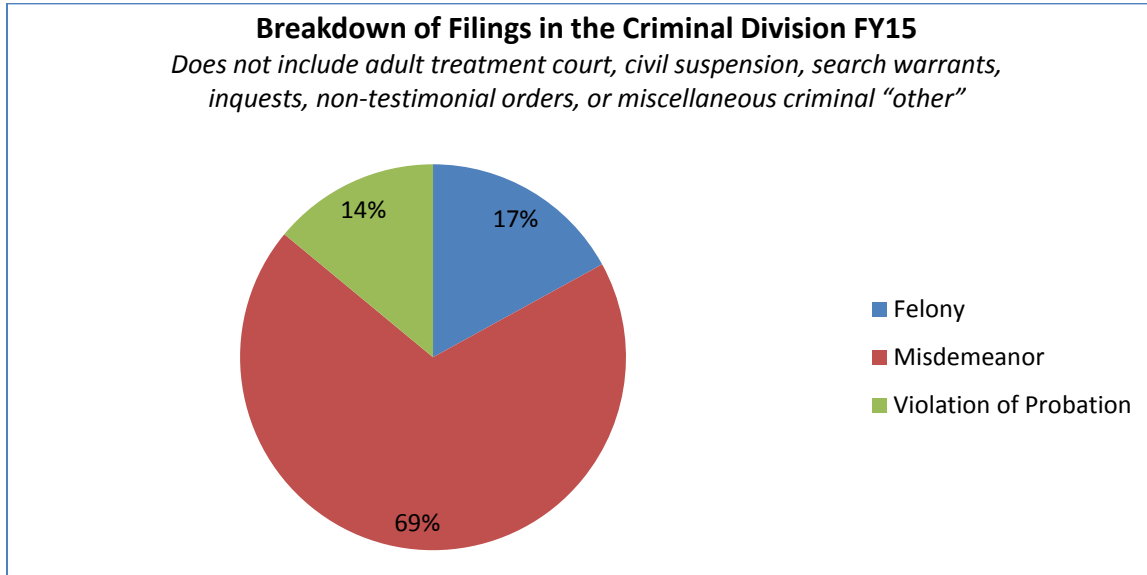
Although smaller in number in terms of cases filed, a high percentage (85%) of applications for involuntary medication requires a contested hearing. By contrast, only 10% of applications for involuntary treatment are contested and 13% of applications for continued treatment are contested. The majority of these latter cases are resolved by consent or dismissed by the State.



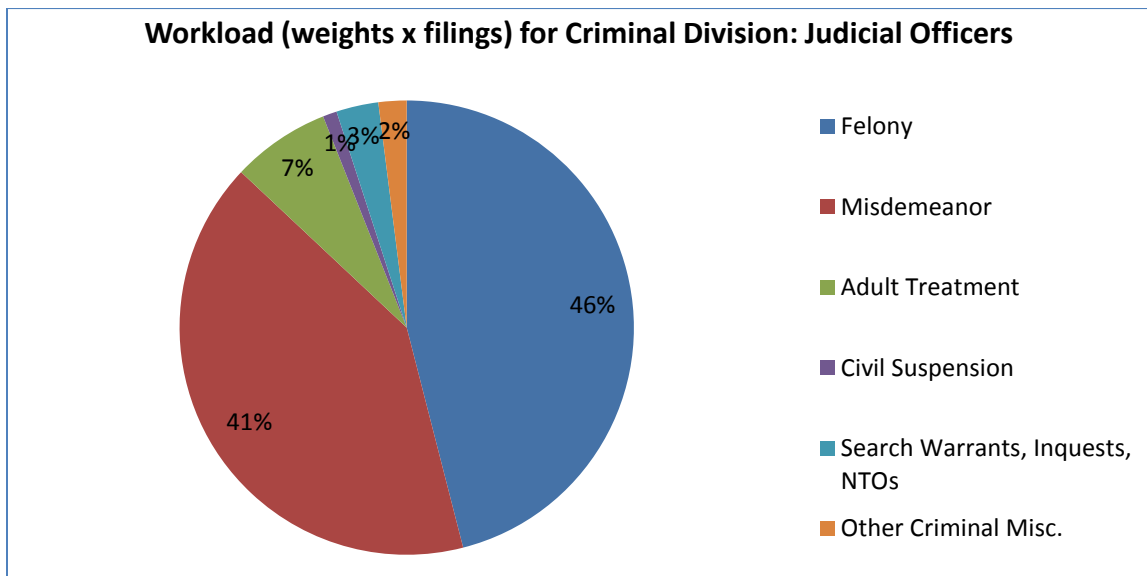
Criminal Division

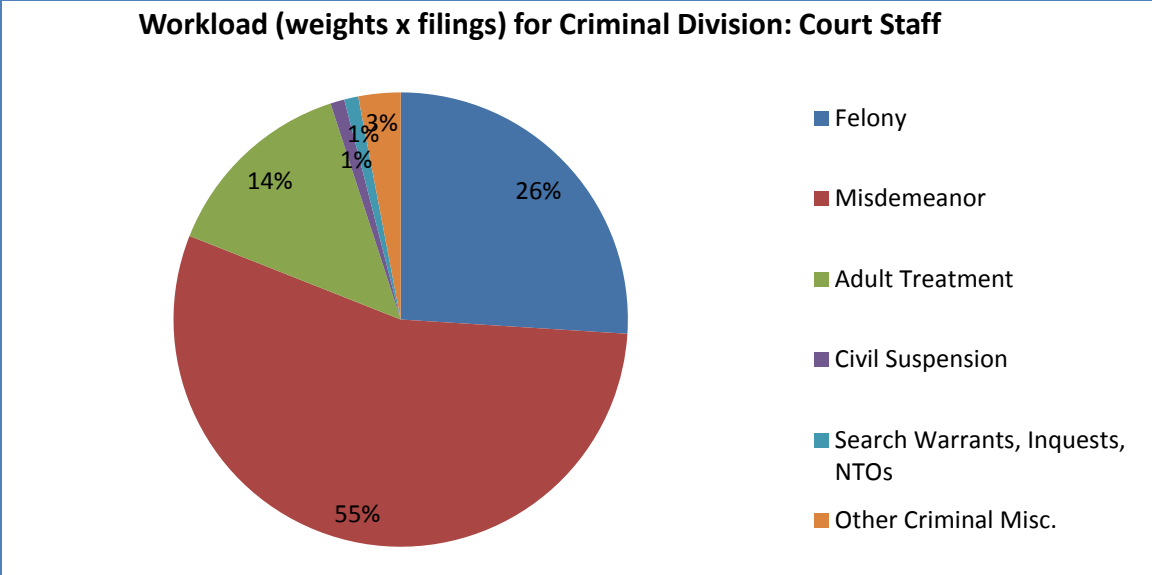
Statewide Data

The criminal division of the Superior Court handled approximately 18,000 newly filed cases in FY15. The majority of these cases fall into three distinct categories: felonies, misdemeanors, and violations of probation. The chart below depicts the distribution based on the number of case filings during FY15.



WEIGHTED CASELOAD WORKLOAD WITH FY15 FILINGS



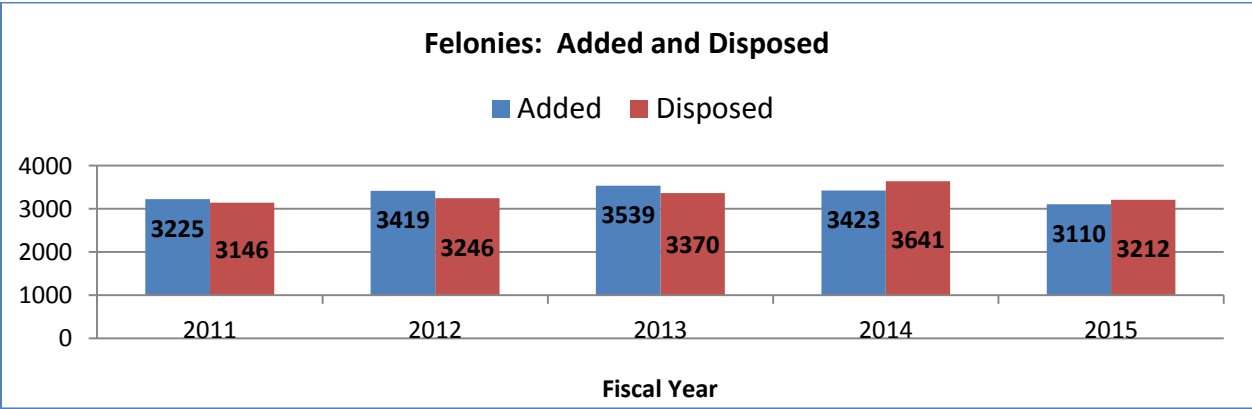


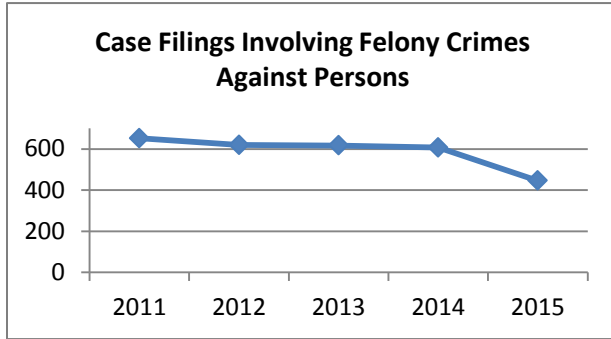
While misdemeanor offenses far outweigh the other two categories based on number of filings, the adjudication of felony offenses is the most labor intensive from a workload perspective. It should also be noted that the numbers reported for cases added and cases disposed represent charges, not defendants. If cases added and cases disposed were based on the number of defendants, the numbers of defendants would be much smaller.

Trends

Felonies

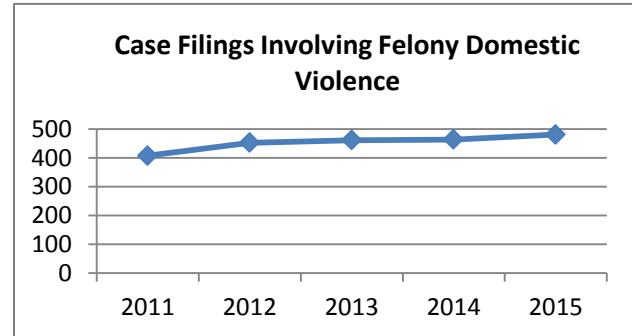
A crime is considered a felony offense in Vermont if the maximum sentence that can be imposed is more than 2 years. The chart below indicates the trends over the past five years in cases added and disposed.





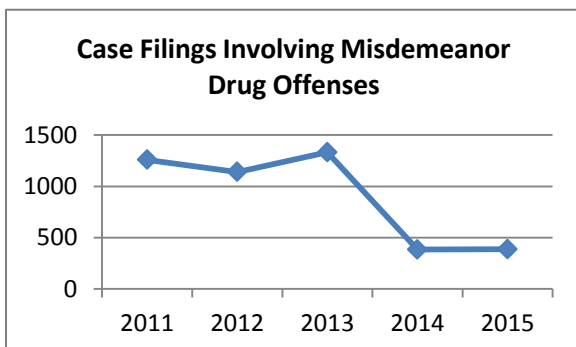
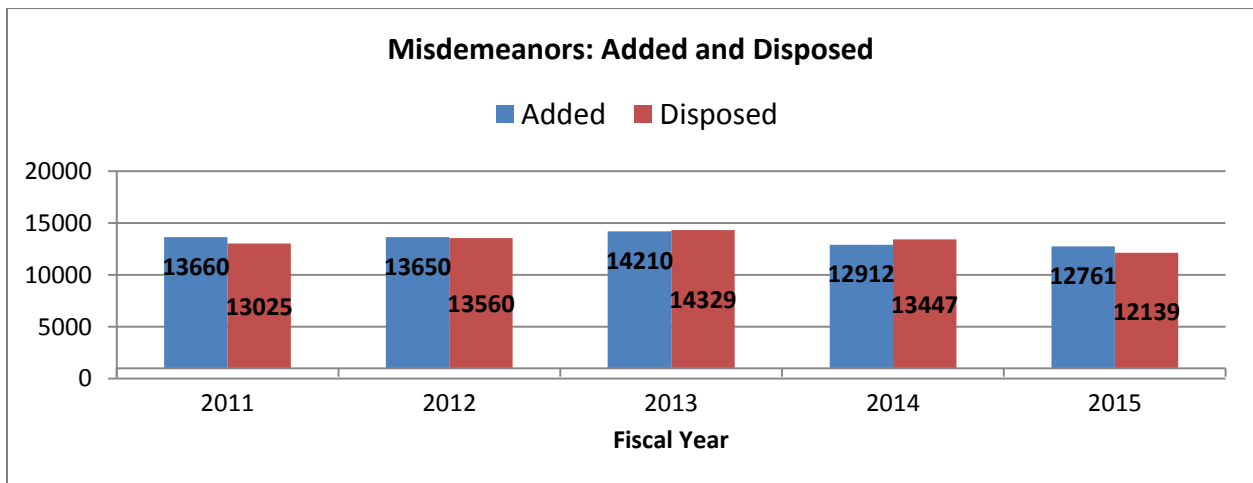
Felony filings continue to decline, down 9% overall in the last year. This decline is primarily due to a 27% decrease in filings involving crimes against persons (cases alleging murder, man-slaughter, sexual assault, robbery, and assault). There was also a 21% decrease in felony DWI/DUI cases filed in the last year.

