

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 869  
3 entitled “An act relating to judicial organization and operations” respectfully  
4 reports that it has considered the same and recommends that the Senate  
5 propose to the House that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 \* \* \* Judicial Masters \* \* \*

8 Sec. 1. 4 V.S.A. § 38 is added to read:

9 § 38. JUDICIAL MASTERS

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

20 (1) In the Civil Division of the Superior Court, pre- and post-trial  
21 matters, as approved by the presiding judge, including rent escrow orders,

1 discovery orders, sanctions not including requests for dismissal, and financial  
2 disclosure hearings; the Master shall not hear requests for injunctive relief,  
3 motions for summary judgment, a motion to dismiss for failure to state a claim,  
4 or an involuntary dismissal.

5 (2) In the Criminal Division of the Superior Court, proceedings in  
6 treatment court dockets, as approved by the presiding judge, to assure  
7 compliance with court orders, including attendance and participation with a  
8 treatment plan, imposition of sanctions and incentives, including incarceration  
9 in the course of the program and dismissal from the program due to  
10 noncompliance; the Master shall not have authority to accept pleas or to  
11 impose sentences, to hear motions to suppress, or to dismiss for lack of a prima  
12 facie case.

13 (3) In the Family Division of the Superior Court, in juvenile  
14 proceedings, as approved by the presiding judge, to assure compliance with  
15 existing court orders, including attendance and participation in substance  
16 abuse, mental health, and other court-ordered counseling; compliance with and  
17 modification of parent-child contact; to act as the administrative body to  
18 conduct permanency hearings pursuant to 33 V.S.A. § 5321(g) unless a  
19 contested permanency hearing becomes necessary; and to provide case  
20 management of juvenile proceedings; the Master shall not have the authority to

1 hear temporary care hearings, requests for juvenile protective orders, or  
2 hearings on the merits, or to conduct disposition hearings.

3 (4) In the Family Division of the Superior Court, proceedings, with the  
4 approval of the presiding judge, to assure compliance with existing court  
5 orders relating to parent-child contact; to act as a Master pursuant to Rule 53 of  
6 the Vermont Rules of Civil Procedure where no order has been made pursuant  
7 to 32 V.S.A. § 1758(b); and to provide case management of proceedings with  
8 15 V.S.A. chapters 5, 11, 15, and 18; the Master shall not have authority to  
9 determine divorce or parentage actions, parental rights and responsibilities, or  
10 spousal maintenance, or modifications of such orders.

11 (b) The Judicial Master may be appointed to serve as an acting judge  
12 pursuant to subsection 22(b) of this title in any matter in which he or she has  
13 not previously acted as a Judicial Master.

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

17 Sec. 2. REPEAL

18 4 V.S.A. § 38 (Judicial Masters) shall be repealed on July 1, 2019.

\* \* \* Venue in TPR Cases \* \* \*

Sec. 3. LEGISLATIVE INTENT

The General Assembly does not intend Sec. 4 of this act, which amends 4 V.S.A. § 37 to permit regional venue in proceedings involving the termination of parental rights (TPR), to result in the closure of any Vermont courts. Sec. 4 is intended to permit greater flexibility in the TPR process, in response to the findings and recommendations made by the Committee on Child Protection in 2014, and it may, in fact, result in an increase rather than a decrease in court proceedings for some jurisdictions.

Sec. 4. 4 V.S.A. § 37 is amended to read:

§ 37. VENUE

(a) The venue for all actions filed in the ~~superior court~~ Superior Court, whether heard in the ~~civil, criminal, family, environmental, or probate division~~ Civil, Criminal, Family, Environmental, or Probate Division, shall be as provided in law.

(b) Notwithstanding any other provision of law, the ~~supreme court~~ Supreme Court may promulgate venue rules, subject to review by the legislative committee on judicial rules under 12 V.S.A. chapter 1 ~~of Title 12~~, which are consistent with the following policies:

(1) Proceedings involving a case shall be heard in the unit in which the case was brought, subject to the following exceptions:

1 (A) when the parties have agreed otherwise;

2 (B) status conferences, minor hearings, or other nonevidentiary  
3 proceedings; or

4 (C) when a change in venue is necessary to ensure access to justice  
5 for the parties or required for the fair and efficient administration of justice.

6 (2) The electronic filing of cases on a statewide basis should be  
7 facilitated, and the ~~court~~ Court is authorized to promulgate rules establishing  
8 an electronic case-filing system.

9 (3) The use of technology to ease travel burdens on citizens and the  
10 courts should be promoted. For example, venue requirements should be  
11 deemed satisfied for some court proceedings when a person, including a judge,  
12 makes an appearance via video technology, even if the judge is not physically  
13 present in the same location as the person making the appearance.

14 (4) In proceedings involving the termination of parental rights, the  
15 Supreme Court is authorized to designate a region of no more than four  
16 counties in which the venue for specified types of cases in the region shall be  
17 the region as a whole, irrespective of the county in which the venue would lie  
18 for the case under the governing statute. A designation under this subdivision  
19 shall be made by rule and shall be reviewed by the Legislative Committee on  
20 Judicial Rules pursuant to 12 V.S.A. § 1.



1 3 V.S.A. chapter 25, except that highway condemnation proceedings shall be  
2 conducted pursuant to the provisions of chapter 5 of this title. A hearing  
3 examiner or single Board member so appointed shall report his or her findings  
4 of fact in writing to the Board. Any order resulting therefrom shall be rendered  
5 only by a majority of the Board. Final orders of the Board issued pursuant to  
6 section 20 of this title may be reviewed on the record by a Superior Court  
7 pursuant to Rule 74 of the Vermont Rules of Civil Procedure. All other final  
8 orders of the Board may be reviewed on the record by the Supreme Court.

9 \* \* \*

10 \* \* \* Accessibility and Efficiency of Court System \* \* \*

11 Sec. 7. ACCESS TO JUSTICE; COLLABORATIVE PROCESS

12 The Supreme Court shall coordinate a collaborative process with its justice  
13 partners, including the Vermont Bar Association, the Department of State's  
14 Attorneys and Sheriffs, the Office of the Defender General, the Office of the  
15 Attorney General, the Department for Children and Families, and the Vermont  
16 Association for Justice, in an effort to identify court system reforms that  
17 promote efficient use of judicial resources and allocation of costs while  
18 preserving access to justice and maintaining the quality of court services. The  
19 Court shall report the proposals developed in the collaborative process to the  
20 House and Senate Committees on Judiciary on or before December 15, 2016.

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\* \* \* Judiciary Service Center \* \* \*

Sec. 8. DISCONTINUATION OF JUDICIARY SERVICE CENTER

On or before June 30, 2016, the Vermont Supreme Court shall discontinue use of the Judiciary Service Center to respond to communications from Vermont attorneys.

\* \* \* Effective Dates \* \* \*

Sec. 9. EFFECTIVE DATES

(a) Secs. 1, 2, 3, 4, 7, 8, and this section shall take effect on passage.

(b) Secs. 5 and 6 shall take effect on July 1, 2016 and shall apply to appeals filed on or after that date.

(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE