

# TITLE 4, CHAPTER 3

## NEW SUBCHAPTER 3: JUDICIAL MASTERS

### § 4-3-1 Appointment of Judicial Masters;

(a) The Administrative Judge may appoint a licensed Vermont lawyer who has been engaged in the practice of law in Vermont for at least the last five years to serve as a Judicial Master. The Judicial Master shall be an employee of the judiciary and be subject to the Code of Judicial Conduct. A Judicial Master shall not engage in the active practice of law for remuneration while serving in that position. In making this appointment, the Administrative Judge shall apply the criteria and standards for judicial appointments contained in section 601 of this title. The Judicial Master may hear and decide matters as designated by the Administrative Judge in the Civil, Criminal, and Family Divisions as described herein:

(1) In the Civil Division of the Superior Court, pre and post-trial matters, as approved by the presiding judge, including but not limited to, rent escrow orders, discovery orders, sanctions not including requests for dismissal, financial disclosure hearings; the master shall not hear requests for injunctive relief, motions for summary judgment, a motion to dismiss for failure to state a claim or an involuntary dismissal;

(2) In the Criminal Division of the Superior Court, proceedings in treatment court dockets, as approved by the presiding judge, to assure compliance with court orders including, but not limited to, attendance and participation with a treatment plans, imposition of sanctions and incentives including incarceration in the course of the program and dismissal from the program due to non-compliance; the master shall not have authority to accept pleas or to impose sentences; to hear motions to suppress or to dismiss for lack of a prima facie case;

(3) In the Family Division of the Superior Court, in juvenile proceedings, as approved by the presiding judge, to assure compliance with existing court orders including, but not limited to, attendance and participation in substance abuse, mental health and other court ordered counseling; compliance with and modification of parent child contact; to act as the administrative body to conduct permanency hearings pursuant to 33 V.S.A. § 5321(g) unless a contested permanency hearing becomes necessary; and to provide case management of juvenile proceedings; the master shall not have the authority to hear temporary care hearings, requests for juvenile protective orders, hearings on the merits or to conduct disposition hearings;

(4) In the Family Division of the Superior Court, proceedings, with the approval of the presiding judge, to assure compliance with existing court orders relating to parent child contact; to act as a Master pursuant to V.R.C.P. 53 where no order has been made pursuant to 32 V.S.A. § 1758(b); and to provide case management of proceedings within Title 15, Chapters 5, 11, 15, 18; the master shall not have authority to determine divorce or parentage actions, parental rights and responsibilities, or spousal maintenance or modifications of such orders;

(b) The Judicial Master may be appointed to serve as an acting judge pursuant to § 22(b) of this Title.

(c) The decision of a Judicial Master under this section shall have the same effect as a decision of a superior judge, except when acting as a master pursuant to subdivision (a)(4).