Domestic violence filings increased slightly over FY14 (up 4%), however, it should be noted that filings in this area continue to steadily increase (up 18% from 5 years ago).

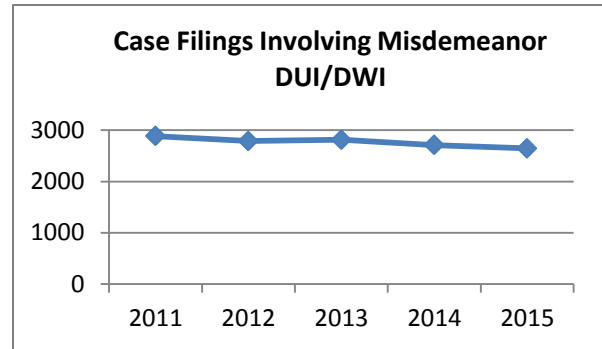
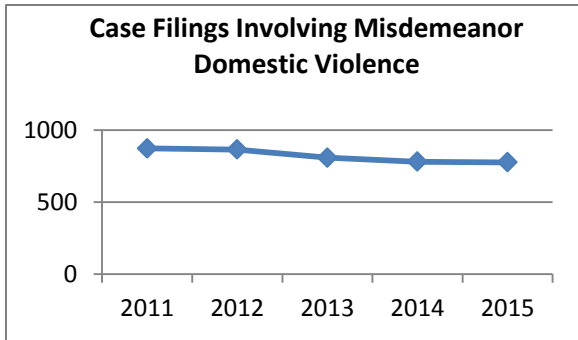


Misdemeanors

A crime is considered a misdemeanor in Vermont if the maximum sentence that can be imposed is 2 years or less. The chart below shows the number of charges added and disposed between FY11 and FY15.

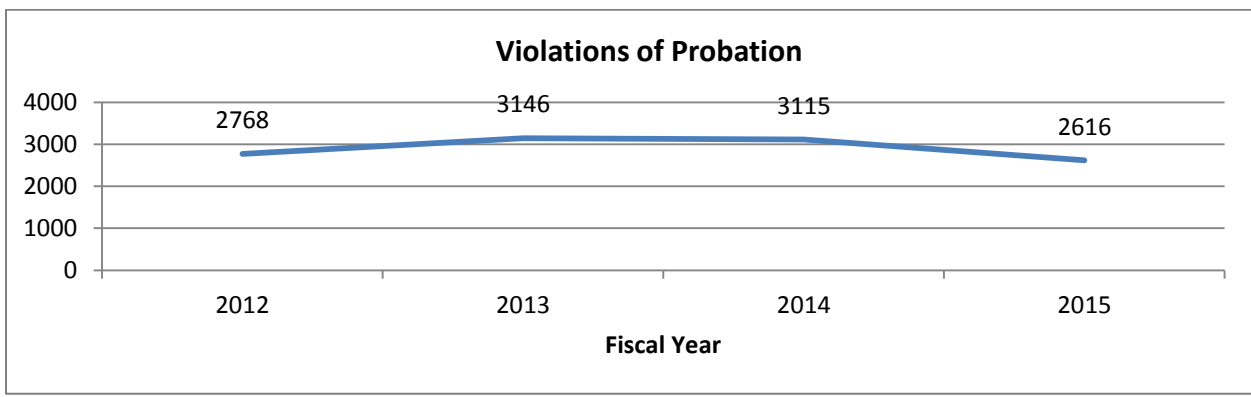


Misdemeanor filings between FY14 and FY15 were nearly level. Misdemeanor drug filings continue to decrease as a result of the decriminalization of marijuana (down 69% since 2011). There have also been downward trends in the number of misdemeanor DUI/DWI and misdemeanor domestic violence filings.



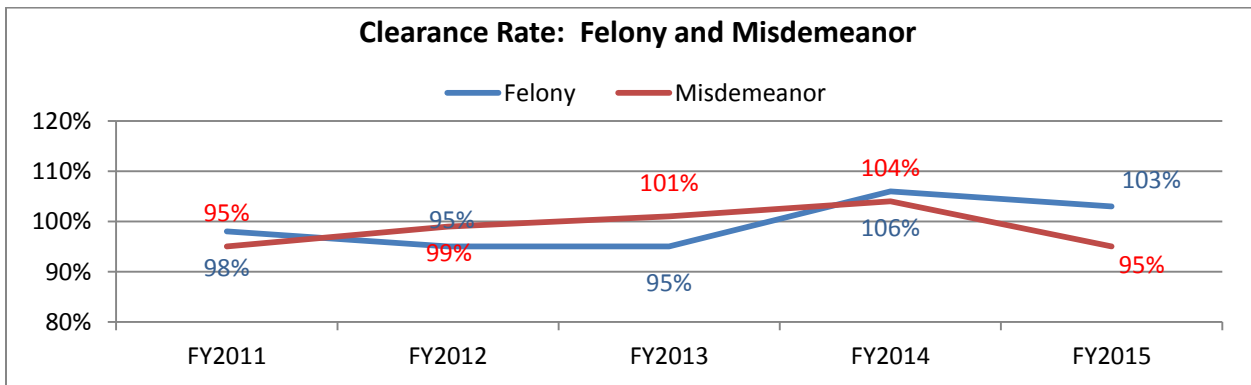
Violation of Probation

Filing of violations of probation in FY15 declined 16% from the previous year.



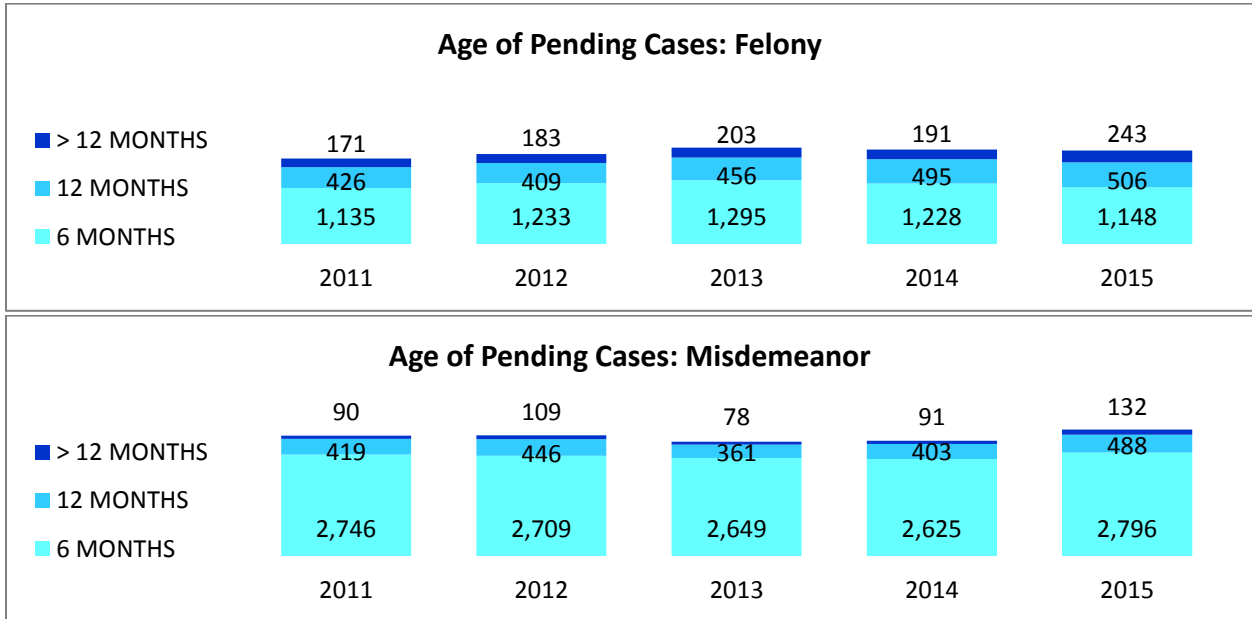
Clearance Rate (Cases Disposed / Cases Filed): Five Year Trend

The clearance rate for felony and misdemeanor cases in FY15 was 103% and 95% respectively. While a slight decrease from the previous year, in both instances the clearance rate either equals or exceeds that of FY13.



Age of Pending Cases – All Criminal Cases

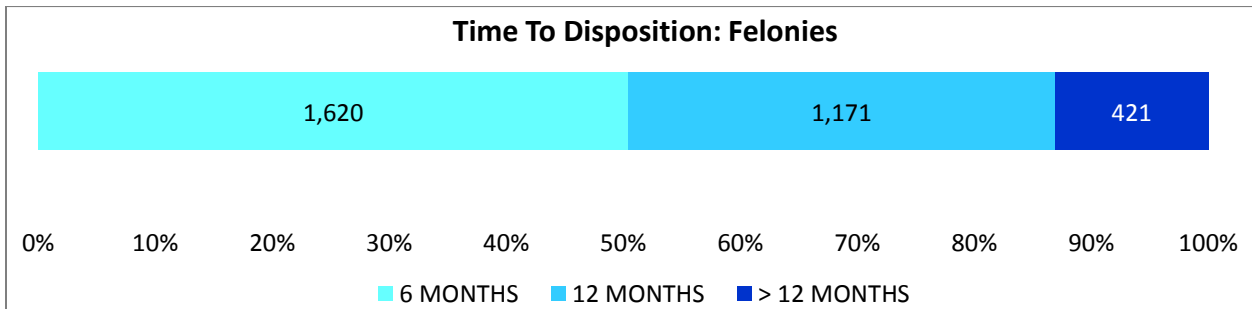
Another way to look at the data is to look at the number and age of the cases that are pending on the last day of the fiscal year. For both felony and misdemeanor cases, the number of cases pending over six months continues to rise.



Time to Disposition in 2015

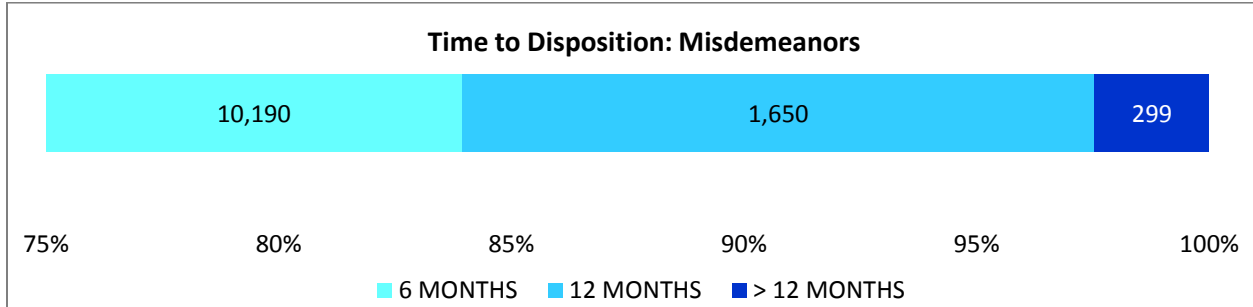
Felonies

The Supreme Court has set 6 months as the disposition time standard for a standard (non-complex) felony case. In FY15, over 50% of all felony cases met this time standard. 87% were resolved within one year. 13% took over a year to resolve.



Misdemeanors

The disposition time standard for a standard misdemeanor is four months. In FY15, 84% of all misdemeanor cases were resolved within six months of filing. 98% were resolved within a year.⁴ 2% took over one year to resolve.

