

KIRKPATRICK

199 Economou Farm Rd
South Burlington, VT 05403

March 1, 2016

Dear Representative, Senator and Committee Member,

I am a lawyer who has practiced law in Vermont since 1984. I do trial work, and about 60 percent of my practice in recent years has been in the Vermont Family Court system. I write in opposition to parts of the bill to reorganize the court system and its operations.

I am opposed to two aspects of the reorganization plan. First, the idea that most appeals that now go to the Superior Court (Family Division) should be directed to the Supreme Court. Such a change will reduce the ability of most lower and middle class people to get their child support decisions reviewed. Magistrates have the same errors of thinking and judgment that other judges do, and providing an inexpensive way to have their decisions reviewed is positive. A magistrate's vetting process is not the same as that of a judge. Requiring the appeal from a magistrate decision to go directly to the Vermont Supreme Court fails to recognize the lower level of the magistrate's role (and salary), and will increase the expense and the delay when a party decides the decision needs to have redress. Ultimately, this is a class-based decision because wealthier people will be able to afford the added costs of an appeal to the Supreme Court.

I am also opposed to changing the service procedure to require petitioners to obtain the service instead of the family court clerk's office. If the fees need to be raised to implement the service, that is a better alternative than placing responsibility on the backs of pro se litigants. This will result in delays and confusion when the service has not been completed by the pro se litigant, and a waste of judge time.

Should you have any questions, please let me know.

Sincerely,

Mary Kirkpatrick