



## Vermont Judicial Branch Overview

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## 2016 Legislative Session

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## Courts, Judiciary Programs, and Performance Measures

# Vermont Judicial Branch Overview

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Overview of the  
Vermont Judiciary

**2016**

## **Vermont Judicial Branch Overview**

### **Courts, Judiciary Programs, and Performance Measures**

The Vermont Judicial Branch is an important element in the constitutional balance of power among the Executive, Legislative, and Judicial Branches. This balance of power is essential to the vitality of our democracy. The courts provide a forum for resolution of disputes involving the range of human conflict, including cases that address the protection of individual rights, public safety, and business and commercial concerns. A fair and impartial court system is an important element in the preservation and maintenance of an orderly society.

#### **Vermont Constitution**

The ultimate measures of performance for the Judiciary are set forth in the Vermont Constitution, which provides as follows in Chapter I, Article 4:

Every person within the state ought 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; every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay, conformably to the laws.

More specific performance measures and outcomes for the Vermont Judiciary are set forth in this overview.

#### **Mission and Vision**

The Judiciary's mission is to provide equal access to justice, protect individual rights, resolve legal disputes fairly and timely, and provide everyone their opportunity to have their day in court.

The Judiciary's vision is as follows: The people of Vermont will have trust and confidence in the Vermont state courts because the courts are fair, impartial, accessible, responsive, consistent, free of discrimination, independent, and well-managed.

## **Principles for Administration of the Vermont Judiciary**

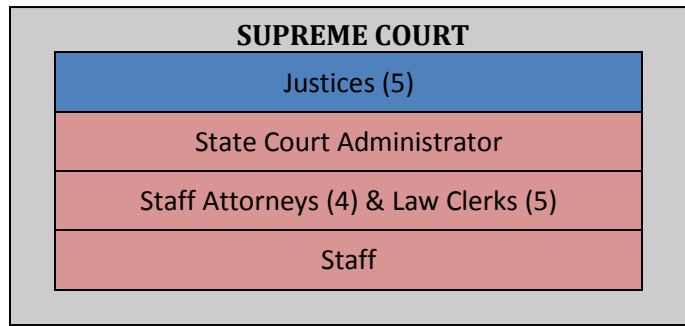
The Supreme Court has adopted the following principles for administration of the Vermont Judiciary:

1. Vermont judicial officers will be people of integrity who are fair, impartial, and competent.
2. The Supreme Court will operate the court system as a unified system, in accordance with the Vermont Constitution, Ch. II, Section 4, which provides that “the judicial power of the State shall be vested in a unified judicial system...”
3. The Vermont Supreme Court will deploy resources in a manner that is cost-efficient for the taxpayer, while providing access to court services that is cost-effective to litigants.
4. Court services will be provided through a system that is open, affordable, and understandable and that offers a level of service that is appropriate to the characteristics of the case.
5. Court services will be provided through a system that ensures access to justice and respect for all litigants and members of the bar.
6. Case decisions will be made by appropriately educated and well-trained judicial officers.
7. Trial court judges will be capable of working in any court, hearing any case that needs to be heard on a particular day.
8. Judicial officers will issue timely decisions that do justice for the litigants, establish clear and ascertainable law, and apply the law correctly to the facts.
9. The Judicial Branch will be organized to minimize redundancies in court structure, procedures, and personnel, and provide an efficient balance of workload among courts.
10. Funding authorities will provide resources that are appropriate to court structure and provide long-term stability in the budgeting, funding, and operations of the Judicial Branch.

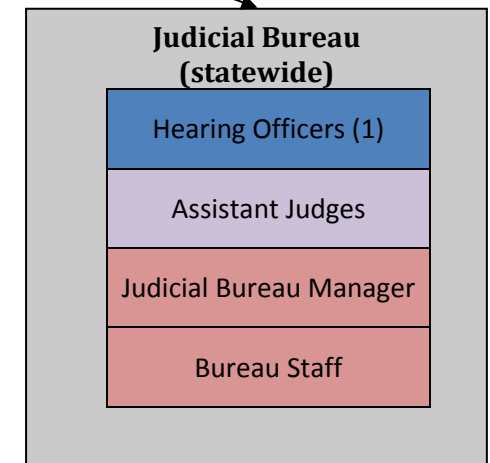
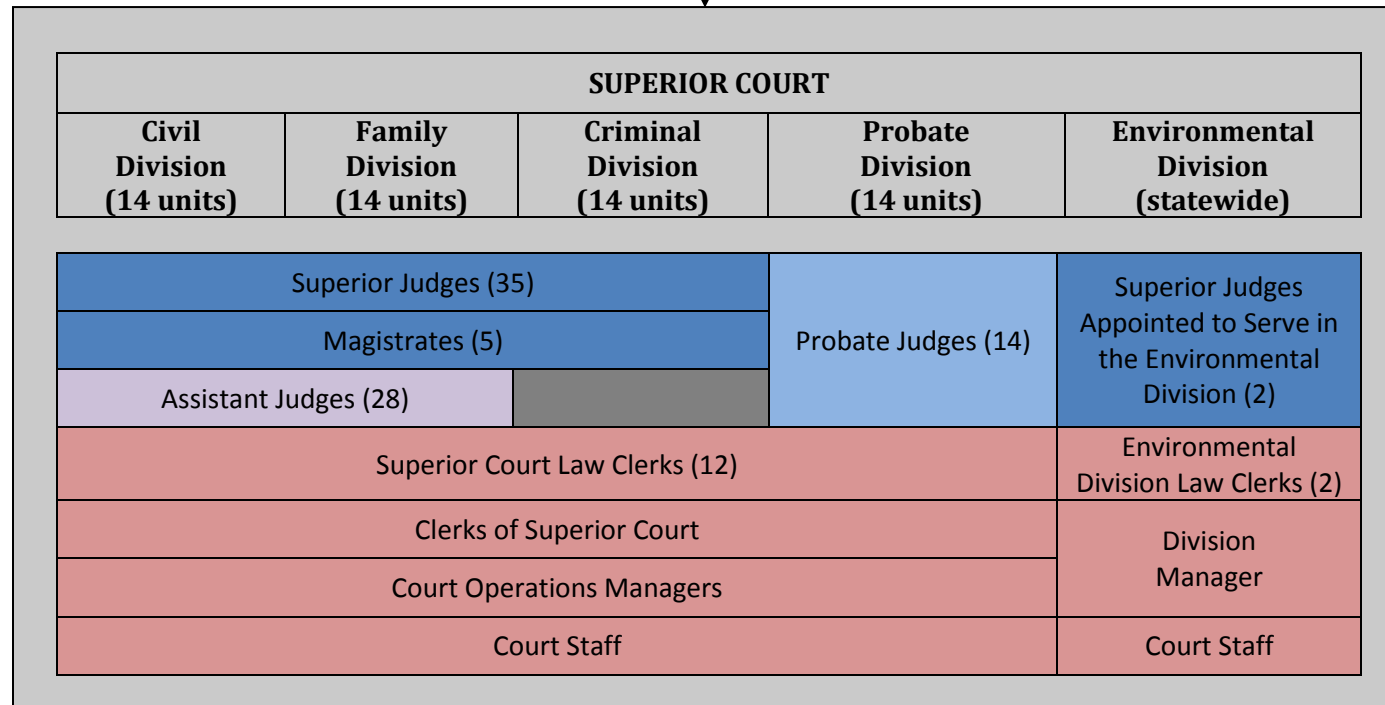
## **Case Management Principles**

1. Every case will receive individual attention.
2. Individual attention will be proportional to need.
3. Decisions and process will demonstrate procedural justice.
4. Judicial control will be exercised over the legal process.

# THE VERMONT UNIFIED COURT SYSTEM



- Appointed; Statutory Salary
- Elected; Statutory Salary
- State Employee; Hired by Supreme Court or Designee
- Elected; Paid by State when sitting alone  
Paid by County when sitting with judge





## **Vermont Unified Court System**

### **The Supreme Court**

The Chief Justice and the four Associate Justices constitute the Vermont Supreme Court.

Justices are appointed by the Governor from a list of qualified candidates submitted by the Judicial Nominating Board and confirmed by the Senate for six-year terms. When a justice's term expires, the General Assembly votes whether to retain the justice in office.