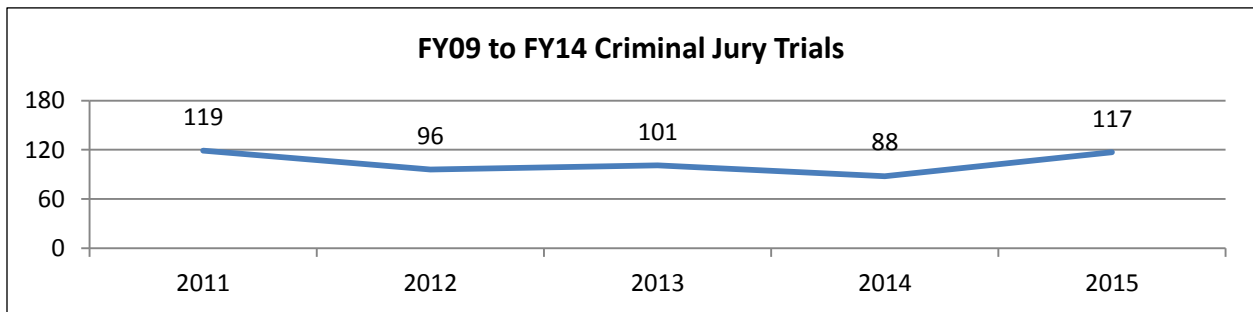


Method of Disposition – All Criminal Cases

The vast majority of criminal cases in Vermont resolve either by plea bargain or by dismissal. Less than one percent of the cases are disposed as a result of a trial by jury (.5%) or by court (.09%).

Fiscal Year	Plea	Court Trial to Verdict	Jury Trial to Verdict	Dismissed	Transferred	Invalid or Missing Disposition	Total
2015	10,252	25	117	4,798	133	26	15,351

Over the past five years, the number of jury trials in criminal cases in Vermont has fluctuated, with the largest decrease occurring in FY14. In FY15, the number of jury trials increased 25% over the previous year, but were consistent with the number observed in 2011.



⁴ Chart reflects misdemeanor cases resolved within 6 months of filing. It is not an indicator of cases meeting the time standard of four months.

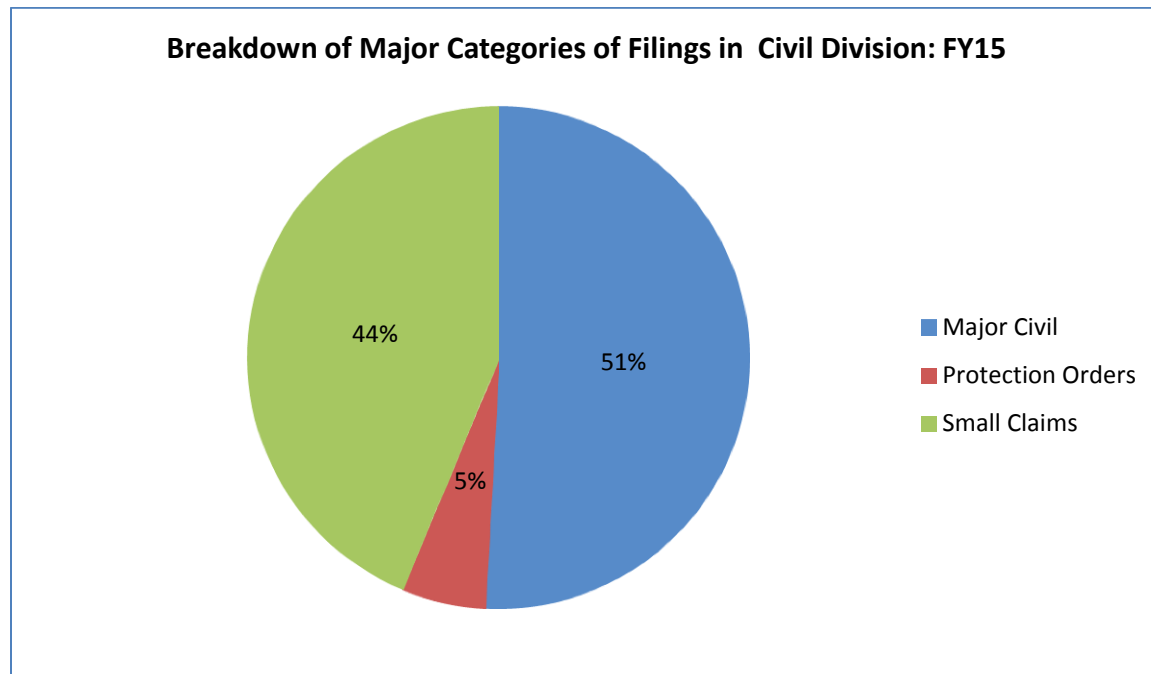
Civil Division

Statewide Data

For statistical purposes, civil case types are divided into three categories: Major Civil; Small Claims; and Civil Protection Orders against Stalking or Sexual Assault. Measured by the number of filings, major civil cases represent 51% of all cases filed, small claims represents about 44% and civil protection orders 5%. However, in terms of judicial and staff work load, the bulk of the work in the civil division involves the major civil cases.⁶

Filing trends over the last five years indicate growth in the number of foreclosure, collection and landlord-tenant cases filed. Overall, filings of major civil cases have increased by 21% since 2011. Small claims filings have increased by 14% in the last five years, while the number of protection orders have remained relatively constant.

Accurate figures for the case findings, cases disposed, age of pending cases and time to disposition in the civil division are only available for FY13-FY15. Prior to the consolidation of the courts in 2010, two of the fourteen counties did not use the case management system (VTADS) for civil cases that was in use in all of the other counties. As a result, there is a lack historical data for the civil division.



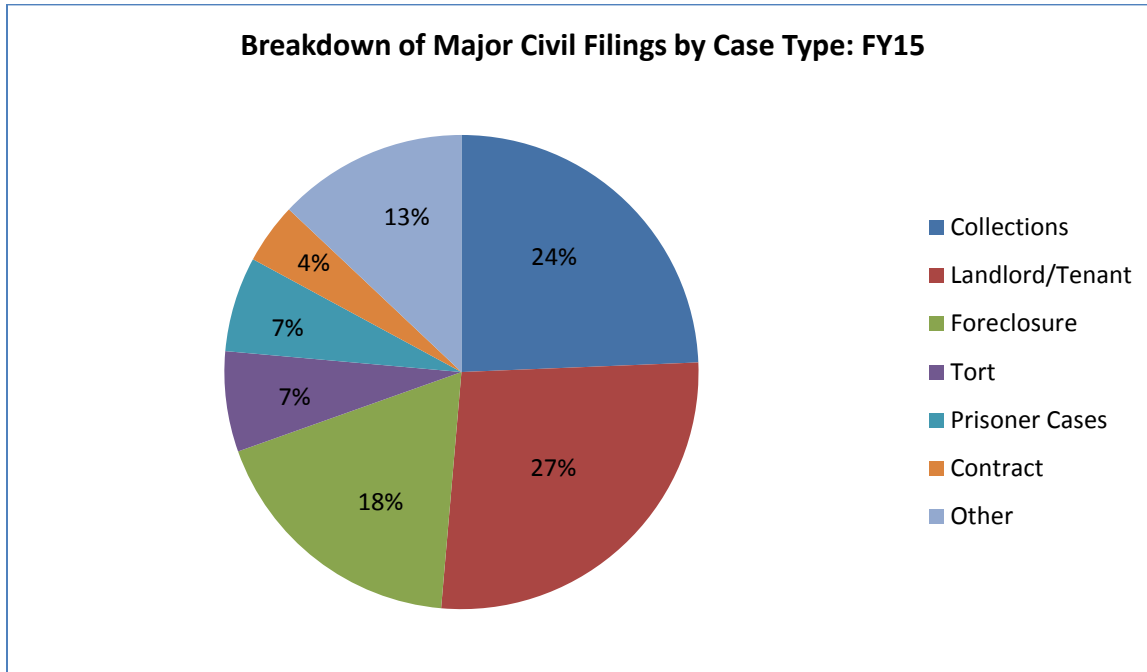
Cases Added, Disposed and Pending at the End of the Fiscal Year: Trends

Major Civil Cases

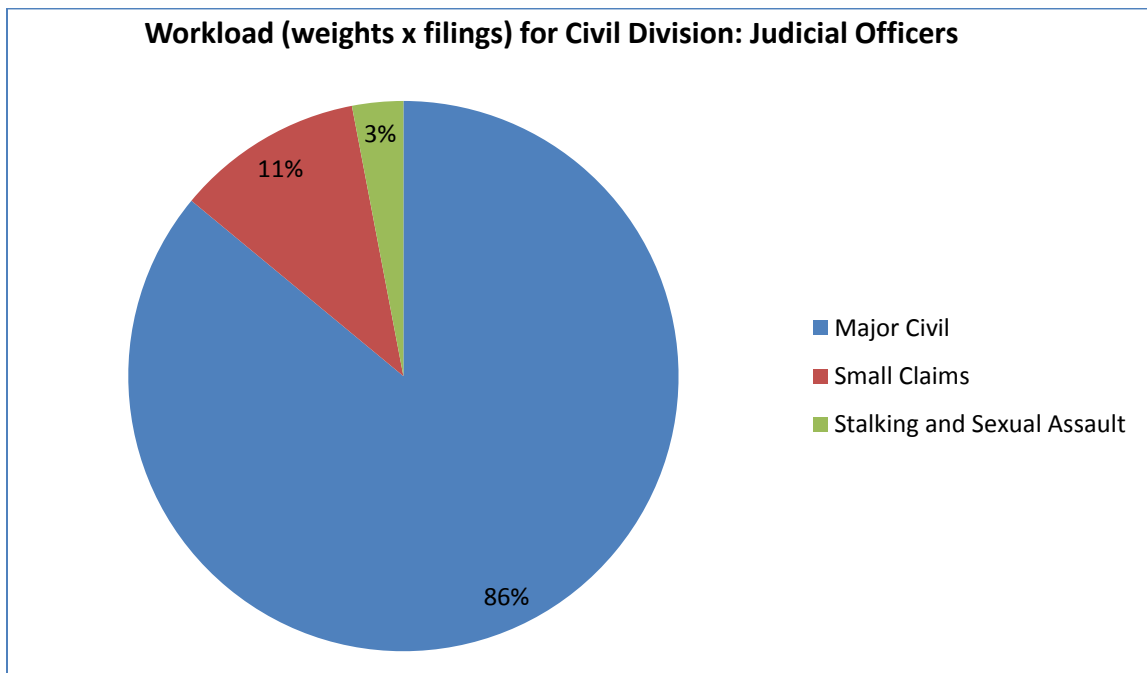
Major civil includes all case types filed in the civil division with the exception of small claims and civil protection orders. Sub case types in this category include: collections, landlord tenant, foreclosure, tort,

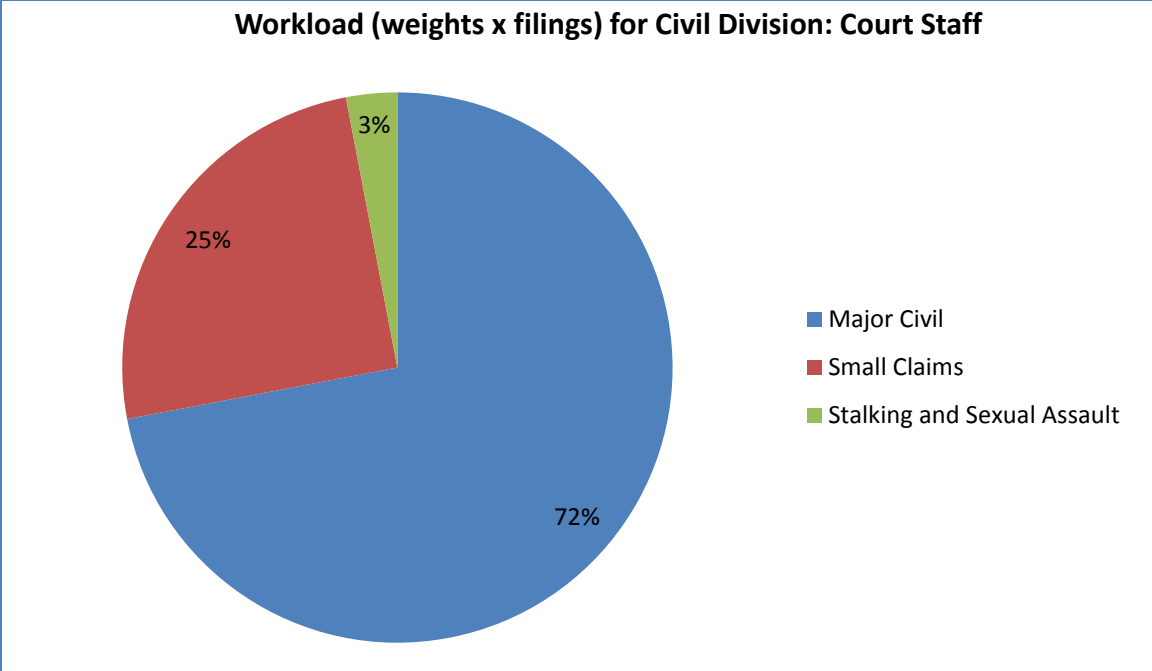
⁶ According to the 2015 Weighted Caseload Study by the National Center for State Courts of the work involved in civil cases, a major civil case on average requires slightly more than six times the amount of judicial resources and about 3 times the amount of staff work compared to the work load involved in disposing a small claims case.

prisoner cases, contracts, claims against government, employment, declaratory relief, appeals and other miscellaneous civil case types.

