



## Vermont Judicial Branch Overview

\*\*\*

## 2017 Legislative Session

\*\*\*

## Courts, Judiciary Programs, and Performance Measures

# Vermont Judicial Branch Overview

\*\*\*\*

## Table of Contents

<u>Section</u>	<u>Page</u>
<b>Vermont Constitution</b> .....	1
<b>Mission and Vision</b> .....	1
Principles for Administration of the Vermont Judiciary .....	2
Case Management Principals.....	2
Vermont Unified Court System: Chart.....	3
Vermont Unified Court System: Description .....	4
<i>Supreme Court</i> .....	4
<i>Administration of the Court System and Regulation of Attorneys</i> .....	4
<i>Superior Court</i> .....	5
Criminal Division .....	5
Family Division .....	6
Civil Division .....	6
Environmental Division .....	7
Probate Division .....	7
<i>Judicial Bureau</i> .....	7
<b>Court Response to Crime in the Community</b> .....	8
<i>Adult Drug / Treatment Court Docket Projects in Rutland, Chittenden, and Washington Counties</i> .....	8
How Much Did We Do?.....	8
How Well Did We Do It? .....	8
Is Anyone Better Off?.....	9
<i>Family Treatment Court Docket Projects – Caledonia County</i> .....	10
<i>Juvenile Treatment Court Docket – Franklin County</i> .....	10
<i>Mental Health Court Docket – Chittenden County</i> .....	11
<i>The Windsor Sparrow Project</i> .....	11

<i>The Windsor DUI Docket</i> .....	11
<i>Tri-Branch Task Force on Justice and Mental Health</i>	
<i>(co-occurring) Collaboration</i> .....	11
<b>Children and Families in the Court System</b> .....	12
<i>Attorneys for Children</i> .....	12
<i>Vermont Superior Court Family Mediation Program</i> .....	12
How Much Did We Do?.....	12
How Well Did We Do It? .....	12
Is Anyone Better Off?.....	13
<i>Parent Coordination</i> .....	14
How Much Did We Do?.....	15
How Well Did We Do It? .....	15
Is Anyone Better Off?.....	15
<i>Guardian ad Litem Program</i> .....	15
How Much Did We Do?.....	17
How Well Did We Do It? .....	17
Is Anyone Better Off?.....	17
<i>Court Improvement Program</i> .....	17
How Much Did We Do?.....	19
How Well Did We Do It? .....	19
Is Anyone Better Off?.....	20
<b>Court Interpreter Program</b> .....	20
How Much Did We Do?.....	20
How Well Did We Do It? .....	20
Is Anyone Better Off?.....	21
<b>Technology Initiatives</b> .....	21
How Much Did We Do?.....	23
How Well Did We Do It? .....	23
Is Anyone Better Off?.....	23

<b>Court Security</b> .....	25
<b>Judicial Branch Education</b> .....	26
Out-of-State Education.....	27
How Much Did We Do?.....	27
How Well Did We Do It? .....	27
Is Anyone Better Off?.....	27
Assistant Judge Education .....	28
How Much Did We Do?.....	28
How Well Did We Do It? .....	28
Is Anyone Better Off?.....	28
<i>Employee Education</i> .....	29
<i>New Hire Orientation</i> .....	29
How Much Did We Do?.....	29
How Well Did We Do It? .....	29
Is Anyone Better Off?.....	29
<i>Building Knowledge and Skills in Courts</i> .....	30
How Much Did We Do?.....	30
How Well Did We Do It? .....	30
Is Anyone Better Off?.....	30
<b>Public Education</b> .....	30
<i>Education for Self-Represented Litigants</i> .....	30
How Much Did We Do?.....	31
How Well Did We Do It? .....	31
Is Anyone Better Off?.....	31
<i>Relief from Abuse Education Program</i> .....	31
How Much Did We Do?.....	32
How Well Did We Do It? .....	32
Is Anyone Better Off?.....	32

<i>Children Coping with Divorce</i> .....	32
How Much Did We Do? .....	33
How Well Did We Do It? .....	33
Is Anyone Better Off? .....	33
<b>Boards and Committees</b> .....	33
<i>Professional Responsibility Program</i> .....	34
<i>Judicial Conduct Board</i> .....	34
<i>Board of Bar Examiners and Character and Fitness Committee</i> .....	34
<i>Mandatory Continuing Legal Education Board</i> .....	35

