

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR




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TO: Senator Peg Flory, Chair, Senate Institutions Committee
Rep. Alice Emmons, Chair, House Institutions and Corrections Committee
Members of the Committees

FROM: Matt Riven, Chief of Finance and Administration 

DATE: January 30, 2015

RE: Inventory and ownership of Vermont Judiciary facilities

On behalf of Patricia Gabel, State Court Administrator, in response to our recent testimony – and questions about the inventory of the Vermont Judiciary’s facilities, and in particular, identification of ownership of each location – please find the following information. Please let us know if you have any questions.

Venue and Superior Court Operations

State law provides that the Judiciary shall conduct Superior Court and Judicial Bureau operations in each of the 14 counties. Generally speaking, statutes place the venue of a case where the case will be commenced and where evidentiary hearings will be held, in the county where the parties reside, where the incident took place, or where the subject property is located. In general, see 4 V.S.A. § 30, which requires that the Superior Court be held in each county unit. In particular, see, e.g., the following: *Probate* – 4 V.S.A. §§ 272(a) and 311(a) and 14A V.S.A. § 204; *Family*: 4 V.S.A. § 458; *Environmental*: 4 V.S.A. § 1001(e); *Judicial Bureau*: 4 V.S.A. § 1103; *Court Proceedings*: 12 V.S.A. § 402; *Criminal*: 13 V.S.A. § 4601.

As a result of both history and statutory requirements for the Superior Court, the Judicial Branch now provides civil, criminal, environmental, family, probate, and judicial bureau services, as well as housing administrative Judiciary personnel in 27 physical locations across all 14 counties.

In addition – and alongside the venue requirement – the Judiciary has historically conducted court operations in both state-owned and county-owned court buildings. This tradition was continued in the Judiciary’s restructuring legislation. The restructuring law provided that where judicial operations are conducted in county-owned buildings, the Assistant Judges are required to provide the same facilities as were provided in July of 2009, and the State Court Administrator, in consultation with the Presiding Judge, makes the decision as to what judicial operations will be conducted in county-owned courthouses.

In state-owned buildings, the State Court Administrator and the Commissioner of Buildings and General Services are the superintendents of the building, and the Judiciary pays fee-for-space. In county-owned buildings, the Assistant Judges are the superintendents, and the Judiciary has no financial obligations to the county. In those counties where the Assistant Judges and the Court Administrator's Office have shared a common vision about facilities, security, and the like, and where the County has devoted appropriate resources to invest in the maintenance and repair of the county buildings, the relationship has been generally constructive. In counties where one or more of these conditions may not have been present, there have been problems with one or more of the following: building conditions, maintenance, use of space, staff conflicts, security, and/or ADA compliance.

Summary of Judiciary Physical Locations

The 27 physical locations can be grouped as follows:

- **Counties with both county-owned and state-owned courthouse(s): (18 locations)**
 - Bennington (two county; one state)
 - Chittenden
 - Franklin
 - Orleans
 - Rutland
 - Washington (two county; one state)
 - Windham
 - Windsor

- **Counties with only county-owned building: (5 locations)**
 - Essex (two county buildings)
 - Grand Isle
 - Lamoille
 - Orange

- **Counties with only State-owned building: (2 locations)**
 - Addison
 - Caledonia

- **Other Judiciary buildings (2 locations):**
 - Supreme Court (and Court Administrator's Office)
 - Leased space: 112 State Street Montpelier (IT and Finance)

Background on Space Arrangements at these Facilities

There are some commonalities among the courthouses, particularly as relates to building ownership. For instance, as previously mentioned, at all State-owned buildings, the Judiciary pays “fee for space” based on its occupied square footage to the Department of Buildings and General Services (BGS), which maintains the buildings. In FY 2015, the Judiciary will pay approximately \$4.6M in fee-for-space costs. In the county buildings, the Judiciary pays no rent based on the requirements of the restructuring statute. The counties’ obligation under the statute is to provide “at least the facilities that existed for judicial operations that it provided on July 1, 2009” and also to “provide a suitable courthouse” and to “keep such courthouse suitably furnished and equipped for use by the Superior Court.” 24 V.S.A. § 71a.

Aside from this broad distinction, each county’s physical plant is unique. The standard of maintenance, upkeep, and capital investment in the county buildings varies among the counties. In Windsor County, for example, the county recently raised revenues to renovate its county courthouse. In other counties, the Judiciary has experienced issues around security infrastructure, public accessibility, staff working conditions, and other issues due to under-investment in the buildings. (It should be noted that the Judiciary has experienced physical plant issues at some state-owned buildings as well.)

cc:

Representative Maxine Grad, Chair
House Judiciary Committee

Senator Richard Sears, Chair
Senate Judiciary Committee

Supreme Court Justices
Patricia Gabel, State Court Administrator

Steve Klein, Director, Joint Fiscal Office
Catherine Benham, Joint Fiscal Office

Wanda Minoli, BGS