#### *The Supreme Court's Judicial Duties*

The Supreme Court is the court of final appeal in Vermont. It hears cases primarily in Montpelier. The court hears appeals from the Civil, Family, Criminal and Environmental Divisions of the Vermont Superior Court, from certain administrative agency proceedings and from the Probate Division when a question of law is involved. In special types of cases, the Supreme Court has original or exclusive jurisdiction. This is when a case is brought directly to the Supreme Court without having to be heard first in one of the lower courts.

The five justices of the Supreme Court resolve approximately 500 cases per year by deciding whether the trial court judge accurately applied Vermont law to the facts in the case. The Supreme Court does not take evidence, listen to witnesses or receive exhibits in a case. Instead, the court looks at the legal issues to determine whether the law was correctly applied to the facts in the lower court. Decisions of the Vermont Supreme Court are final unless the case presents a federal question involving the United States Constitution, statutes, or treaties. If there is a federal question, decisions of the Vermont Supreme Court may be appealed to the United States Supreme Court.

#### *The Supreme Court's Administrative Duties*

The Vermont Constitution gives the Supreme Court the responsibility of administering the Vermont Court system. It authorizes the Supreme Court to make rules regulating practice and procedure. The General Assembly has authority to revise rules as set out in the Vermont Constitution. The Supreme Court also has the power to discipline judges and attorneys, to license attorneys and to regulate the practice of law.

The Supreme Court Justices administer the Vermont Court System with the assistance of the Chief Superior Judge and the State Court Administrator.

#### *Chief Superior Judge*

The Chief Superior Judge assigns the superior court judges, environmental judges, child support magistrates, judicial bureau hearing officers and assistant judges to the trial court divisions, resolves attorney conflicts, and in cooperation with the State Court Administrator, assumes general administrative control of the work of the courts.

The Chief Superior Judge assigns each of the judges to sit in each of the trial courts for a specific length of time, generally for a year. (The environmental judges hear and dispose of most cases in the environmental division, which has statewide jurisdiction.) In the smaller counties, one judge may be assigned to sit in the Civil, Criminal, and Family divisions of the Vermont Superior Court concurrently, especially when all three divisions are located in the same building. In the larger counties, a different judge may sit in each of the trial court divisions.

#### *State Court Administrator*

The State Court Administrator provides leadership and support to the judges and court staff to enable them to resolve disputes fairly, expeditiously and efficiently. The State Court Administrator is responsible for the overall management of the court system, including judicial and employee education, budgetary and personnel matters, computer services, recordkeeping and court security. The State Court Administrator serves as liaison between the Supreme Court and its boards and committees and between the Judiciary and the Legislative and Executive branches of government.

#### **Superior Court**

The Vermont Superior Court was created by Act 154 of the 2010 session of the General Assembly. The Act reorganized the trial courts as divisions of the new Superior Court. There is a unit of the Superior Court in every county, comprised of a civil, criminal, family and probate division. The former environmental court became a statewide environmental division of the Superior Court. The former district court judges were re-designated superior court judges under the act.

#### *Criminal Division*

Each unit has a Criminal Division. The Division is responsible for the approximately 16,000 criminal and civil suspension cases that the State's Attorneys, Attorney General and Municipal Grand Jurors file each year:

- Through jury trials, court trials and the acceptance of guilty pleas, the Superior Court Judges determine the guilt or innocence of persons charged with crimes;
- Through sentencing decisions, the Superior Court Judges: punish persons who engage in acts not tolerated by society, protect the public by separating violent persons from society, protect the public by deterring others from violating the law, and attempt to rehabilitate criminals so that they will be productive members of society;
- Through determinations of probable cause and decisions on requests for arrest warrants, search warrants, and motions to suppress evidence, the Superior Court Judges protect the public from arbitrary use of government power.

### *Family Division*

Each unit has a Family Division. The Division is responsible for the approximately 2,600 divorce and annulment actions, 1,200 other domestic actions (primarily parentage) and the 4,500 post-judgment actions filed each year. Most of the post-judgment actions involve attempts by parents to modify or enforce child support, visitation or custody orders.

The Family Division is also responsible for approximately 7,800 motions to establish, modify or enforce child support, 750 juvenile delinquency cases, 1000 cases involving the abuse and neglect of children, 335 cases in which the state seeks to terminate parental rights, 200 cases involving children who may be beyond the control of their parents or truant, and 3,200 petitions for relief from domestic abuse and 1013 other family matters including how the state should care for persons with mental illness and developmental disabilities.

The Chief Superior Judge assigns superior court judges, child support magistrates and assistant judges to the Family Division. These judicial officers and court staff attempt:

- to conduct timely hearings and issue timely decisions in order to resolve disputes, to provide support to distressed litigants and to provide protection to victims of family violence and emotional abuse; and
- to provide courteous, calming and helpful service to assist family members to make informed decisions about how to resolve their disputes on their own through mediation or other community services.

### *Civil Division*

Each unit has a Civil Division. The Division is responsible for the approximately 6,700 civil actions filed each year. Most of these actions involve businesses seeking the collection of unpaid debts, individuals seeking damages resulting from the negligence of others, or general lawsuits involving the failure to abide by the terms of a contract. State environmental, consumer protection and civil rights actions are filed in the Civil Division. People may go to the Civil Division to seek protection from those who have stalked or sexually assaulted them. The Division also hears appeals of some governmental actions.

Through jury trials, court trials and pretrial conferences, the Superior Court Judges resolve disputes such as whether:

- one person should have to reimburse another for that person's actions or inaction;
- persons should start or stop acting in certain ways; and
- persons should lose their homes or other property for failure to pay their debts.

The Civil Division also decides the approximately 5,800 small claims filed each year. Citizens and businesses seeking up to \$5,000 for unpaid debts, shoddy home improvement jobs and a return of their apartment security deposit, save the expense of hiring an attorney and look to the superior court to resolve their disputes.

There are 28 Assistant Judges in the state's Judiciary, two in each of Vermont's 14 counties. They are elected to four-year terms. Their duties are not only judicial in scope, but also include administrative and legislative functions. In their judicial capacity, the assistant judges serve in non-jury trials as members of a unique three-person panel of judges which determine disputed facts. In some counties, assistant judges sit alone to hear and decide small claims matters and traffic violations. In their administrative capacity, the assistant judges are the chief executive officers of the state's county government. In their legislative capacity, the assistant judges levy a tax on the towns in their respective counties to fund county government. The county budgets include funding for the county sheriff's departments, maintenance of a county courthouse and some expenses of Civil and Probate Divisions.

### *Environmental Division*

The Environmental Division has statewide jurisdiction and is responsible for hearing and deciding requests to enforce administrative orders issued by the Secretary of the Agency of Natural Resources and requests to review orders issued by the Secretary. The Division also hears appeals from municipal zoning boards and planning commissions and appeals from Act 250 district commissions. The Division is located in Chittenden County; however, cases are heard in the county where the action arises. Two Environmental Judges hear most matters filed with the Division. Approximately 160 cases are filed each year in the Environmental Division.

### *Probate Division*

On February 1, 2011, the Probate Court became the Probate Division of the Superior Court and each unit has a division. The Probate Division is responsible for the approximately 3,900 guardianships, adoptions, decedent estates and testamentary trusts that are filed each year, and for other administrative actions, including change of names and safekeeping of wills.

The Probate Judges and Staff (called Registers) work to:

- assist persons and families to administer and settle estates and any resulting trusts, and if necessary, resolve any disputes over the distribution of the assets of the estates;
- determine whether guardianships need to be established for incompetent persons;
- assist persons wishing to relinquish parental rights for the purpose of placing a child up for adoption; and
- monitor the processing of the cases in the court to insure fiduciaries meet their responsibilities to the estates and guardianships.

### *The Judicial Bureau*

The Judicial Bureau is responsible for the approximately 80,000 traffic tickets issued by state and local law enforcement agencies each year. Many of the violations are speeding tickets. The Bureau is also responsible for the processing of approximately 1,250 violations of underage drinking laws, 2,200 municipal ordinance violations and 700 fish and wildlife violations each year.

- Through court trials, the hearing officers and some assistant judges determine whether the 12,000 people who contest their tickets each year have violated the law and whether they must pay civil penalties to the state and municipalities.
- Through the assistance of court developed computer programs, Bureau staff accepts \$12,900,000 in civil penalties and surcharges from those drivers who chose not to contest their traffic tickets or ordinance violations and those who receive default judgments for failure to respond to their tickets.