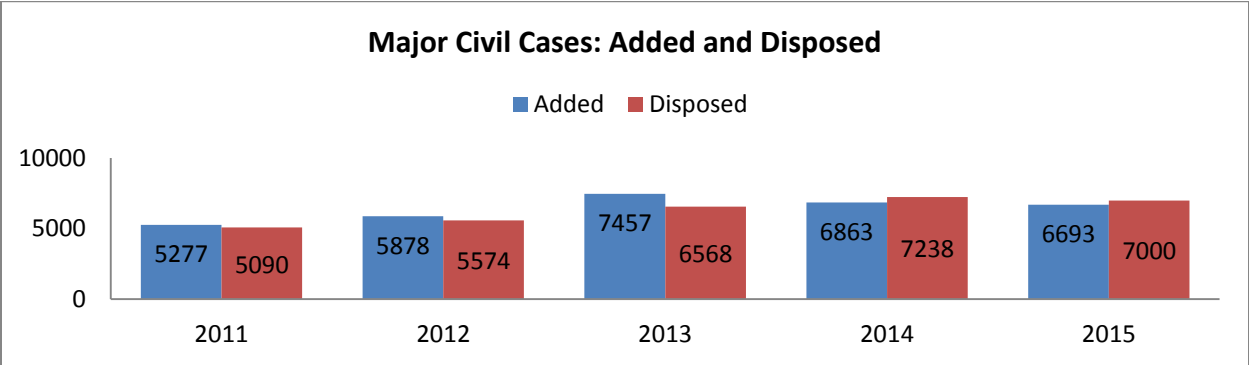


WEIGHTED CASELOAD WORKLOAD WITH FY15 FILINGS



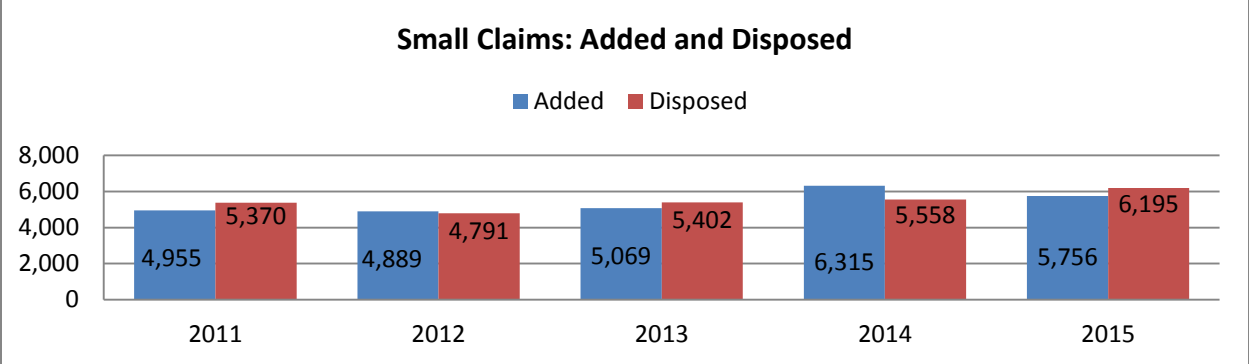


FY15 saw a 2.5% decrease in major civil cases, mostly as a result of fewer collections filings. FY15 was a productive year in the civil division with the number of cases disposed significantly higher than the number of cases added.



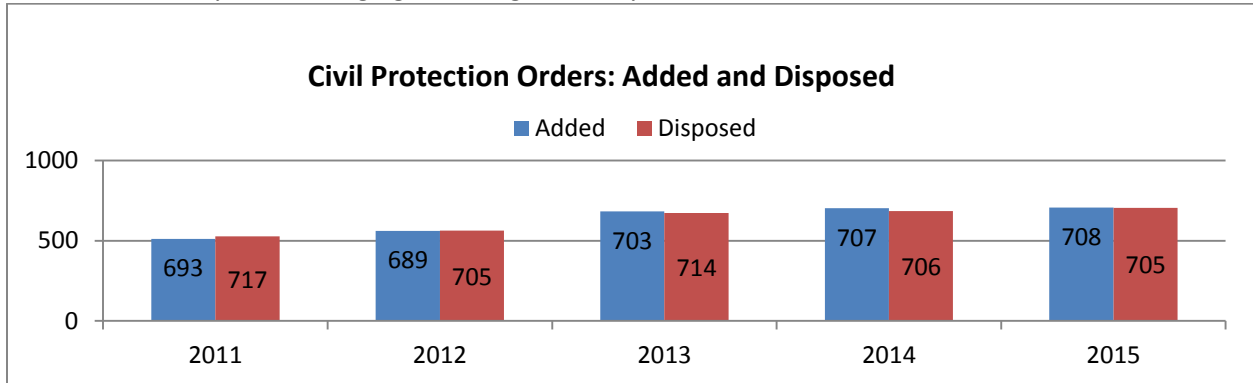
Small Claims

Small claims filings decreased in FY15 by almost 9% as compared to FY14, but are still 15% higher than they were in FY12.



Civil Protection Orders

Requests for civil protection orders (against Stalking and Sexual Assault) have remained fairly constant over the last five years, averaging 700 filings annually.

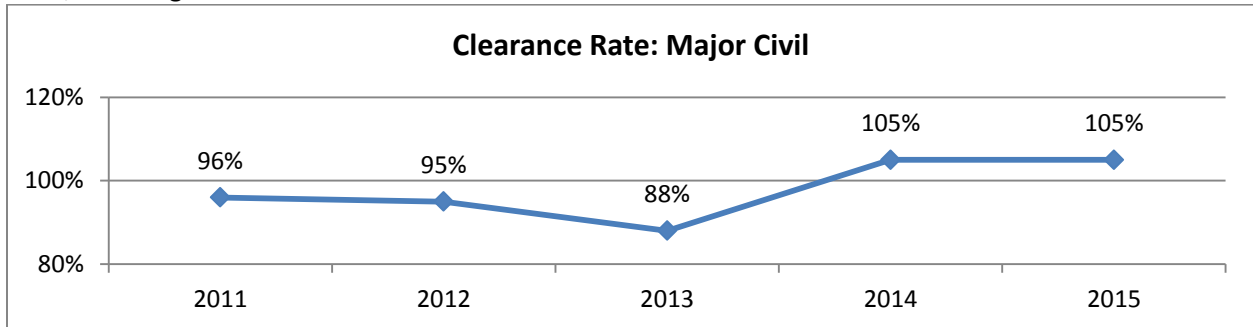


Clearance Rates

A clearance rate reflects the number of cases closed or disposed divided by the number of cases added or filed. If the clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed and will reflect an increase in backlogged cases.

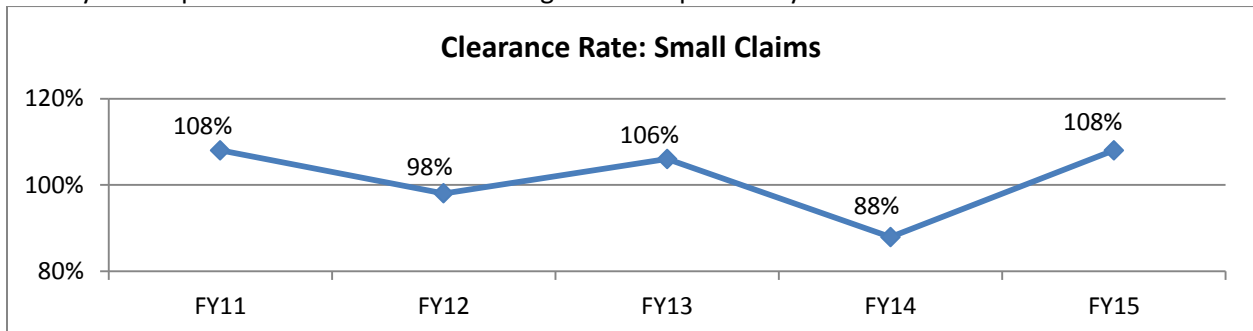
Major Civil Cases

The number of major civil cases disposed was significantly higher than the number of cases added in FY15, resulting in a clearance rate of 105%.



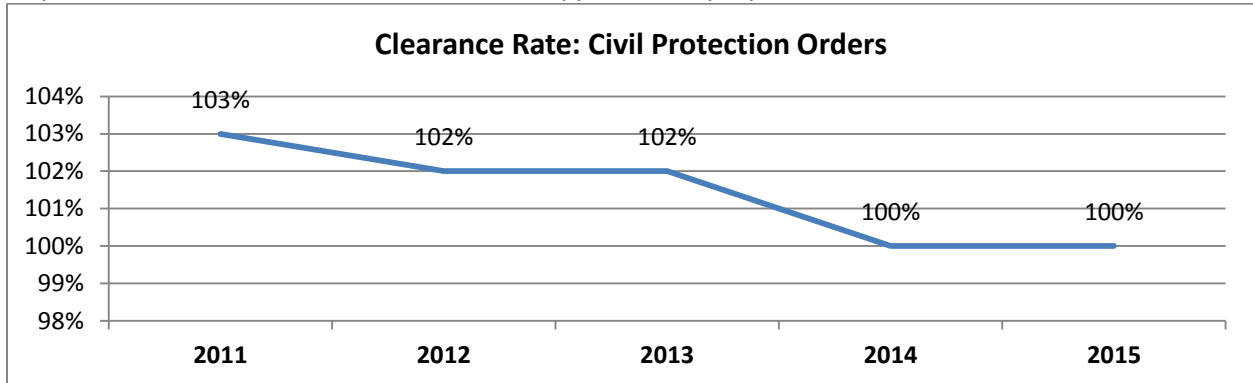
Small Claims

The clearance rate in small claims was also very favorable, rising from 88% in FY14 to 108% in FY15. This is likely due in part to the decline in case filings over the previous year.



Civil Protection Orders

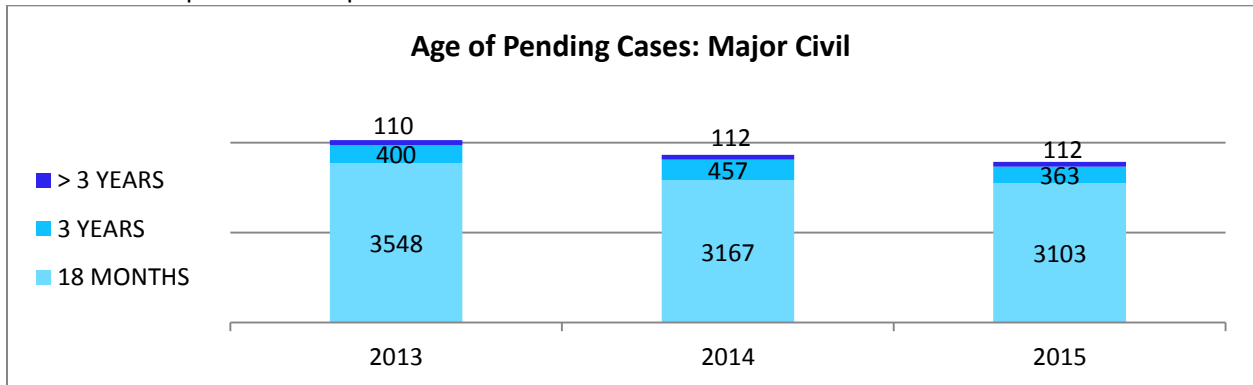
The clearance rate for civil protection orders for FY15 was 100.1%, in other words the number of cases disposed and the number of cases filed were approximately equal.



Age of Pending Cases

Major Civil Cases

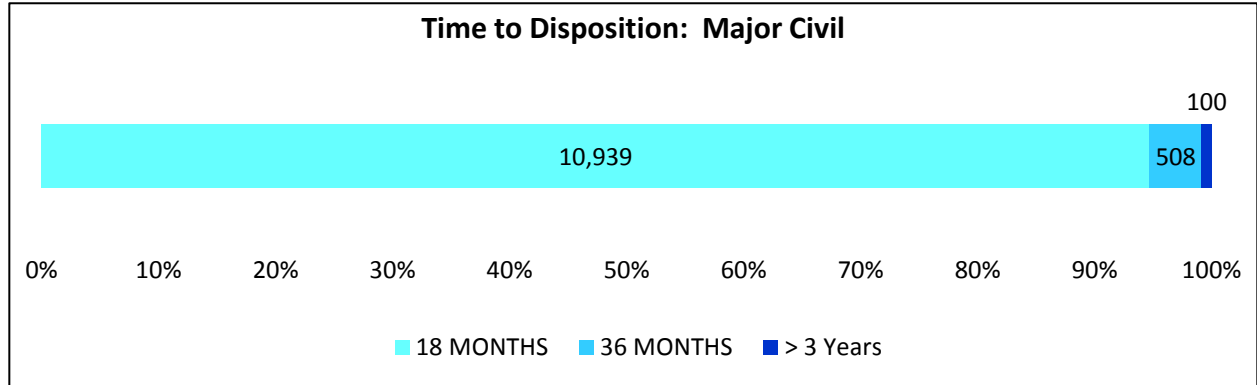
It is difficult to measure performance based on the age of civil cases because there is so much variation in the average time to disposition from one case type to the next. Thus, for tort and employment cases, the disposition goal set by the Supreme Court for standard cases is 18 months for a standard case and 24 months for a complex case. At the shorter end, the goal for landlord tenant cases is three months for standard cases and six months for complex cases. It is only when data on the age of pending cases and time to disposition is broken down by case type and sub case type that accurate conclusions can be drawn with respect to court performance.