## **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**

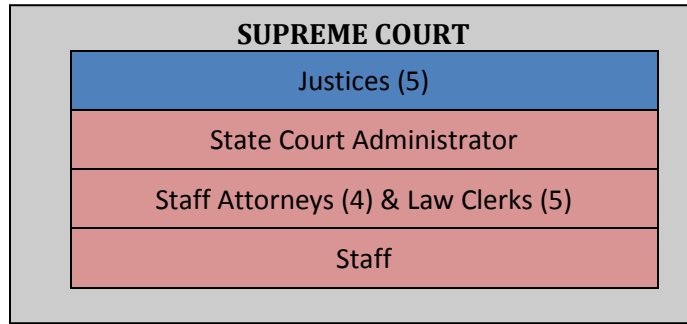
The Supreme Court has adopted the following principles for administration of the Vermont Judiciary:

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.

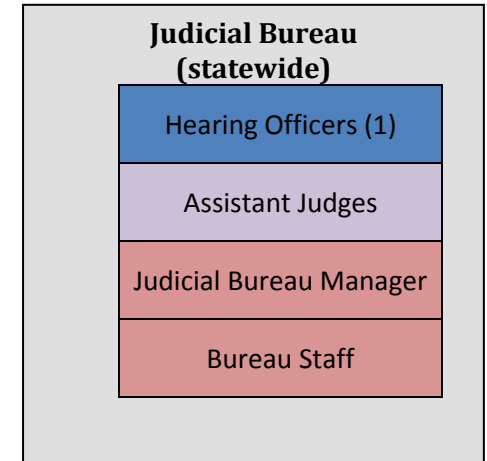
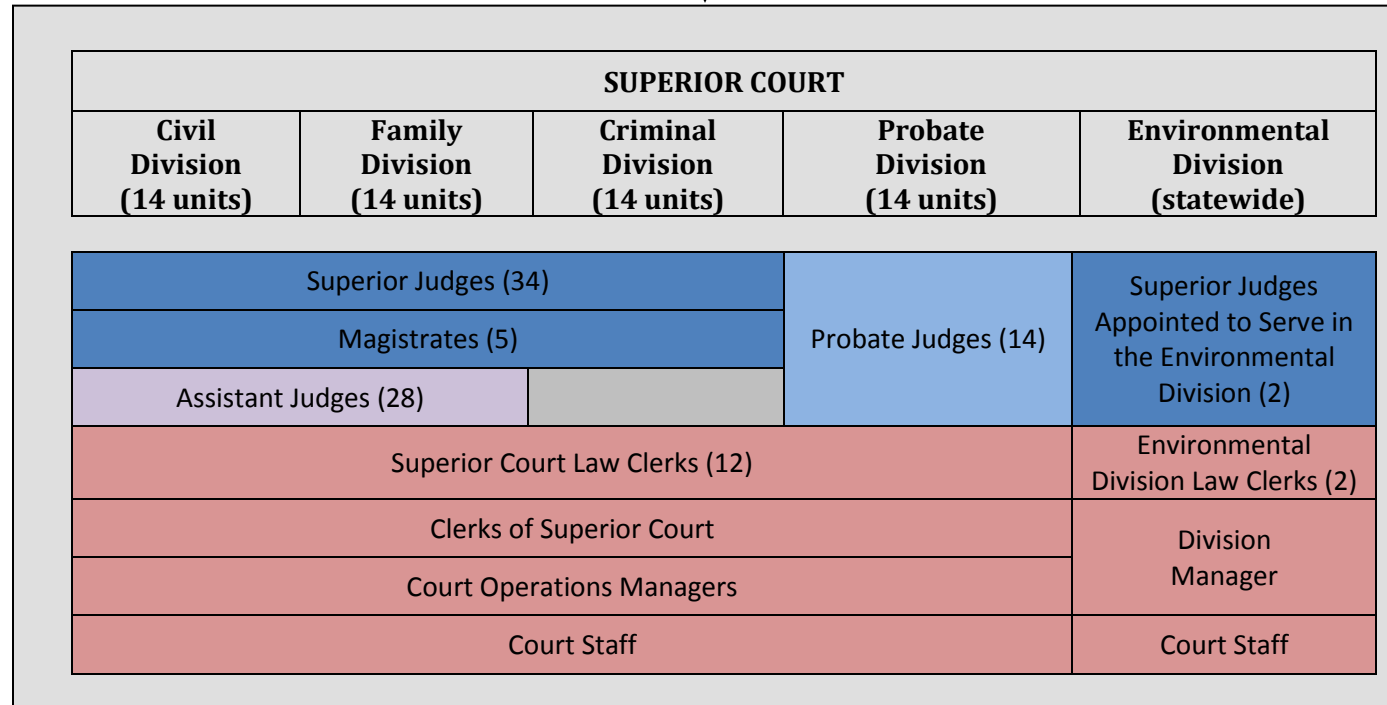
## **Case Management Principles**