# Judiciary Court Programs

## Performance Measures

## **Court Response to Crime in the Community**

### *Adult Drug/Treatment Court Docket Projects in Rutland, Chittenden and Washington Counties*

Treatment court dockets operate in the criminal division and rely on the coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, mental health and substance abuse treatment. This team meets weekly prior to the hearings to review the cases coming to Court. Treatment courts best serve high needs/high risk individuals: those who are likely to continue to engage in criminal behavior without a long term intensive intervention. Participants spend about 18 months completing the 4 phases of the program and are required to have a total of 240 days of negative drug tests. Treatment courts include early intervention and treatment, judicial monitoring, random mandatory drug testing, case management, community supervision, use of incentives and sanctions and other habilitation services such as housing, employment/job training, and health services, to increase a participant's likelihood of success.

<p><b>How Much Did We Do?</b></p> <p>There are 3 adult treatment court dockets comprising Chittenden, Rutland &amp; Washington Counties. These counties serve at least half of the criminal population coming through the Court system.</p> <p><u>Number served in FY14:</u> The number depends on case management best practice standards. Case managers serve between 20-25 participants at one time. In 2014 new coordinators started in all 3 treatment court dockets due to turnover. As a result there was a decrease in the number of participants served in 2014 from 145 to 138. Unless more case managers are hired the projected numbers for FY15 and FY16 remain the same as FY13 or 145.</p> <p><u>Services provided:</u> Drug testing is given at least 2 times a week for participants. Weekly or bi-weekly Judicial hearings are held with the team and participants. Substance abuse services are provided to participants. Mental health services are provided as needed. Case management services are provided to all.</p> <p><u>Examples of community services made available”</u></p> <ul style="list-style-type: none"> <li>• Housing</li> <li>• Employment/Vocational Rehabilitation</li> <li>• Health Services</li> <li>• Transportation</li> </ul>	<p><b>How Well Did We Do It?</b></p> <p><u>Participants are identified quickly and enter the program early:</u> From arraignment to referral is within 30 – 90 days. From referral to orientation phase is 14 – 30 days. Orientation phase lasts 30 days where the participant is assessed, the plea agreement is worked out, and treatment and case management begin.</p> <p><u>Retention rate:</u> A structured behavior modification program is used with sanctions for non-compliant behavior and incentives for compliant behavior. The longer a participant remains in the program, the more treatment the participant receives, which reduces the likelihood that the participant will reoffend and thereby saves the State the costs associated with recidivism.</p> <p><u>The treatment court dockets use:</u></p> <ul style="list-style-type: none"> <li>• Evidence-based (EB) risk and needs assessments (Ohio Risk Assessment System also known as the ORAS)</li> <li>• EB substance abuse and mental health screenings and assessments</li> <li>• EB substance abuse services such as: Intensive Outpatient Programing individually designed as needed</li> <li>• Mental health services delivered as needed</li> <li>• Groups on criminal thinking, relapse prevention, etc.</li> <li>• Medication assisted treatment both for substance abuse addiction and mental health issues</li> </ul>
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<b>Is Anyone Better Off?</b>		<u>Recidivism rate post program from the beginning of the program:</u>			
Graduates:	35				
Graduation rate:	60%				
(Best Practice Standards indicate 45% is positive)					
Terminations:	23				
		<i>Chittenden:</i>	<i>Yr 1</i>	<i>Yr 2</i>	<i>Yr 3</i>
		Graduates:	23.9%	8.8%	8.2%
		Control Group:	47.4%	15.7%	11.8%
		<i>Rutland:</i>	<i>Yr 1</i>	<i>Yr 2</i>	<i>Yr 3</i>
		Graduates:	15.4%	9.6%	4.5%
		Control Group:	29.3%	15.5%	7.2%
		<p>Note: Most of the recidivism happens in year 1 and decreases in the later years. The treatment docket graduates have approximately half the recidivism rate of the control group. <i>Vermont Criminal Justice Research Study of 2013</i></p>			

*Family Treatment Court Docket Projects – Caledonia County*

The Family Dependency Treatment Court docket is a juvenile or family court docket in which parental substance abuse is identified as a primary factor in abuse, neglect, and dependency cases. Judges, attorneys, child protection services, and treatment personnel work together with the goal of providing safe, nurturing, and permanent homes for children while simultaneously providing parents the necessary support and services to become drug and alcohol abstinent.

*Juvenile Treatment Court Docket – Franklin County*

The Juvenile Treatment Court docket takes place within the juvenile docket and serves youth ages 13-17 found delinquent where drugs and/or alcohol are an issue. The process is similar to the adult treatment court with the exception that the services provided are developmentally appropriate. The Juvenile Treatment Court is a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, substance abuse treatment, mental health, social services, and child protective services to actively intervene and break the cycle of substance abuse, addiction, and crime. Juvenile Treatment Court dockets provide an intense regimen of substance abuse, mental health and related health services, wraparound case management, drug testing, regularly scheduled status hearings before a judge, linkages with job skills training/employment, educational services, housing, and other needed support.

### *Mental Health Court Docket – Chittenden County*

The mental health court docket serves individuals with severe and persistent mental illness and co-occurring disorders. Modeled after drug court dockets and developed in response to the high numbers of people with mental illnesses in the criminal justice system, mental health courts divert defendants with mental illness into judicially supervised, community-based treatment.

### *The Windsor Sparrow Project*

The Sparrow Project is a pretrial services program that serves individuals with substance abuse and co-occurring disorders between arraignment and sentencing. The Sparrow Project is a voluntary program that offers substance abuse and risk assessments at arraignment and follow-up intensive case management to provide defendants with the earliest opportunities to engage in services that will impact sentencing. This Project grew out of the FY'08 Justice Reinvestment legislation (H.859).

### *The Windsor DUI Docket*

The DUI docket is a post sentence docket that serves individuals who have been convicted of DUI 2 with a high Blood Alcohol Concentration (BAC), DUI 3 and DUI 4. It is two year probation program that relies on the coordinated efforts of the Judge, court coordinator, case manager, treatment provider, probation department, defense attorney and State's Attorney. The individual is offered intensive treatment and supervision, risk reduction strategies, the possibility of using a Secure Continuous Random Alcohol Monitor (SCRAM), and a behavior modification program that uses sanctions and incentives. The program is modeled after the *10 Guiding Principles of DWI Courts* created by the National Center for DWI Courts (NCDC).

### *The Windham Integrated Domestic Violence Docket (WIDVD)*

The Integrated Domestic Violence Docket (IDVD) assimilates into one docket, before one judge, related criminal, family, and relief from abuse cases involving domestic violence. This docket institutionalizes principles of procedural fairness, swift and certain sanctions for offenders, front-loads needed rehabilitative services for both victims and offenders, and provides legal support for all parties. Windham County convened key stakeholders which include the prosecution, defense bar, probation, court security, and attorneys for plaintiffs, substance abuse, mental health, and offender program treatment providers, and domestic violence victims' advocates with a goal to actively intervene and break the cycle of domestic violence and reduce the rate of recidivism, which equates to a significant reduction in incarceration.

The IDVD began on September 3, 2014 meeting on 13 Wednesdays through December 31<sup>st</sup>. 44 criminal cases and 39 Relief from Abuse (RFA/family) cases were heard; 12 of these were related RFA and criminal matters. Have Justice Will Travel attorneys assisted 30 of the 39 plaintiffs in the RFAs resulting in significant litigant satisfaction being reported and the vast majority concluded by agreement between the parties. There have been no new crimes committed by offenders in the criminal cases which

resulted in a guilty plea and IDVD probation. The Court's partners in IDVD report being encouraged by results thus far.

#### *Tri-Branch Task Force on Justice and Mental Health (co-occurring) Collaboration*

This interdisciplinary effort resulted in the design and initiation of a statewide strategy to develop a more effective evidence-based response to individuals with mental illness and co-occurring disorders and other impairments who are involved, or at risk of becoming involved, with the criminal justice system. The Task Force has adopted the use of the Sequential Intercept Model as the conceptual framework and is focusing on services available pre-arrest to sentencing. The four areas of focus are creating a Criminal Justice Capable System of Care by engaging in strategy and research with the key agencies and service providers; developing integrated approaches; finding alternative strategies based on best practice; and evolving knowledge, skills and attitudes. The Task Force is currently working on its second 5 year strategic plan. Strategies have been designed to respect individuals and their rights and to engage the most appropriate, least restrictive community services. Strategies will enhance public safety, address the cycle of re-offense, improve the health and quality of life of the individual and community, and make good use of taxpayer dollars.

#### **Children and Families in the Court System**

##### *Attorneys for Children*

In some divorce or parentage cases, including post judgment filings, the court appoints an attorney to represent the interests of a minor child. Examples include cases in which the parents have significant factual disagreements over whether a child has been physically or sexually abused by a party or household member, or when there are indications that a child has substantial physical or psychological problems that the parents do not appear to be addressing in a responsible manner, or when parents appear focused on their own needs and not those of the children.

Cost: The court determines the contribution of each party. The parties may apply for court subsidy for this program. In subsidized cases, attorneys are compensated at the rate of fifty dollars (\$50.00) per hour, with a limit set by the court. There is presently limited statewide funding for subsidy available through the Chief Superior Judge's office.

##### *Vermont Superior Court Family Mediation Program*

The court may order parties, or the parties may choose to participate in mediation to attempt to work out agreements. Mediation is also known as alternative dispute resolution. In post judgment situations, usually a final divorce decree will require that mediation be attempted prior to any court filing, particularly in cases where the parents previously have shared parental rights and responsibilities. The mediator provides a comprehensive screening of parties to determine if they and their issues are appropriate for mediation. If the parties are appropriate, then the mediator and the parties make independent arrangements for services. Mediation is not used in cases of abusive relationships. Mediators who are affiliated with the Vermont Superior Court Family Mediation Program (VSCFMP)

comply with the program’s standards, continue with professional development, and are willing to take a subsidy.

Family Court Mediation Program: FY14	
Number of Mediated Cases	281
Total Mediation Hours	786
Average Cost per Case	\$134
<b>Total Program Cost</b>	<b>\$37,744.00</b>

**How much did we do?** The Judiciary subsidizes the cost of mediation for litigants with limited financial means using a sliding fee scale. The number of subsidized cases and the cost of the program are shown in the chart on the left.

**How well did we do?** Evaluation results reveal that most litigants are relieved to find another way to reach resolution outside of the court process. Agreements are generally sustained longer when the litigants are invested in the solution. Litigants who use the program report a high sense of satisfaction with the mediation process. Evaluations further indicate that litigants find the mediators professional and would recommend mediation to others.

*Parent Coordination*

An alternative dispute resolution process, parent coordination is designed to assist high conflict, separated or divorced parents and the court to develop safe, appropriate parent/child contact plans. Unlike mediation, which seeks agreement based on face-to-face, respectful discussion, the protocols for parent coordination are more concerned with safety issues and their impact on the children. Parenting plans developed in parent coordination work as tools to discourage and diminish abusive behavior between family members by setting clear boundaries and guidelines for who will do what, where, when and how – and establish penalties for non-compliance. For some families, this means blocking and scripting visitation exchanges, telephone calls and answering machine messages.

Parent Coordination Services: Comparison of Costs in FY 2014 and FY 2015		
	2014	2015
STOP VAWA Grant Funds	\$20,000	\$18,843
General Funds	\$17,632	\$13,996
<b>Total Program Cost</b>	<b>\$37,63</b>	<b>\$32,839</b>

**How much did we do?** The Judiciary subsidizes the cost of parent coordination for families with limited financial means through a sliding fee scale.

**Is anyone better off?** The cases referred to parent coordination are high conflict families with a history of abuse. This program provides a professional standard resource to these families. The goal of the process is to produce a detailed and documented parenting plan which is based upon existing Court Orders (including any existing Relief from Abuse Orders), suggestions by the parents, and recommendations of the professionals involved with the children. These parenting plans are based upon the needs of the children. If parents are able to reach agreement, they submit the written parenting plan to the Court to be reviewed and ordered by the Judge.

### *Home Studies*

Home Studies are offered through the Vermont Family Division Mediation Program, using contracted Parent Coordinators. The purpose of a Home Study is to develop information helpful to the parents and the court in making decisions about children in divorce, post-divorce and parentage cases. Its emphasis is on learning about each parent by studying his or her social history, home environment, and network of relationships with other persons connected with that home. It is likely to be a useful approach when the child(ren)'s relationship with others in the parents' lives (i.e. step-parents, half-siblings, parents' significant others) may be an important factor. It is not intended to be a psychological study of family members.

Cost: The Judiciary subsidizes the cost of home studies for litigants with limited financial means through a sliding fee scale.

### *Guardian ad Litem Program*

Pursuant to state statute and rule, courts appoint a guardian ad litem (GAL) to advocate for children in CHINS cases (abuse, neglect, truancy, and cases in which the child is alleged to be beyond the control of a parent), as well as in cases when a child is a witness. Courts also appoint GALs in divorce, parentage, relief from abuse (RFA), mental health, and probate cases. Courts may appoint parents to serve as guardians ad litem in delinquency cases; however, in the majority of cases, a GAL is appointed from a roster of dedicated volunteers.

Through its Vermont Guardian ad Litem Program (VTGAL), the Judiciary recruits, supervises and supports the volunteers who serve in the program. It also partners with the National Court Appointed Special Advocates Association, the Office of the Defender General, and the Office of the Attorney General to train those volunteers who serve in certain specialized cases.

Currently, 270 volunteers serve in the VTGAL program and advocate on behalf of children in active cases. Last year, GALs served over 2,000 children just in CHINS cases alone. The Judiciary is actively recruiting additional GALs during 2016 in an effort to ensure not only that children have access to a qualified guardian ad litem but also to distribute the significant caseload among as broad a pool of volunteers as possible. To make the program more attractive to potential volunteers as well as to retain experienced GALs, the program has changed its training schedule to offer trainings more frequently and in more locations than it had in the past.

VTGAL receives funding from the general fund and has received grants from the National Court Appointed Special Advocates Association, the Court Improvement Program, and the Juvenile Accountability Block Grant pursuant to the Juvenile Justice Delinquency Prevention Act. One of those funders recently changed its grant strategy and now directs its support to state applicants that commit to increase the percentage of children served in abuse and neglect cases. Because Vermont already requires the appointment of a GAL in every one of these cases, Vermont will not be able to rely on funding from that source in the future.

Four part-time coordinators support GALs in Bennington, Rutland, Addison, Chittenden, Franklin/Grand Isle, Windsor, Orange, and Caledonia/Essex counties. There is also a half-time administrative assistant who helps coordinate statewide GAL activity. In FY15, the personnel cost for GAL regional staff and the half-time temporary administrative assistant was \$100,466 from the general fund.

<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• VTGAL provided staffing support to GALs in 12 counties.</li> <li>• VTGAL trained 72 GALS in FY15.</li> <li>• Forty-three GALS received delinquency training.</li> </ul>	<p><b>How Well Did We Do it?</b></p> <ul style="list-style-type: none"> <li>• GALs serve an average of 7.4 children just in CHINS cases alone.</li> <li>• VTGAL provided a GAL for every child involved in the CHINS process despite a dramatic increase in those cases during FY15.</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <ul style="list-style-type: none"> <li>• VTGAL offered 116 hours of in-service training opportunities for experienced GALs through local or state-wide opportunities.</li> <li>• GALs statewide served an average of 3.6 children each.</li> <li>• Courts are assigning GALs in other dockets, including domestic, mental health, and probate, with greater frequency.</li> <li>• VTGAL increased the total number of active GALs by 5%.</li> </ul>	

### The Juvenile Court Improvement Program

Children and families struggling with addiction, mental illness, poverty, unemployment, homelessness, disabilities, and other complex needs may become involved in juvenile court proceedings. When petitions are filed alleging abuse, neglect, unmanageability, truancy, or delinquency, the courts need to make timely decisions to ensure children’s safety, well-being, and permanency. Courts must do so while protecting the legal rights of all parties.

The Court Improvement Program is a federally funded grant focused on improving the court system’s work in child welfare cases.<sup>1</sup> The overall goal of the Vermont Court Improvement Program is to ensure children’s safety, well-being, and permanency through effective court proceedings. (Legal permanence is defined as reunification, or if that cannot occur, adoption or permanent guardianship.) The Program supports activities that promote the timeliness of juvenile court proceedings; education of judges, attorneys, and guardians ad litem (GALs) assigned to these cases; and thorough court hearings. The funding received through the program supports not only the work performed by the Judiciary but also the work performed by key stakeholders, including the Department for Children and Families. Indeed, the Judiciary accomplishes much of its work under this program through collaboration with DCF, prosecutors, defense attorneys, and others.