Time to Disposition

Major Civil Cases

In FY15, 95% of major civil cases were disposed within 18 months of filing.



Method of Disposition

Major Civil Cases

Out of 7,000 cases disposed in FY15, only 767 or 11% required either a jury or a court trial. Another 7%, were resolved through summary judgment, a decision that usually requires a significant written decision by the trial court. Of the 1,642 cases (23%) that resulted in a default judgment because the defendant failed to appear, the vast majority were collections, landlord tenant or foreclosure cases.

Fiscal Year	Jury Trial	Court Trial	Summary Judgment	Dismissed by Court	Default Judgment	Consent Judgment	Withdrawn	Change of Venue/ Other	Grand Total
2015	22	745	513	1,518	1,642	550	1,938	72	7,000

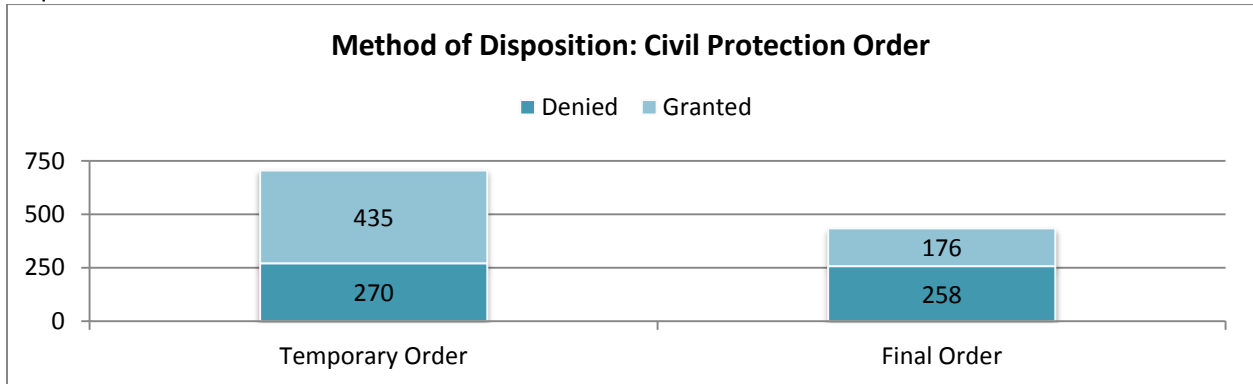
Small Claims

48% of small claims cases were resolved by agreement of the parties. Another 38% were dismissed by the court or withdrawn by the plaintiff. 13% required a contested hearing.

Fiscal Year	Jury Trial	Findings and Order	Default or Consent Judgment	Dismissed or Withdrawn	Missing or Invalid Disposition	Change of Venue	Grand Total
2015	0	810	2,940	2,374	25	18	6,167

Civil Protection Orders

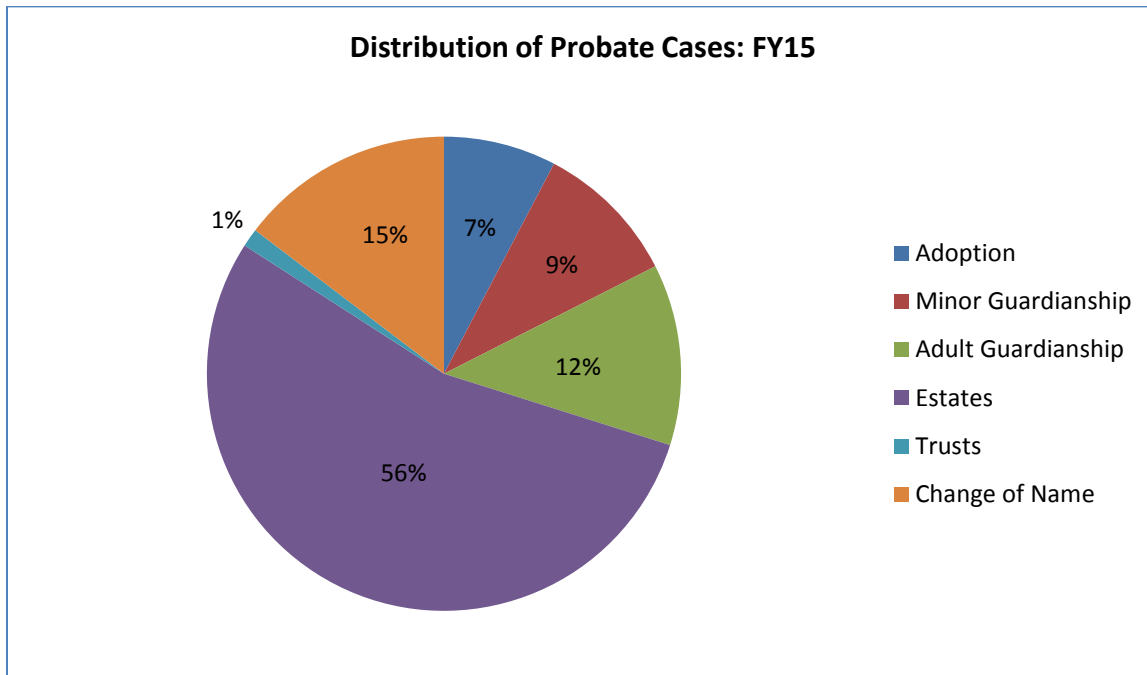
Of the 705 cases disposed in FY15, a temporary restraining order was granted in 62% of the cases, but a final order was granted in only 25% of the cases filed. Requests for civil protection orders to protect against sexual assault represent a very small minority of these cases and temporary and final orders are usually granted. The vast majority of the complaints in this area are based on a claim that the defendant is “stalking” the plaintiff. The explanation for the high percentage of denials of both temporary and final orders lies in all probability with confusion around the definition of “stalking”. Both staff and judges report that self-represented litigants have trouble understanding the statutory definition of “stalking” and, as a result, many claims are dismissed because the alleged facts do not meet the statutory requirement



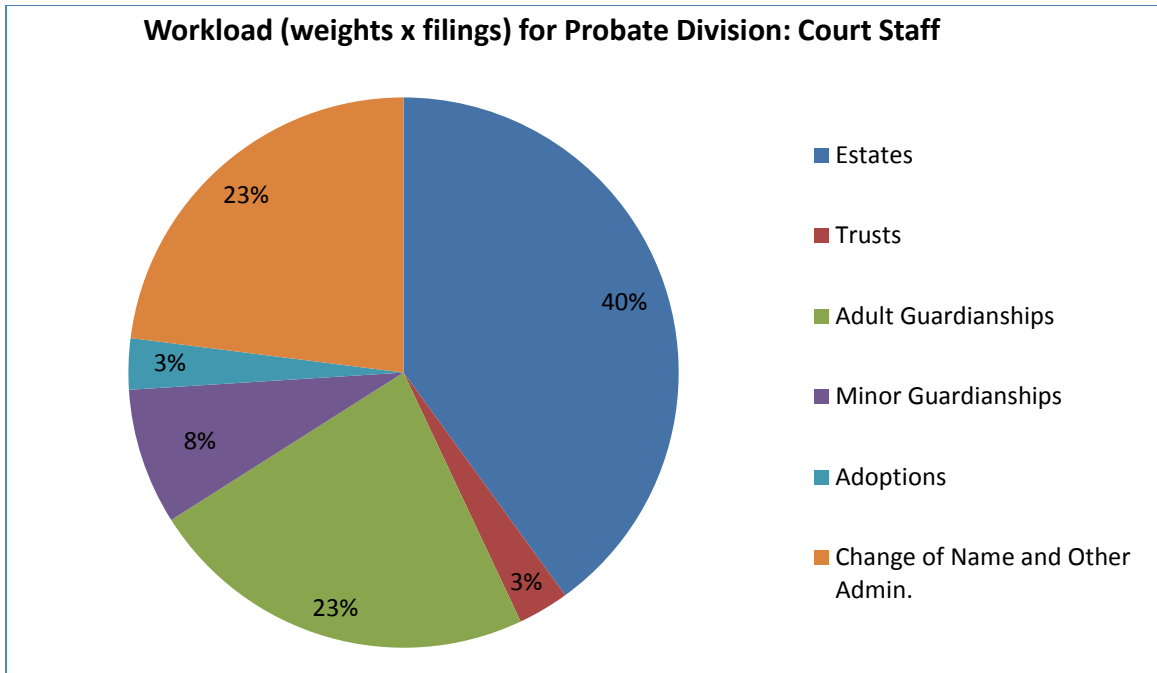
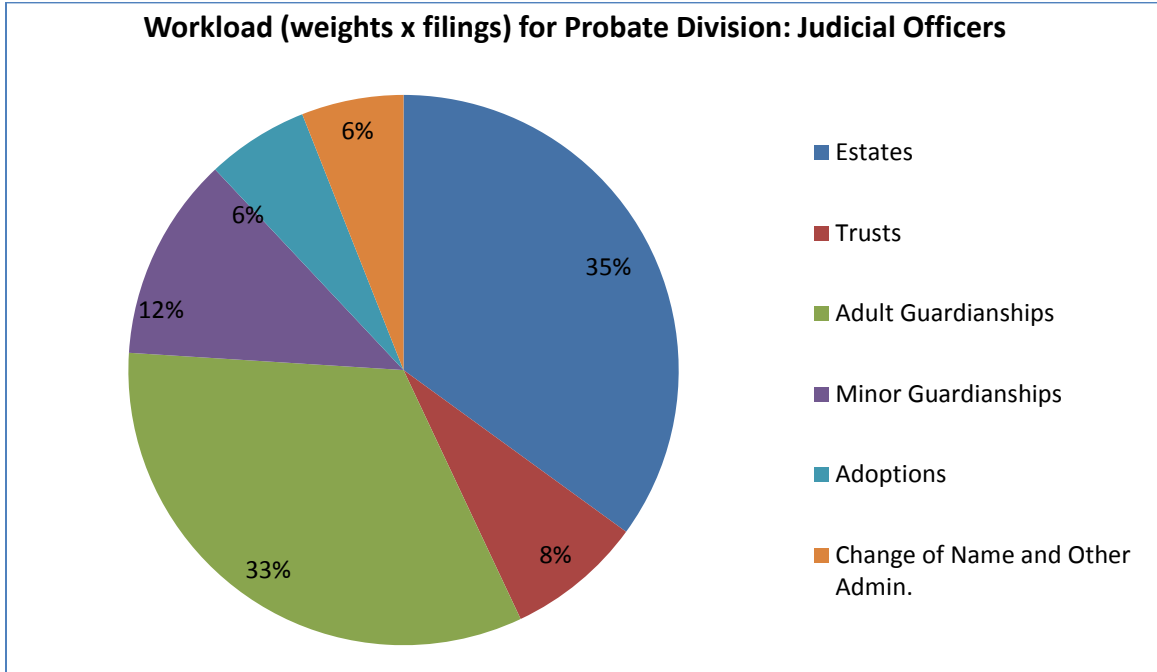
Probate Division

Introduction

There are five major case types heard by the probate division. These include: adoptions, minor and adult guardianships, estates, and trusts. In addition, the probate division handles some smaller case types such as change of name, as well as a number of functions that are, for the most part, administrative such as changes to birth and death certificates, requests by an out of state minister to perform a marriage in Vermont, etc. The distribution of the major case types based on number of filings is shown in the chart below. The distribution in terms of number of filings does not reflect the relative workload for the judge and probate staff.