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 Supreme Court is comprised of the Chief Justice and four Associate Justices. Each Justice is appointed by the Governor from a list of candidates submitted by the Judicial Nominating Board. The Governor's appointment of a justice must be confirmed by the Senate. The justices hold six year terms. Every six years, each justice who wishes to sit for another six-year term must seek to be retained by the General Assembly. Following a legislative review process, the General Assembly votes to determine whether each such justice will continue to sit for another six-year term.

The Supreme Court is the sole appellate level court 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. In those cases, the matter is filed directly with the Supreme Court without the case needing to be heard first in a lower court.

The Supreme Court resolves approximately 500 cases per year by deciding whether the trial court judge accurately applied Vermont law to the facts in the case. In such cases, 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 Supreme Court of Vermont 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 Supreme Court of Vermont may be appealed to the United States Supreme Court.

### **Administration of the Court System and Regulation of Attorneys**

The Vermont Constitution gives the Supreme Court the responsibility to administer the Vermont Unified Court System. The Supreme Court exercises its administrative authority collectively as a governing body. The Constitution also authorizes the Supreme Court to make rules regulating practice and procedure. The General Assembly has authority to revise rules adopted by the Court. 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 appoints a State Court Administrator, who serves as the Chief Executive Officer of the Judiciary. She has responsibility for all budgetary and fiscal operations and personnel administration of all courts, boards, and agencies of the Vermont Judicial Branch. Her responsibilities include oversight of the administrative infrastructure of the Judiciary, including budget and finance, planning, appellate court administration, human resources and labor relations, information technology, court services and programs, court facilities and security, legal counsel, attorney regulation, and the relationship between the Judiciary and the Legislative and Executive branches of state government.

The Supreme Court also appoints a Chief Superior Judge. He assigns the superior judges, environmental judges, child support magistrates, judicial bureau hearing officer, and assistant judges to the trial court

divisions, resolves attorney conflicts, and resolves complaints about the trial 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.

The State Court Administrator and Chief Superior Judge cooperate to ensure that the trial court system operates as efficiently as possible and work toward the development of uniform and improved procedures in the trial courts. They also collectively oversee the development and implementation of judicial education, orientation, and mentoring programs.

### **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 22,000 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, 1,000 other domestic actions (primarily parentage) and the 7,500 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 7,000 motions to establish, modify or enforce child support, 775 juvenile delinquency cases, 1,070 cases involving the abuse and neglect of children, 385 cases in which the state seeks to terminate parental rights, 220 cases involving children who may be beyond the control of their parents or truant, and 3,400 petitions for relief from domestic abuse and 1,052 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 6,000 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 3,600 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 150 cases are filed each year in the Environmental Division.

### *Probate Division*

The Probate Division is responsible for the approximately 4,400 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 90,000 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, 1,900 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.

### 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 treatment providers. 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 due to severe substance use and co-occurring disorder without a long term intensive intervention. Participants spend up to 18 months completing the 4-phase program. The three adult drug court dockets are currently being modified to include an additional 5<sup>th</sup> phase to comply with the best practice standards established by the National Association of Drug Court Professionals. 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.

<b>Court Response to Crime in the Community</b>	
<p><b>How Much Did We Do?</b></p> <p>There are adult treatment court dockets in Chittenden, Rutland &amp; Washington Counties. These counties serve at least half of the criminal population coming through the Court system.</p> <p>The following data pertains to the <b>Rutland Adult Drug Treatment Program only.</b></p> <p>Please note that data for the other courts is <i>not</i> included due to lack of data or concerns about the accuracy of those data that do exist.</p> <p><i>Total number served since inception of the Rutland program: 337</i></p> <p><i>Number of participants who received services during 2016 in the Rutland program: 35</i></p> <p><u>Examples of community services made available</u></p> <ul style="list-style-type: none"> <li>• Housing and 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></p> <p>Best practice indicates time from arraignment to referral should be within 90 days. The FY16 average time from arraignment to referral in the Rutland Treatment Court Docket is more than triple best practice recommendations at 188 days.</p> <p>Time from referral to orientation phase should be 14 – 30 days. The average time from referral to orientation entry in the Rutland Program depends largely on the length of time it takes the legal parties to reach a plea agreement and ranges from 7 days to 3 months or more seriously delaying treatment and outcomes for those participants.</p> <p>Orientation phase lasts 30 days where the participant is assessed, the plea agreement is</p>

- Employment/Vocational Rehabilitation
- Health Services
- Recovery Coaching/Making Recovery Easier

worked out, and treatment and case management begin.