In 2005, the Vermont Supreme Court created the [Justice for Children Task Force](#) as a collaborative, interdisciplinary effort to improve outcomes for children in foster care by identifying systemic barriers

<sup>1</sup> The grant is administered by the [Children’s Bureau](#) of the U.S. Department of Health and Human Services.

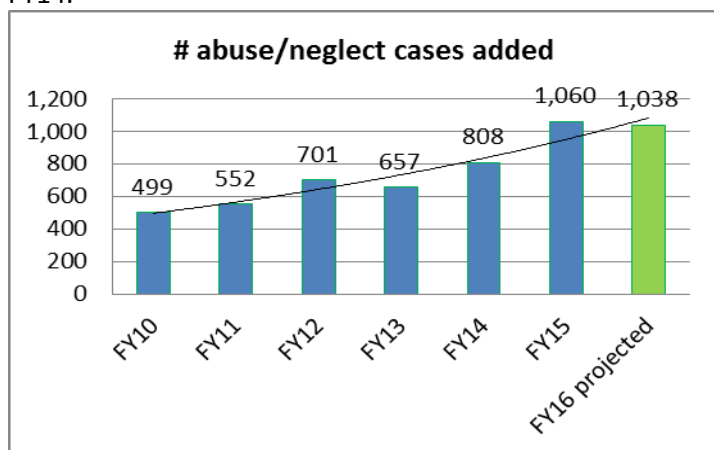
which contribute to children remaining in foster care longer than necessary, and developing solutions designed to reduce the impact of such barriers. The Justice for Children Task Force works closely with the Court Improvement Program to develop and implement strategies that promote safety, permanency, and well-being for court-involved children, with a particular focus on children placed in DCF custody.

### How Much Did We Do?

#### 2,004 new juvenile petitions were filed in FY15

FY10	FY11	FY12	FY13	FY14	FY15	FY16 projected
1,682	1,653	1,883	1,771	1,746	2,004	1,938

Juvenile petitions include CHINS (abuse/neglect, beyond parent control, truancy) and delinquency case types. FY15 saw a peak in the total number of new juvenile petitions filed (CHINS and delinquency). The increase is driven by a dramatic increase in new abuse or neglect cases starting in FY14.



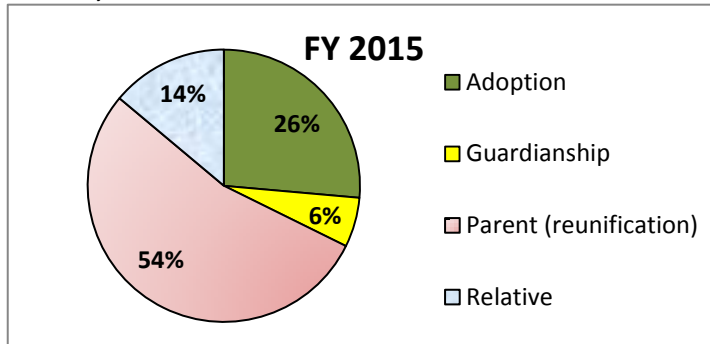
Abuse/neglect cases account for a growing portion of all new juvenile petitions filed: 52% in FY15, compared to 37% in FY12 and FY13. This case type is more likely to involve DCF custody and multiple court hearings, which sometimes are highly contested. In the past two years, the number of children under age 6 in DCF custody has almost doubled. Parent opiate addiction was a significant factor in 80% of the cases with children under age 3 who came into DCF custody. The dramatic increase in abuse/neglect cases presents a significant challenge for the courts, attorneys, DCF social workers, and volunteer Guardians ad Litem.

### How Well Did We Do?

In a two year period, abuse/neglect cases increased 161% statewide, yet some courts experienced a *doubling* in the number of abuse/neglect filings. Not surprisingly, the courts are struggling with a backlog of cases, made worse by the multiple vacant judge positions in FY15. Many courts added more time for juvenile hearings, at the expense of other dockets. This surge in cases has had a ripple effect through the entire judicial system.

The courts oversee the process of safe, permanent placements of children when court intervention is necessary. As expected, the timeliness of court proceedings has suffered. We expect to see a record number of Termination of Parental Rights (TPR) proceedings filed in FY16.

#### In FY15, 667 children exited foster care:



#### Time to permanency improved slightly (DCF data):

Exits from foster care	FY13 (Avg. Yrs)	FY14 (Avg. Yrs)	FY15 (Avg. Yrs)
Adoption	2.1 yrs	2.2 yrs	2.3 yrs
Guardianship	1.3 yrs	1.8 yrs	.95 yrs
Return to parent(s)	.85 yrs	1.1 yrs	.73 yrs
Relative caregiver	.45 yrs	.32 yrs	.49 yrs
<b>COMBINED</b>	<b>1.16 yrs</b>	<b>1.35 yrs</b>	<b>1.12 yrs</b>

## Is Anyone Better Off?

**Children in Foster Care:** The Juvenile Proceedings law allows a parent or relative to have legal custody of a child under court-ordered conditions. This has resulted in fewer children entering DCF custody. Despite this option, the number of children in foster care is at an all-time high, and the number of children under age 6 in care has almost doubled in two years.

**Safety:** Since 2013, 99% of Vermont children have remained safe from re-abuse and neglect. Vermont exceeds the national standard for repeat maltreatment.

**Kinship Care:** When placed with relatives or close family friends (rather than in foster care with strangers), children have better outcomes regarding placement stability, behavior, and contact with siblings. The rate of Kinship Care has improved from 24% in 2013 to 30% in 2014-2015.

**Placement Stability:** Multiple placement changes have a negative impact on a child's development. Placement stability for children in foster care improved for two consecutive years.

## Court Interpreter Program

It is the policy of the Vermont Judiciary to pay for interpreter services for all litigants and witnesses who are either deaf/hard of hearing or have limited proficiency in the English language (LEP), for all court proceedings and for court ordered programs.

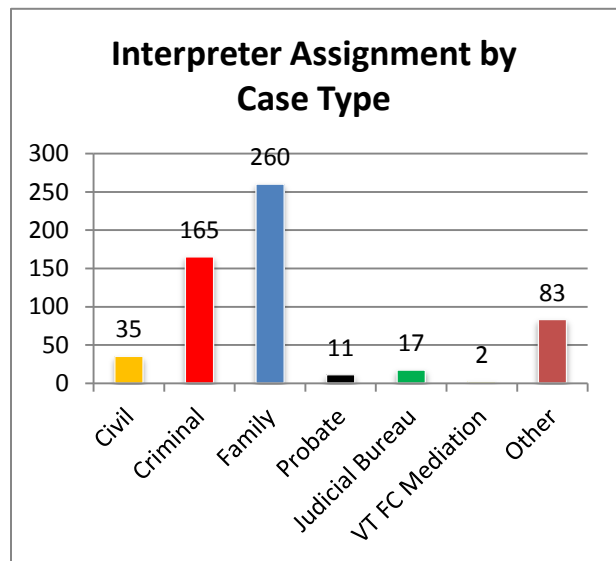
### How Much Did We Do?

In FY15, the courts assigned interpreters in 573 instances at a total cost of \$85,035.61. In 471 of those 573 instances (82%), the interpreter served on a case heard in the Civil, Criminal, Family or Probate division; the remaining instances reflect assignment to cases resolved elsewhere, such as the Judicial Bureau or the Family Court Mediation Program.

The Judiciary supplied interpreters specializing in American Sign Language (ASL) for hearing impaired litigants as well as Communication Access Real-time Translation (CART) services. Other interpreters translated testimony or documents from a diverse spectrum of languages, including Arabic, Bosnian, Burmese, French, Nepali, Polish, Somali, Spanish, Swahili, Tibetan, and Vietnamese.

### How Well Did We Do?

Of the 573 requests for a court interpreter, we fulfilled 100% of those requests.





## **Is Anyone Better Off?**

Previous customer service surveys indicate the public welcomes courts' efforts to remove physical and language barriers to services, and these satisfaction rates are better than national standards. Providing interpreters ensures the judiciary complies with the law. Litigants who receive the services of qualified court interpreters are better able to participate in the judicial process. As Vermont becomes more diverse, the need for a cadre of qualified interpreters increases. Technology advances the opportunity for our local interpreters to participate in national Video Remote Interpreting, which in turn benefits their skills and expertise. Vermont is also working with other New England States to develop standards that will allow us to utilize each other's interpreters and to pool resources so that we can provide live interpretation and translation services that meet or exceed current standards. As Vermont's immigrant and refugee population continues to increase, access to qualified interpreters becomes even more essential. We expect the Judiciary's interpreter usage rates to increase in the coming years.

## **STOP VAWA**

The S.T.O.P. (Services-Training-Officers-Prosecutors) Violence Against Women Grant's 5% allocation to the Judiciary has enabled the "Point of Contact"/Program to support multiple programs and training opportunities to address domestic violence, sexual assault, stalking, child abuse, and other interpersonal violence issues. The funds received are used to fund training for Vermont Court Interpreters, support the parent coordination program, contribute towards judicial education, and provide assistance to projects such as the Domestic Violence Task Force and the Relief from Abuse (RFA) docket.

Are we any better off?

These funds are a crucial component to providing the training necessary to meet best practice standards, address interpersonal violence issues in domestic cases, and meet Federal requirements around access to justice. We have improved access to services by funding general required education for new judges as well as domestic and interpersonal violence specific training, improving the quality of our court interpreters, and ensuring that there is sufficient funding for the increasing use of Parent Coordinators in the most contentious domestic cases.

These funds also help support the Vermont Language Connection whose mission is to improve language access to healthcare, legal, and social services for refugees, immigrants, and other Limited English Proficient residents of Vermont, by promoting best practice standards and providing training for interpreters and service providers. Goals of the Vermont language Connection include:

- Testing interpreter skills, including basic interpreting skills;
- Creation of a system for credentialing of interpreters;
- Creation a career path for interpreters;
- Training to service providers regarding the proper use of interpreters; and assist them in developing policies and standards of use for their agencies;
- Ensure public awareness of the issues, including issues of cultural competency;
- And eventually develop and build capacity for the Program to coordinate and potentially offer interpreter services.

## **Technology and the Court System**

The Vermont Judiciary utilizes technology to support both daily operations and court case management. This support is divided among several key disciplines: Applications, which includes our case management systems, business systems analysis, forms, statistics and reporting; and Infrastructure and Support, including our help desk, which supports Judiciary users of technology and our development and support of Internet and Intranet websites.

The Judiciary continues to evaluate its short- and long-term strategic goals and has drafted a long-term technology roadmap to support those goals. Replacing the Judiciary's case management system is an essential component of this roadmap. This legacy case management system (CMS), which is more than 20 years old, does not easily or simply provide standardized operations, court statistics, management reports or meet data requests from other state agencies as it has separate data sources for each and every court statewide. Implementing a single, modern CMS is expected to yield improvements in the usability of Judiciary systems in virtually every major functional area, including electronic filing and capture of all case files and related documents. In 2015, the Judiciary began its Next-Generation Case Management System initiative, in which we seek to establish a partnership with a provider of a commercial-off-the-shelf (COTS) best-practice-based court case management system. We have issued a Request for Information (RFI) for the system and just completed contracting for an initiative Project Manager through a Request for Proposal (RFP) process. We expect to move forward with a RFP for the overall system in early 2016.

Our ultimate goal is a paperless court system. Our Next-Generation Case Management System will replace the paper-based exchanges of information with executive branch agencies – e.g. Department of Corrections, Department of Motor Vehicles or Department for Children and Families – with automated electronic exchanges, and act as a central hub for over 20 information partners.

Another important technology initiative is our Video Appearances Pilot. The Judiciary was asked by the other two branches of State government to identify structural savings in Vermont's justice system to respond to anticipated State budget shortfalls. During a Summit held by the Judiciary on February 9, 2015, the high cost, risk to safety, and scheduling challenges of prisoner transports in Vermont were identified as factors that call for innovation regarding prisoner appearances. Consequently, we were challenged to design a feasible and practical business process and technical solution to implement a secure, private video conferencing network for Vermont's justice system. This solution will remove the inefficiencies in the existing process in the justice system and facilitate proceedings and case flow. Desired outcomes include reduction of the time it takes to handle cases and reduction of the costs and risks associated with transporting alleged offenders and inmates between correctional facilities and the courts. An ad hoc task force, which consisted of justice community partners involved in prisoner transport, was formed to develop a pilot program for Video Appearances and designed improved, more efficient business processes that leveraged technology to provide video arraignments for these lodged parties. This pilot is currently active in Chittenden County and is slated for expansion in January of 2016.

The Judiciary Website has become increasingly important as a public portal for information about and transactions with the Courts. Our current website is outdated and deficient from both functional and technology perspectives. We have started a project to document the business and technical requirements for the redesign of VermontJudiciary.org and to develop a Request for Proposal (RFP) to select an implementation vendor. We expect to release this RFP in late winter of 2016.

In addition to these important initiatives, the ongoing technology needs of the Judiciary are being addressed from two perspectives. First, we have migrated our server, virtual desktop, and networking infrastructure to the State of Vermont Virtual Private Cloud. This virtual infrastructure, called JUDCloud, provides the Judiciary with a scalable, solid and reliable technical foundation for current and future operations. This has greatly improved the reliability and dependability of our overall IT environment and experience. Secondly, we are actively maintaining and enhancing our legacy case management systems to meet the evolving operational needs of the Judiciary as well as Legislative mandates through extension and modification of our existing tools.

## How Much Did We Do?

## How Well Did We Do it?

## Is Anyone Better Off?

### Supporting Current Operations and Ongoing Improvements in Existing Technology

● Conflict Checker The state-wide calendar conflict checker went live in 2015. Further improvements are slotted to go live in early 2016 with greater performance, reliability and ease of use.

Conflict Checker has followed an iterative development path and continues to improve with each rollout. The next iteration should address the remaining user issues and improve the current functionality of calendaring.

Scheduling clerks are able to see conflicts statewide making it easier to schedule court events. Attorneys should see a decrease in conflict scheduling do to the visibility gained by the scheduling clerks.

● Supreme Server – Attorney Licensing The Attorney Licensing (AL) system was successfully migrated from the old Informix server to a new, purpose-built MS Access Database system in May of 2015.

The Attorney Licensing system has increased the service level for the AL program. More work can now be done in house, without the assistance of outside contractors, increasing efficiency, accuracy and service to the legal community.

The Attorney Licensing program has already experienced increases in efficiencies and decreases in dependencies on external contractors. The attorney customers of the AL program have also experienced increases in service levels, with automated, individualized, electronic notifications. This system also makes it possible for increased and more effective communication with attorneys. Additionally, the risk of catastrophic system failure has been nearly eliminated.

● Supreme Server – Professional Responsibility Board The Professional Responsibility Board (PRB) was successfully migrated from the old Informix server to a new, purpose-built MS Access Database system. They have continued to parallel test the system since September 2015 to ensure data integrity and reliability of reporting.

The new PRB system is more stable and more sustainable than the obsolete, legacy system. The new MS Access system will also allow PRB to leverage familiar MS Office tools and eliminate the need for additional supporting applications. The system also increases efficiency as more data is contained within the system.

The risk of catastrophic failure has been nearly eliminated. The PRB will also be able to take advantage of the MS Office integration to increase the efficiency and effectiveness of their database.

● eCabinet (eFiling) Our ongoing eCabinet pilot is being expanded to the Environmental Division and to the Small Claims Docket in Addison, Orange, Rutland and Windsor.

These projects will give the Judiciary an opportunity to develop and refine global best practices, while analyzing areas of business impact through the integration of technology and updated business processes.

eFiling will be available in more dockets to more court users. Additionally, the centralized processing should decrease the burden on the smaller courts in Addison and Orange.

● Annual Reporting The process has been updated to utilize the data warehouse as the source for 95% of the data and to display this data in dashboard-style tools.

These newer reporting methods are more efficient and ensure greater data integrity. This standardized reporting will also allow the Judiciary to analyze dockets and practices and better compare the data to National Center for State Courts models.

Judiciary data is more accessible and more standardized, making it easier to use, analyze, and compare by internal analysts, Justice Partners, and the National Center for State Courts. This is all done while decreasing the effort required to produce the standard data sets.

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**How Much Did We Do?**

- eTicket This project is a collaboration between the Judiciary and its Justice Partners, including the Department of Public Safety and the Law Enforcement Valcour Group. It is slated for go live as a pilot May 1, 2016, and will enable nearly instant data transfer of citations from their issuance road-side to the Judicial Bureau Traffic Module.

- VTADS Development Continued development on our legacy CMS, VTADS, has again extended the life and functionality of the system. Several new features have been developed, including a report and process, dictated by Legislation, where the Judiciary now provides data to the National Instant Background Check System for gun registration.

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**How Well Did We Do it?**

eTicket, once implemented, will be a fully automated data integration between law enforcement and the Judicial Bureau. The automation and the secure, authenticated data transmission will create opportunities for measurable efficiencies in the Judicial Bureau. The project will also increase the speed, efficiency, and data integrity of traffic citations.

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Changing to an analysis, design, and iterative develop model for VTADS changes, along with realigning and consolidating the testing database and methodology has minimized coding issues and increased the stability of VTADS development. This has resulted in increased granularity and reliability of reporting.

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**Is Anyone Better Off?**

The Judicial Bureau, along with Law Enforcement and JB customers will all benefit from better data that is received and processed up to 30 times faster than current manual methods. This should result in better data integrity, analysis and decision-making for all involved parties and agencies.

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Court Staff and Justice partners will see increases in data and operational integrity of the VTADS system.

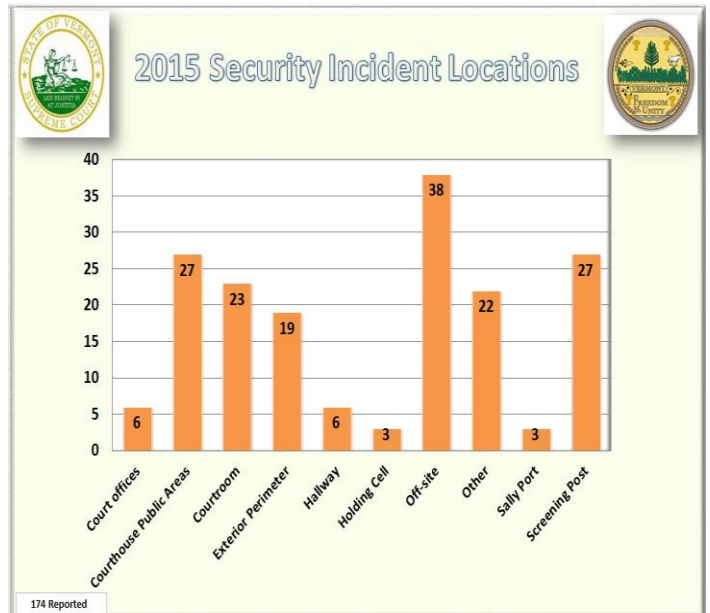
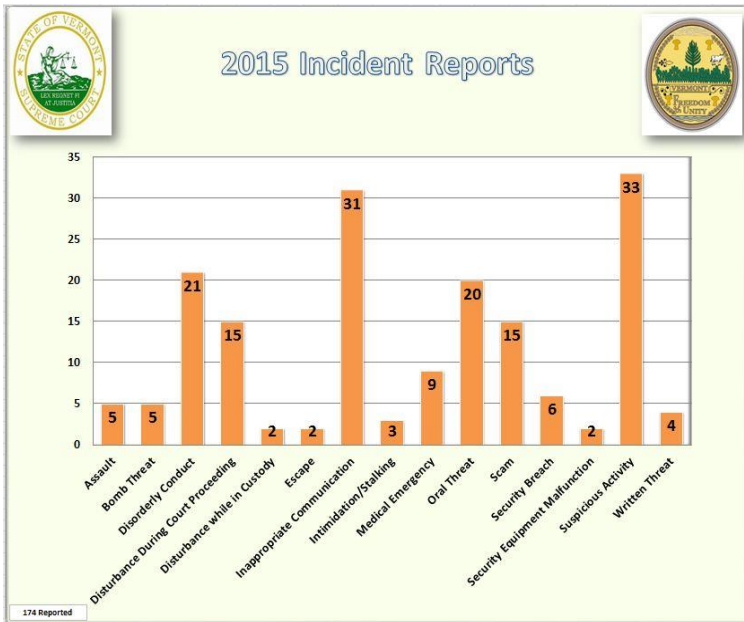
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## Court Security

The effective administration of justice requires an environment that is free from threats, intimidation, and obstruction. The Judicial Branch has the highest priority for providing safe and secure courthouses for the general public, litigants, jurors, witnesses, attorneys, employees and judicial officers. Protective services must also extend to judicial officers while away from secure facilities. Our courts are a high risk entity. Nationally courts, including Vermont have seen a significant increase to threatening or violent behavior. Family court cases which involve the dissolution of families and child custody have become volatile.

Risk mitigation actions in Vermont include using only one public entrance, on-site security staff, screening for weapons and contraband, and command and control. All staff must receive “all hazards” emergency response training, including evacuation, shelter-in-place, active shooter, hazardous materials, and medical situations. Specialized equipment used to support this program include walk-thru metal detectors, x-ray screening units, closed circuit video surveillance and recording devices, access control and duress alarm systems. Background checks for staff, contractors and vendors are important for security program integrity.

There were 174 reported court security incidents in Vermont courts during calendar year 2015. The following graphs provide a summary of this data. Additionally, the Vermont Judicial Branch is submitting a comprehensive security review as requested by the Legislature, to be submitted during the 2016 Session.



**Judicial Branch Education**

The Vermont Judicial Branch has offered a comprehensive program of Judicial Education for many years. The Division of Planning and Court Services works in collaboration with the Chief Superior Judge for Trial Courts and the Judicial Branch Education Committee to improve the administration of justice through comprehensive and quality education and training for judicial officers that enhance the quality of judicial decisions, execute legislative mandates, and/or implement uniform policies throughout the courts.

We are known nationally for the high quality of the programs we produce in-state and for the commitment of our judges to participate as skilled faculty presenting well-developed education programs, both in Vermont and, in the case of a number of our judges, at national venues such as National Judicial College.

We also support and manage an out-of-state education program whereby attendance at national programs is supported by grant and scholarship funds. A small budget of general funds supplements costs not covered by grants or scholarships.

<b>FY 15 Out of State Education</b>											
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>65% of our judicial officers attended 14 out of state educational programs.</li> <li>Grant funding and scholarships were sought to offset the impact on general funds and further enhance these educational opportunities.</li> <li>The majority (67%) of these programs were funded with grant funds and/or scholarships.</li> <li>Issues addressed in these programs include those dealing with self-represented litigants, evidentiary issues, statistics, computer and networking technology, civil and criminal domestic violence cases, establishing the best possible outcomes for children and families, sex trafficking in the child welfare system and the psychology of decision making</li> </ul>	<p><b>How Well Did We Do?</b></p> <div style="text-align: center;"> <table border="1"> <caption>FY15 Out of State Education Expenses</caption> <thead> <tr> <th>Category</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Scholarships / Funded</td> <td>36%</td> </tr> <tr> <td>VAWA</td> <td>17%</td> </tr> <tr> <td>CIP</td> <td>14%</td> </tr> <tr> <td>General</td> <td>33%</td> </tr> </tbody> </table> </div>	Category	Percentage	Scholarships / Funded	36%	VAWA	17%	CIP	14%	General	33%
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<p><b>Is Anyone Better Off?</b></p> <p>The out of state programs to which we send our judicial officers lead to improved quality and accuracy of judicial decisions, resulting in increased public confidence and perception of the judicial branch. They also lead to:</p> <ul style="list-style-type: none"> <li>Increased knowledge of child abuse and neglect, domestic violence, juvenile delinquency and substance abuse</li> <li>Improved skills needed to rule on evidentiary issues</li> <li>Obtained knowledge and insight into presiding over criminal cases involving digital evidence</li> <li>Enhanced skills in handling civil and criminal domestic violence cases</li> </ul>											

- Improved skills in case management strategies and techniques
- Increased knowledge in decision-making, evidence, child and adolescent development, schools and the court, trauma-informed justice, abuse and neglect, delinquency and interpersonal violence
- Improved skills in cases involving self-represented litigants; conduct jury and non-jury trials more effectively; summarize and apply developments in criminal law and procedure and family law

*Assistant Judge Education*

A comprehensive training program is provided to Assistant Judges who seek to qualify to hear judicial bureau and uncontested domestic matters. Continuing education programs are provided to those Assistant Judges who preside over judicial bureau and small claims hearings.

<b>FY 15 Assistant Judge Training</b>	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Provided the required 8 hours of continuing education for Assistant Judges currently hearing Judicial Bureau matters.</li> <li>• Provided the required 16 hours of continuing education for Assistant Judges currently hearing Small Claims cases.</li> <li>• Provided orientation for nine newly elected Assistant Judges</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• Successfully completed 100% of the legislative mandates around the Assistant Judge continuing education requirements in the Judicial Bureau</li> <li>• Successfully completed 100% of the legislative mandates around the Assistant Judge continuing education requirements in Small Claims</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <ul style="list-style-type: none"> <li>• These trainings lead to improved proficiencies which in turn increases the quality of justice in Vermont.</li> <li>• Having more Assistant Judges hearing judicial bureau matters frees up the hearing officers to handle other matters in addition to their case load and provides more speedy resolution to cases for the public</li> <li>• Going forward, we will need to provide a certification program for those seeking to sit on uncontested domestic matters as well as the Judicial Bureau.</li> </ul>	

*Employee Education*

The Division of Planning and Court Services works with Trial Court Operations and the Human Resources Department to enhance the ability of court staff to serve the litigants and users of the court, while promoting the personal and professional development of managers, court staff, and Judiciary administrative personnel. This is accomplished through a series of programs customized to the needs of the individual ranging from new hire orientation, personal development, court policy and procedure and the introduction to new legislation. In addition, the Judiciary has made a sustained commitment to training court staff on a regular basis in all locations. Starting in February 2015, we set aside one-half day per month for employee communication and training. This has increased hours of training for court staff by a factor of five. Rather than experiencing sporadic training, Judiciary employees can now count on new training every month. To reduce costs, we deliver much of the training online using video or Webinars. We also train in classroom format using live instructors. Topics include: Computer productivity (800 participants), Cross training in the Civil and Criminal docket (50 participants); Safety



and Security procedures (100 participants); Job classifications and Willis (25 participants); Ergonomics and Injury Prevention (200 participants).

<p><b>What Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Twenty courses currently offered on-line</li> <li>• Links sent to new hires and current employees as needed. 60% of our employees attended one or more online course in FY2015.</li> </ul>	<p><b>How Well Did We Do It?</b></p> <ul style="list-style-type: none"> <li>• Participants must pass a certification test at the conclusion of most online course. Test measures understanding of required material.</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <p><u>Delivery of the courses in this way offers many benefits such as:</u></p> <ul style="list-style-type: none"> <li>• Offering convenient and <u>consistent</u> training that begins within days of the employee start date;</li> <li>• Saving time away from the court or office – for employees as well as training staff;</li> <li>• Saving money on mileage, and in some cases overtime hours, when employees (and training staff) must travel to in-person courses;</li> <li>• Saving money by eliminating the need for packets of printed training materials;</li> <li>• Participants grasp of course content tested and certified.</li> </ul>	

**Superior Court (except Environmental) Staffing and Vacancy Savings**

The judiciary has a budgeted total headcount of approximately 360 employees including Judges, trial court staff and others with no appreciable change since 2011. The number of employees working in trial courts (non-judges) has been reduced by more than 10% when comparing pre-restructuring (208.2 FTE’s in 2010) to post-restructuring (186.4 in 2011) staffing levels.

**Public Education**

*Education for Self-Represented Litigants*

Parties representing themselves in the family division are ordered by the court to attend a Self-Represented Litigant Education Program before they appear in court to pursue their claims [except in cases of relief from abuse or child support hearings.] One-hour programs are held each month and are conducted by an attorney who regularly practices in the family division. The purpose is to educate litigants about the following: their responsibilities while representing themselves, courtroom etiquette and general procedures affecting family cases, and services available through outside agencies to help with problems affecting families. Anyone may attend, whether or not they are party to a pending case. The cost is free.

*Relief from Abuse Education Program*

This is an education program for parties to a Relief from Abuse case. It is conducted in two separate group sessions, one for Plaintiffs and one for Defendants, immediately prior to the court hearings. Many parties are not represented by attorneys, and need information about what to expect. It includes an orientation to the court process and the kinds of questions parties may be asked, information about the

legal standards to be applied, and the kinds of requests that parties can make, and information about services that may be helpful to some parties involved in such cases. This is available in all counties. The cost is free.

### *Children Coping with Divorce*

COPE is an educational program for parents going through divorce or other family changes involving the court process, which can be difficult for children. This program focuses on children's needs and teaches parenting skills to support parents in lessening the impact of changes on their children. To ease these changes to the family unit, Vermont judges require parents of minors who are involved in divorce, establishment of parentage, legal separation, dissolution of civil unions, and changes in parental rights and responsibilities to attend the four-hour COPE Seminar. Topics include information about how families experience divorce and other family transitions, typical reactions of children, development needs of children, skills that help children cope, and pitfalls to avoid. Cost: \$75.00 per participant, unless the court determines otherwise. Course is open to the public.

### **Boards and Committees**

The Supreme Court has established a number of boards and committees to help it to fulfill its constitutional mandate to exercise disciplinary authority concerning all judicial officers and attorneys at law in the state and to make rules governing practice and procedure in the courts. A large number of judges, attorneys and lay persons meet routinely to advise the court on actions to be taken.

Several Committees advise the court on issues such as access to court records, whether to add or amend the rules that regulate the introduction of evidence, and the procedures to be applied in civil, criminal, family and probate proceedings.

Quasi-judicial boards and committees help the Supreme Court to fulfill its constitutional mandate to exercise regulatory or disciplinary authority over the state's judicial officers and attorneys:

### *Professional Responsibility Program*

The Vermont Constitution authorizes the Supreme Court to structure and administer a lawyer discipline system. Pursuant to that authority, the Court promulgated Administrative Order 9: "*Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program.*" In so doing, the Court's purpose was to establish a Professional Responsibility Program that would "provide a comprehensive system of regulation of the legal profession." *A.O. 9, Purpose.* The Court listed three objectives for the PRP. Those objectives are (1) to resolve complaints against attorneys through fair and prompt dispute resolution procedures; (2) to investigate and discipline attorney misconduct; and (3) to assist attorneys and the public by providing education, advice, referrals, and other information designed to maintain and enhance the standards of professional responsibility.

In addition, the Court adopted the Vermont Rules of Professional Conduct. The rules, which are often referred to as "the ethics rules," govern attorney conduct.

The Professional Responsibility Board oversees the Program. The Board consists of seven members: 3 lawyers, 3 non-lawyers, and a judge. Each member is appointed by the Supreme Court.

The Program employs two full-time attorneys and one part-time attorney. Disciplinary Counsel investigates and prosecutes violations of the Rules of Professional Conduct. Bar Counsel administers the dispute resolution program and responds to inquiries regarding ethics and the practice of law.

#### *Judicial Conduct Board*

Judges must follow high ethical standards established by the Supreme Court in the Code of Judicial Conduct. The Judicial Conduct Board investigates complaints of judicial misconduct or disability and recommends any necessary action to the Vermont Supreme Court. Possible disciplinary actions include public reprimand of the judge, suspension for a part or the remainder of the judge's term of office, or retirement of the judge. The Court does not impeach judges. Only the General Assembly has the power to impeach.

The Supreme Court appoints the nine members of the board, and designates the chair and vice-chair. Three members are lawyers, three members are lay citizens and three members are judges.

#### *Board of Bar Examiners and Character and Fitness Committee*

The Board of Bar Examiners examines the professional competence of applicants for admission to the practice of law in Vermont.

The Board administers a two-day examination to recent law school graduates, lawyers who have practiced law in another state for less than five years and individuals who have served a four-year clerkship with a Vermont lawyer. The examination is given twice a year, in February and July.

Applicants for admission who have practiced law for at least five years in another state are not required to take the bar examination in order to be admitted to practice in Vermont. However, moral character and fitness are investigated for all candidates by the Character and Fitness Committee.

The Supreme Court appoints the chair, vice-chair and the seven other members of the Board of Bar Examiners. Seven of the members are Vermont lawyers and two are non-lawyers.

The Supreme Court also appoints seven associate examiners. The associate examiners have been Vermont attorneys at least three years prior to their appointment. The chair of the Board of Bar Examiners assigns one associate examiner to assist each member of the Board in preparation and grading of the essay part of the semi-annual bar examination.

The Supreme Court appoints five members to the Character and Fitness Committee: one is a judge (either active or retired), two are lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the Committee.

### *Mandatory Continuing Legal Education Board*

The Board monitors the continuing legal competence of members of the Bar and evaluates policy and procedures to maintain and improve that competence. The Board will make a written report each year to the Supreme Court on any recommendations it may have regarding policy or procedures for examining and maintaining professional legal competence.

The Supreme Court appoints the seven members: one is a judge (either active or retired), four are lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the committee.