WEIGHTED CASELOAD WORKLOAD WITH FY15 FILINGS



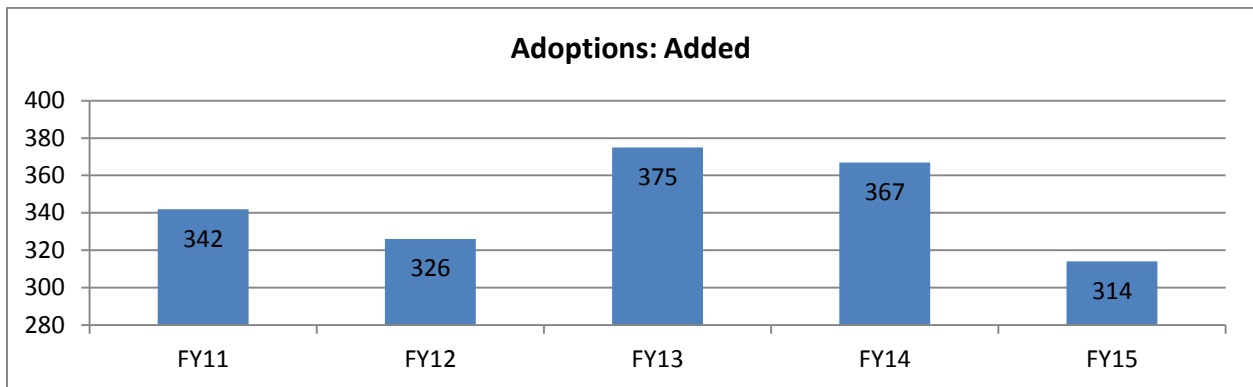
A Note about Probate Statistical Data

Prior to the 2009 consolidation of the superior court into divisions, probate cases were not on the court’s case management system (VTADS). Records of filings and dispositions were maintained by hand or, in later years, electronically using a spread sheet. The process of loading all active probate cases into the court’s case management system began in FY13 and is still ongoing. Until all the open probate cases are in the case management system, we can only provide limited data. For example, data on other NCSC measurements such as age of pending cases and age of case at disposition will not be available until all cases are in the case management system. In addition, the Supreme Court needs to adopt disposition goals for each of the major probate case types in order to create a benchmark for gauging the timeliness of disposition.

Adoption

Trends

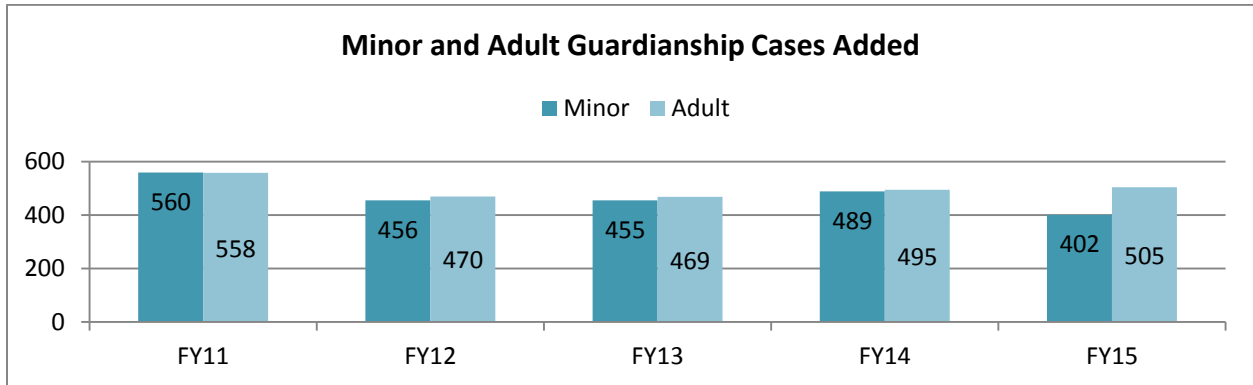
Adoption data includes cases involving the adoption of adults as well as the adoption of minors, although adoption of minors is by far the larger of the two categories. There were 15% fewer adoption petitions filed in FY15 as compared to FY14. This is the lowest annual number filed since 2001.



Minor and Adult Guardianships

Trends

As was true of adoptions, the number of minor and adult guardianship petitions has declined over the last five years. Minor guardianships have declined 28% since FY11. Adult guardianships have declined 9%.



Guardianships Administered

In addition to deciding petitions to establish guardianships, the probate court also administers existing guardianships for as long as they continue to exist. The duration of a guardianship case is unpredictable. If a minor guardianship is not terminated earlier, it will terminate by law when the minor reaches 18 years of age. An adult guardianship can remain in effect for the life time of the adult under guardianship. At the end of FY14, there were close to 7,000 adult and minor guardianships administered by the probate division. The number of minor guardianships administered by the probate court has declined during the past five years while the number of adult guardianships has increased. Regardless of type, each year that the guardianship is in effect the probate court requires a report on the mental and physical well-being of the person under guardianship and, if the person under guardianship has assets and income, a financial report as well.⁹

⁹ This data is not available for FY15.

Estates

Trends

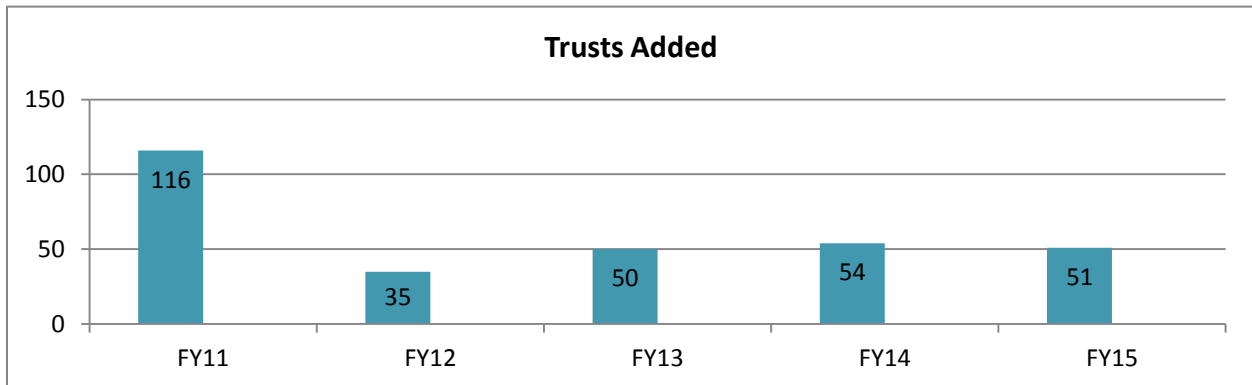
The number of estate cases filed in Vermont ranges between 2100 and 2500 per year.



Trusts

Trends

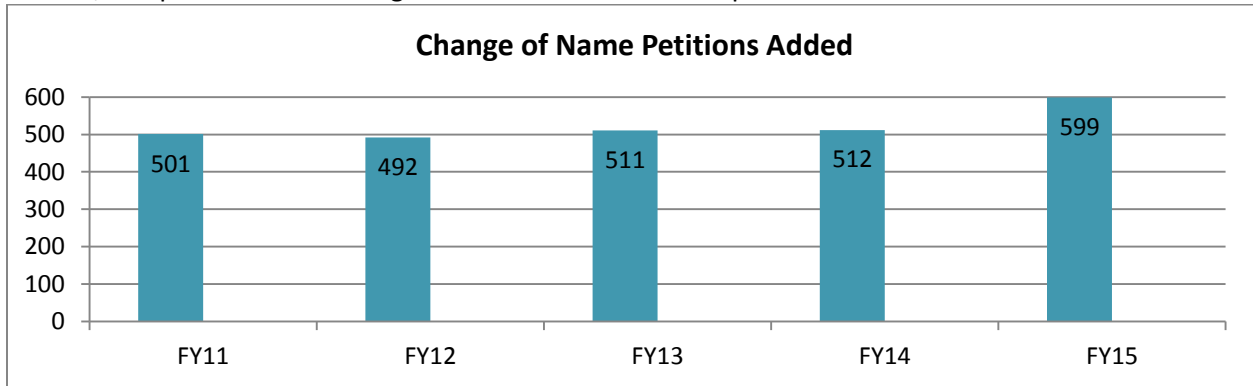
With the passage of the Uniform Trust Code (14A V.S.A. §101 et seq.), it was predicted that the number of trust filings in Vermont would grow. This has not turned out to be the case as indicated by the filing figures since that time. A surge in filings in FY11 has been followed by four years of filings that are well below the average number of annual filings prior to FY10. There has, however, been an increase in the percentage of hearings that are contested.



Change of Name

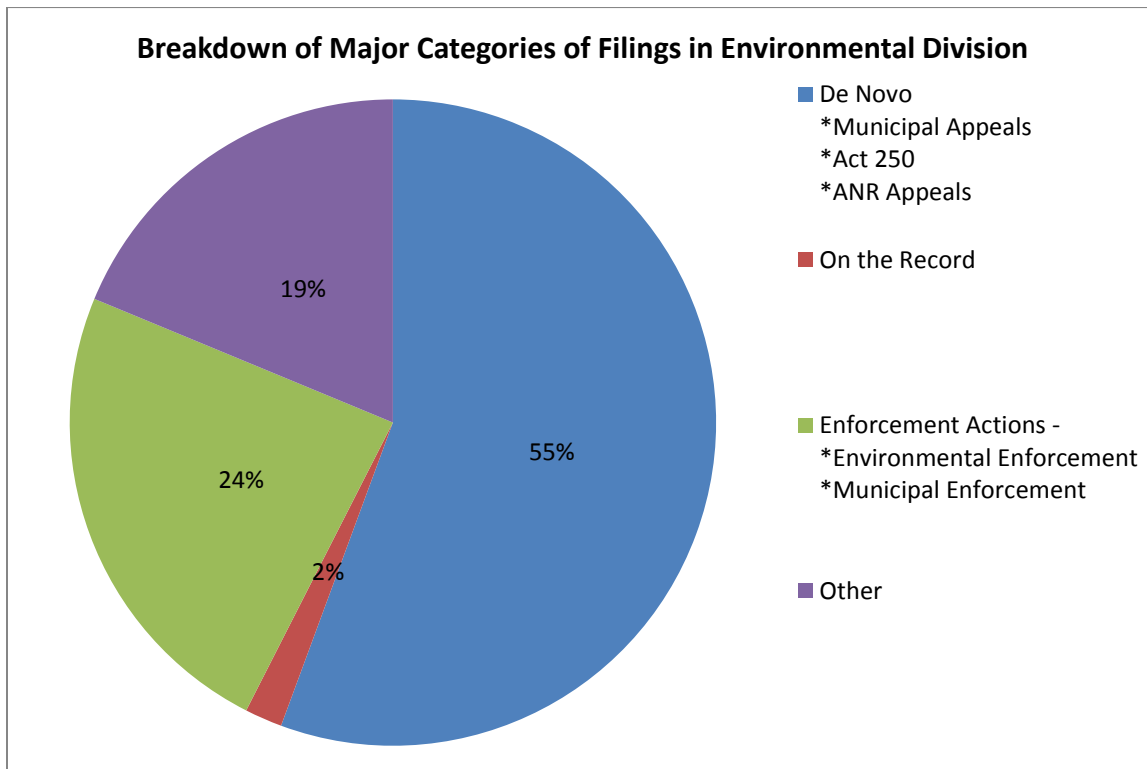
Trends

In FY15, 599 petitions for a change of name were filed in the probate division.

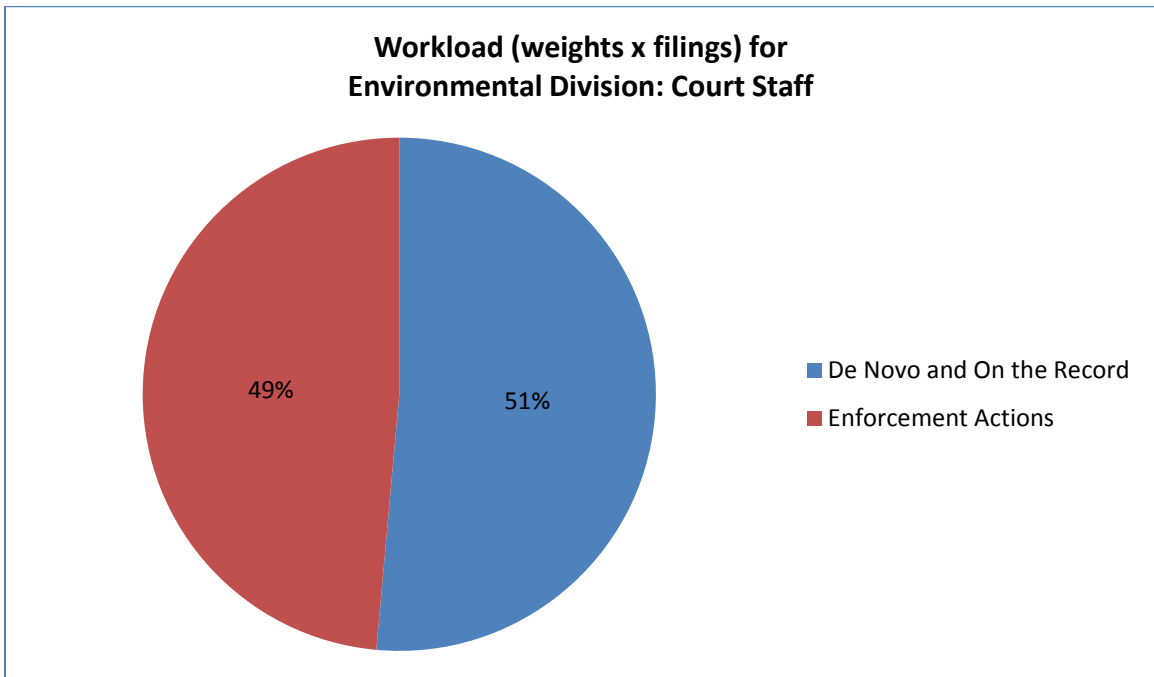
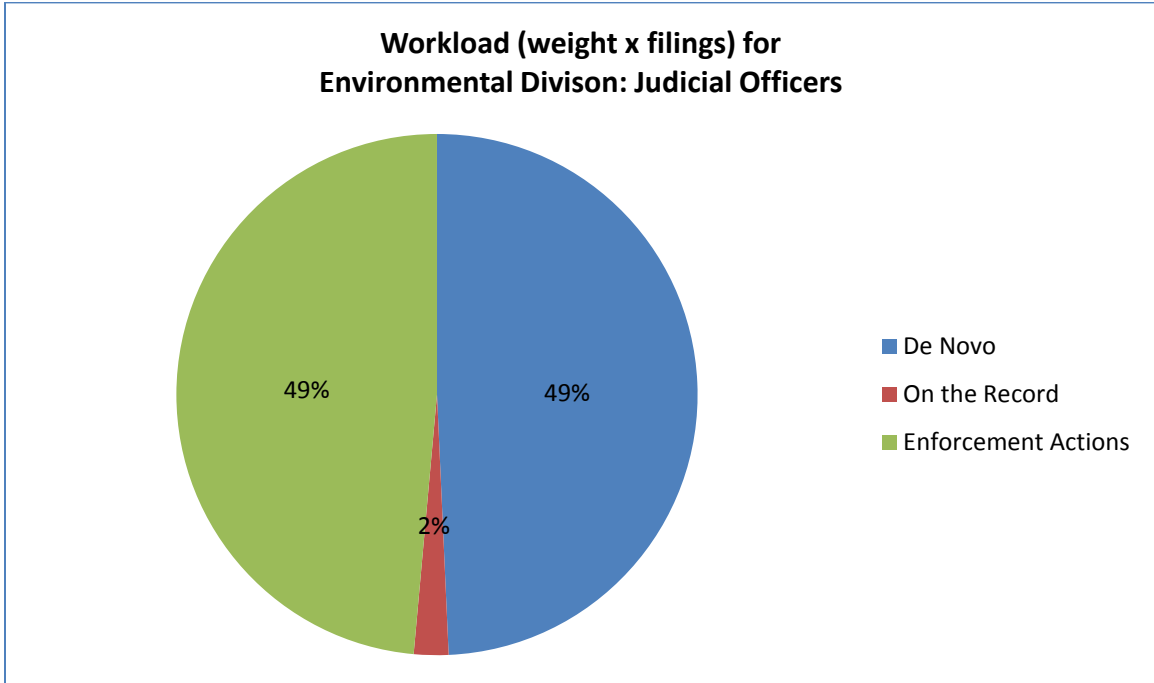


Environmental Division

The environmental division of the superior court is a statewide court responsible for hearing and deciding cases that fall into five general categories: (1) Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies; (2) Environmental enforcement proceedings from various municipalities; (3) Appeals from municipal zoning boards, development review boards and planning commissions; (4) Appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators; (5) Tickets for environmental violations such as unlawful burning, dumping in a stream or lake, or failing to abide by a permit condition or AMP (acceptable management practice).

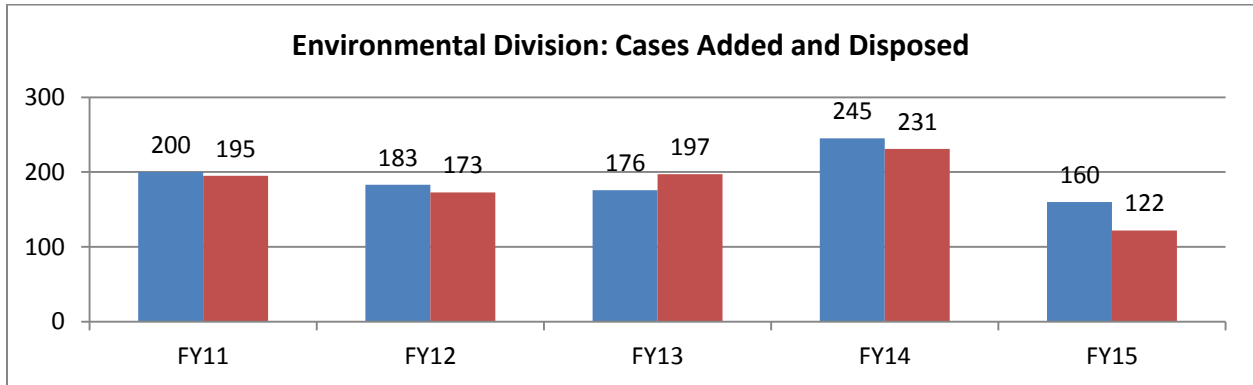


WEIGHTED CASELOAD WORKLOAD WITH FY15 FILINGS



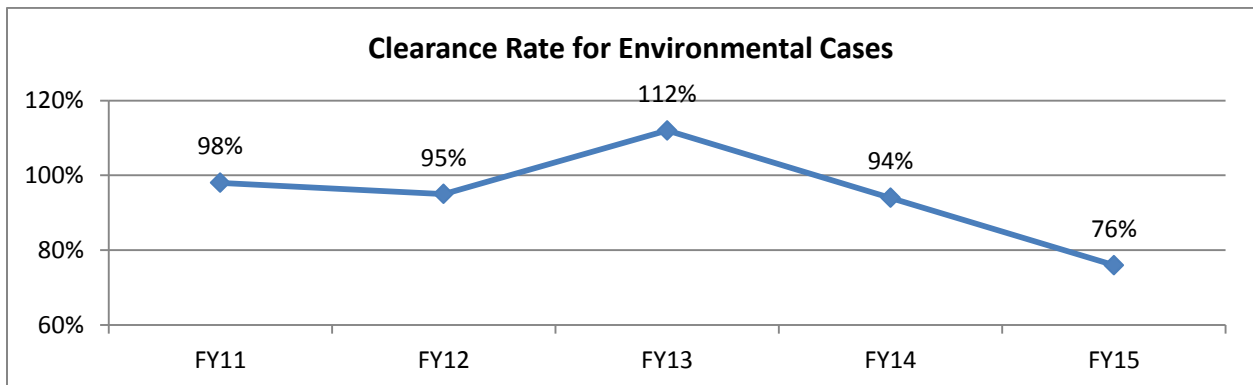
Trends

As indicated by the chart below, filings in the environmental division in FY15 were the lowest in five years, declining 35% since FY14.



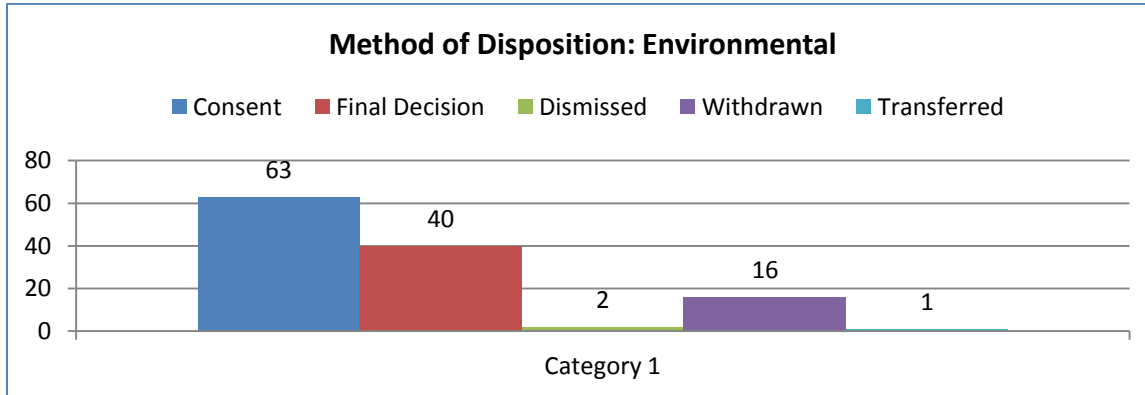
Clearance Rate

The chart below measures the clearance rate for all environmental division cases from 2011 through 2015. While the clearance rate in FY15 fell below 100%, this is attributable to a 35% decrease in filings.



Method of Disposition

Approximately 52% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued by the court in 33% of the cases. 15% were dismissed, withdrawn by parties, or transferred.

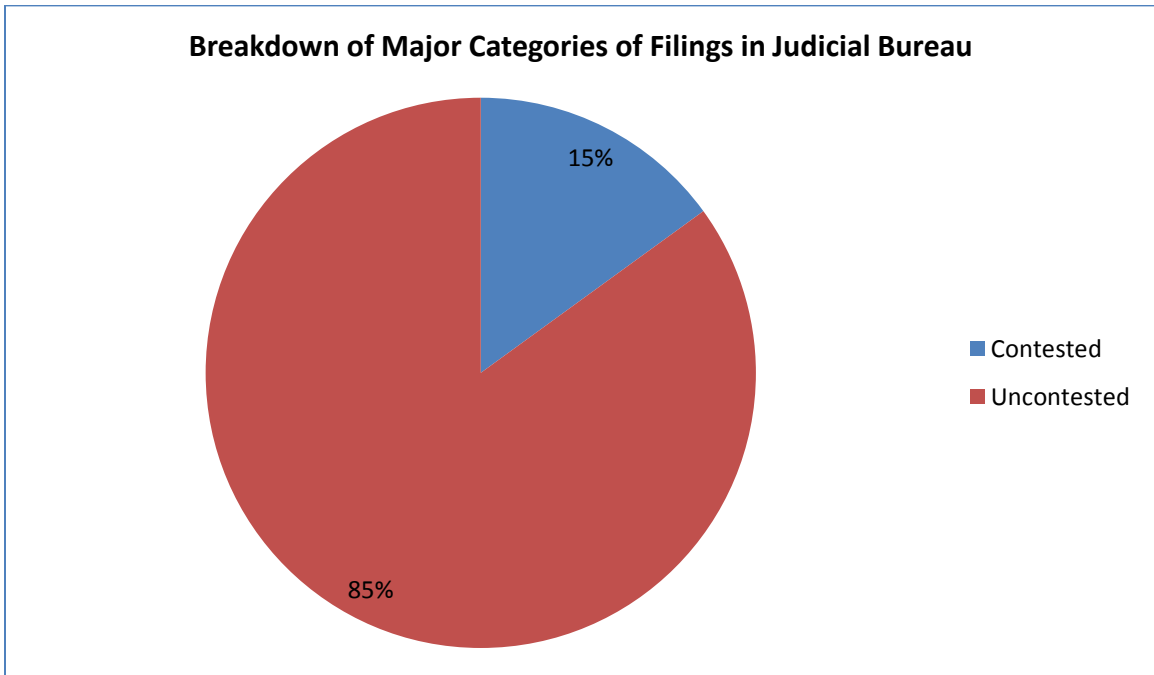


Judicial Bureau

The Judicial Bureau has statewide jurisdiction over civil violations. Police and other government officials have authority to charge civil violations, including for example:

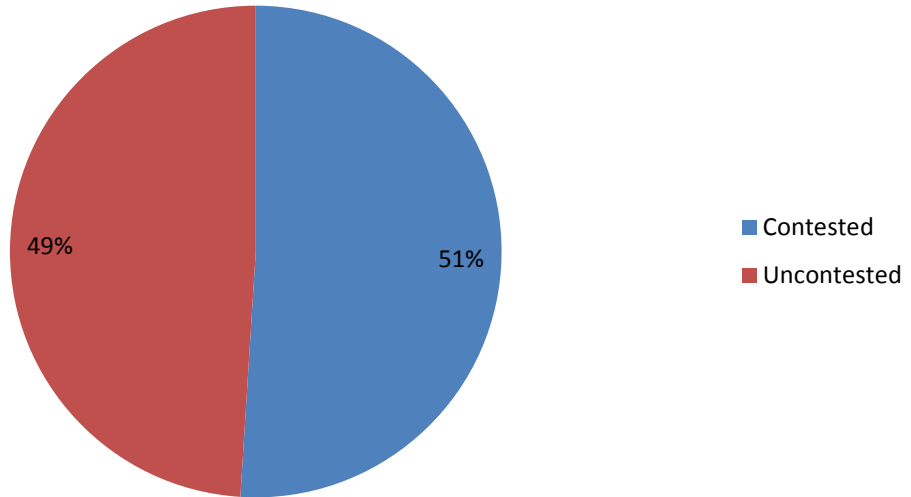
- Title 23
 - Traffic violations
- Municipal ordinance violations
- Title 10
 - Fish and wildlife violations
- Burning and waste disposal violations
- Environmental violations
- Lead hazard abatement violations
- Cruelty to animals violations
- Titles 2, 5, 7, 9, 10, 13, 16, 18, 19, 20, 21, 24 includes but not limited to:
 - violations for: Motor carrier, railroads, alcohol, tobacco, marijuana, scrap metal, water rules, waste transportation, humane treatment of animals, hazing, environmental mitigation, labor, littering and illegal dumping

The Judicial Bureau processes between 80,000 -90,000 civil violation complaints per year. If a person denies the alleged violation, a court hearing is scheduled before a Hearing Officer.

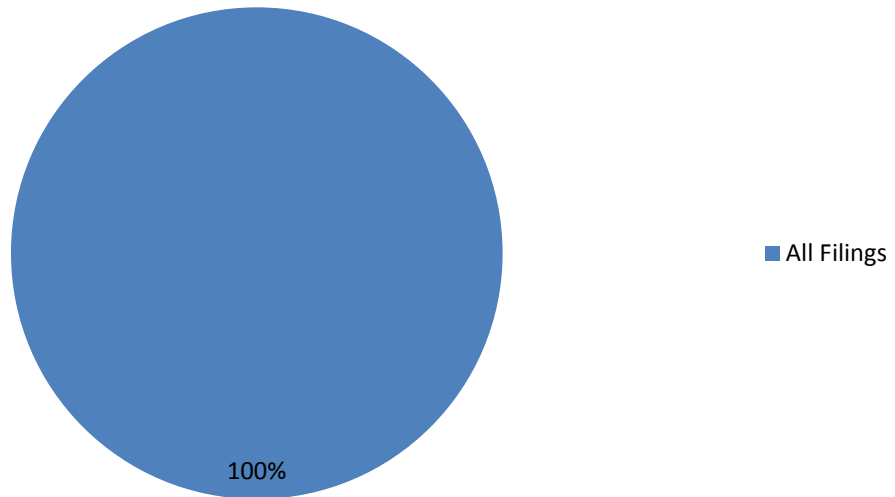


WEIGHTED CASELOAD WORKLOAD WITH FY15 FILINGS

**Workload (weights x case filings) for Judicial Bureau:
Judicial Officers**

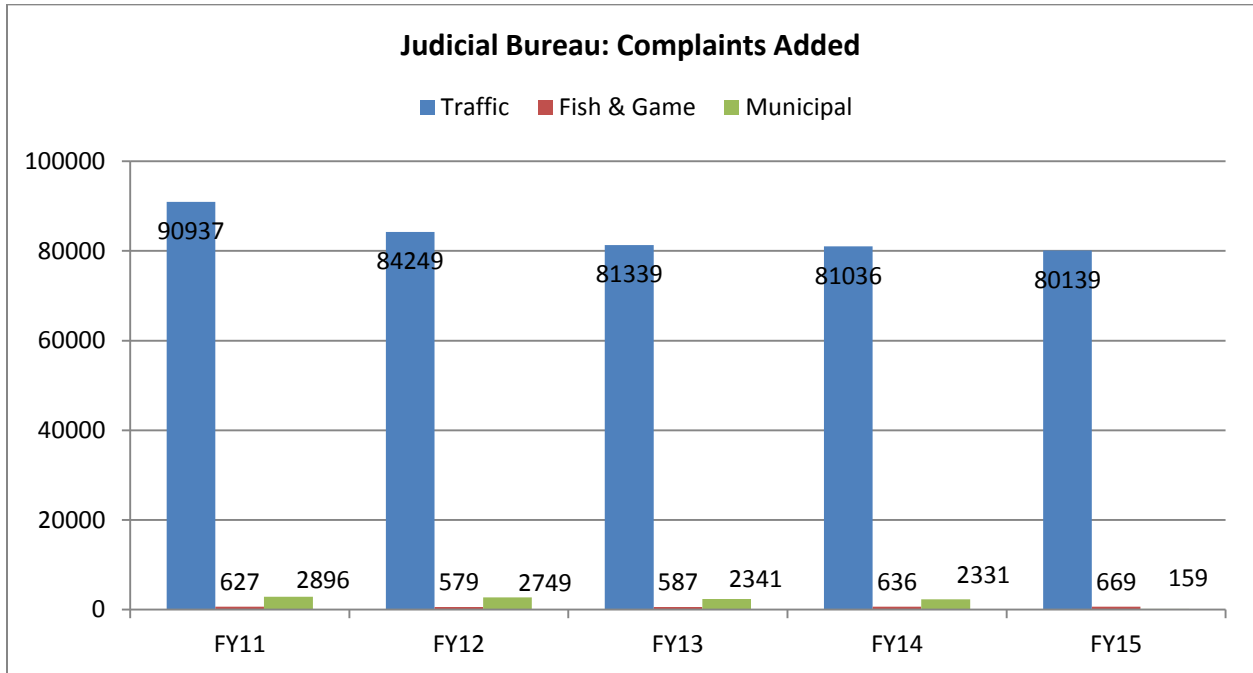


**Workload (weights x case filings) for Judicial Bureau:
Court Staff**



Trends

As indicated by the chart below, filings in the Judicial Bureau in FY15 were the lowest in five years, with the exception of Fish and Game violations, which have increased slightly in the last year. Overall, Judicial Bureau filings have declined 12% since 2011.



SC Table 1

VERMONT SUPREME DIVISION
STATISTICS

July 1, 2014 – June 30, 2015

CASES FILED			CASES CLOSED			
TOTAL CASES	APPEALS	ORIGINAL PROCEEDINGS		TOTAL CASES	APPEALS	ORIGINAL PROCEEDINGS
504*	449	55		522	462	60
ORIGIN OF APPEALS FILED						
APPEALS FILED	Civil Division	Criminal Division	Probate Division	Environmental Division	Boards, etc.	Family Division
449	140	141	1	15	38	114
ORIGIN OF APPEALS CLOSED						
APPEALS CLOSED	Civil Division	Criminal Division	Probate Division	Environmental Division	Boards, etc.	Family Division
462	147	139	1	25	32	118
MANNER OF DISPOSITION OF APPEALS CLOSED						
TOTAL CLOSED	Closed by Written Opinion	Closed by Full Court Mem.	Closed by Panel Mem.	Closed for Lack of Progress	Closed by Misc. Mem.	Closed by Stipulation of Parties
462	135	11	154	42	49	71
MANNER OF DISPOSITION OF ORIGINAL PROCEEDINGS CLOSED						
TOTAL CLOSED	Closed by Written Opinion	Closed by Full Court Mem.	Closed by Panel Mem.	Closed for Lack of Progress	Closed by Misc. Mem.	Closed by Stipulation of Parties
60	1	9	0	0	50	0

*Includes one reinstated case.

**VERMONT SUPREME COURT
STATISTICS**

July 1, 2014 – June 30, 2015

TYPES OF APPEALS FILED								
APPEALS FILED	Civil	Criminal	Bail	Juvenile	Habeas Corpus	Post Conviction	Small Claims	
449*	240	113	21	58	2	15	0	
TYPES OF ORIGINAL PROCEEDINGS FILED								
ORIGINAL PROCEEDINGS	Extraordinary Relief	Disciplinary Matters	Habeas Corpus	Other	Board of Bar Examiners	Motions for Interlocutory Appeal 5(b)	5.1	6(b)
55	11	16	1	0	3	17	1	6
PRESENTATION OF CASES CONSIDERED								
APPEALS	Oral Argument	Submitted on Briefs	ORIGINAL PROCEEDINGS	Oral Argument	Submitted on Pleadings			
294	194	100	50	3	47			
TYPES OF APPEALS CLOSED								
APPEALS CLOSED	Civil	Criminal	Bail	Juvenile	Habeas Corpus	Post Convictions	Small Claims	
462	267	105	24	55	1	10	0	
TYPES OF ORIGINAL PROCEEDINGS CLOSED								
ORIGINAL PROCEEDINGS	Extraordinary Relief	Disciplinary Matters	Habeas Corpus	Other	Board of Bar Examiners	Motions for Interlocutory Appeal 5(b)	5.1	6(b)
60	12	25	0	1	4	11	1	6

*Includes one reinstated case

VERMONT SUPREME COURT

STATISTICS

**Dates Covered by Report
July 1, 2014 – June 30, 2015**

RESULTS IN APPEALS CLOSED BY WRITTEN OPINIONS

77 Affirmed
 16 Affirmed in part; reversed in part
 2 Affirmed and remanded
 1 Affirmed; stricken in part and remanded
 1 Dismissed
 10 Reversed; judgment entered
 24 Reversed (and remanded)
 1 Remanded with instructions
 1 Vacated
 1 Vacated and remanded
1 Certified question cases answered
 135 TOTAL

RESULTS IN ORIGINAL PROCEEDINGS CLOSED BY WRITTEN OPINIONS

1 Affirmed
 1 TOTAL

VERMONT SUPREME COURT**STATISTICS**

July 1, 2014 – June 30, 2015

WRITTEN OPINIONS IN APPEALS AND ORIGINAL PROCEEDINGS

23	Chief Justice Reiber ¹
33	Associate Justice Dooley ²
29	Associate Justice Skoglund ³
30	Associate Justice Robinson ⁴
8	Associate Justice Eaton ⁵
8	Associate Justice Crawford ⁶
1	Superior Judge Hayes
1	Superior Judge Durkin
0	Superior Judge Tomasi ⁷
1	Superior Judge Maley
1	Associate Justice Morse (Ret.) ⁸
0	Associate Justice Burgess (Ret.) ⁹
0	Superior Judge Morris (Ret.) ¹⁰
<u>2</u>	Per Curiam
137	TOTAL ¹¹

APPEALS

135

ORIGINAL PROCEEDINGS

1

¹ Also wrote one concurring opinion and six dissenting opinions.

² Also wrote four concurring opinions, two concurring and dissenting opinions and five dissenting opinions.

³ Also wrote one concurring opinion and three dissenting opinions.

⁴ Also wrote three concurring opinions, three concurring and dissenting opinions and five dissenting opinions.

⁵ Also wrote one concurring opinion.

⁶ Also wrote one dissenting opinion.

⁷ Wrote one concurring opinion.

⁸ Also wrote two concurring opinions.

⁹ Wrote one dissenting opinion.

¹⁰ Wrote one concurring opinion and one dissenting opinion.

¹¹ Includes an opinion (2013-243, VT Transco, LLC v. Town of Vernon) which was withdrawn and replaced after motion for reargument was filed.

VERMONT SUPREME COURT

STATISTICS

July 1, 2014 – June 30, 2015

REARGUMENTS

Motions Requesting Reargument Pending July 1, 2014 2				
Motions Requesting Reargument Added During Reporting Period 41	Motions Requesting Reargument Denied Without Hearing 40	Motions Requesting Reargument Denied After Hearing 0	Motions Withdrawn 0	Motions Requesting Reargument Granted 0
Motions Requesting Reargument Pending July 1, 2015 3				
EFFECT OF MOTIONS REQUESTING REARGUMENT				
Original Result Changed 0	Original Result Unchanged 41		Pending 0	

VERMONT SUPREME COURT
STATISTICS

July 1, 2014 – June 30, 2015

CASES PENDING AS OF JULY 1, 2015

221	Appeals Pending
<u>28</u>	Original Proceedings Pending
249	Total Number of Cases Pending

Age of Appeals Pending		Age of Original Proceedings Pending	
121	Less than 6 months	21	Less than 6 months
75	6 to 12 months	5	6 months to 1 year
20	1 to 1 ½ years	1	1 to 1 ½ years
3	1 ½ to 2 years	0	1 ½ to 2 years
2	2 to 2 ½ years	0	Over 2 years
0	2 ½ to 3 years	<u>1</u>	Over 3 years
<u>0</u>	Over 3 years		
221	Total	28	Total

CASES PENDING AS OF JULY 1, 2014

234	Appeals Pending
<u>33</u>	Original Proceedings Pending
267	Total Number of Cases Pending

RECONCILIATION				
	Pending as of July 1, 2014	Added during Period	Closed during Period	Pending as of July 1, 2015
Appeals	234	449	462	221
Original Proceedings	<u>33</u>	<u>55</u>	<u>60</u>	<u>28</u>
TOTAL	267	504	522	249