Retention rate\*:

The percentage of participants that exit the program through graduation, termination, voluntary withdrawal, bench warrant, death, administrative closure, or other means. Drug treatment dockets are six times more likely to keep offenders in treatment long enough for them to get better.

The team is reluctant to terminate a participant from the program. Their goal is to increase dosages of treatment, which ultimately reduces recidivism and serves to decrease cost to the criminal justice system.

The FY16 average retention rate in the Rutland program is 47% down from 60% in 2015.

**\*Retention % Rate Calculation:** total number of graduates since programs inception + total number currently enrolled) divided by total number of admissions to program since program's inception.

The treatment court dockets use:

- Evidence-based (EB) risk and needs assessments (Ohio Risk Assessment System also known as the ORAS)
- EB substance use and mental health assessments
- EB substance abuse services such as: Intensive Outpatient Programing and Moral Reconation Therapy in individualized treatment planning
- Mental health services delivered as indicated
- Treatment Groups on criminal thinking, relapse prevention, etc.
- Medication assisted treatment both for severe substance use disorder and mental health disorders as prescribed

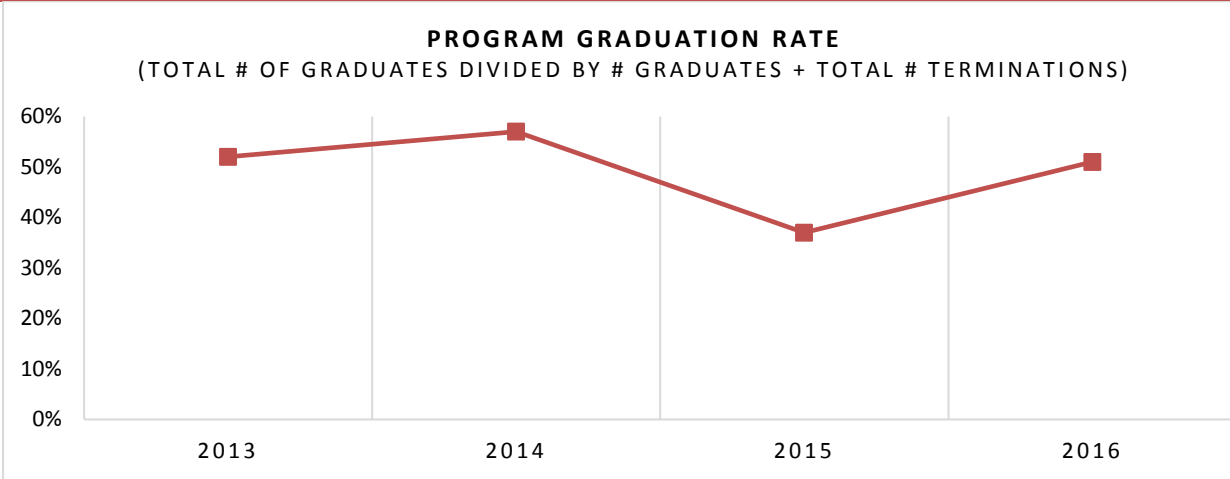
**Is Anyone Better Off?**

Graduation:

Completion of all four phases of the treatment court program resulting in a reduced or dismissed sentence.

The national average graduation rate is positive at 45%

The graduation rate for the Rutland Treatment Court Docket is 42%



Recidivism rate post program from the beginning of the program: the percentage of participants that have any new misdemeanor or felony arrests after leaving the program.

The national graduation average recidivism rate is 16% in the first year after leaving the program and 27% after the second year.

**Rutland Treatment Docket**

Graduates:	Yr 1:	15.4%	Yr 2:	9.6%	Yr 3:	4.5%
Control Group:	Yr 1:	29.3%	Yr 2:	15.5%	Yr 3:	7.2%

Note: Most of the recidivism happens in year 1 and decreases in later years. The Rutland treatment docket graduates have approximately half the recidivism rate of the control group. *Vermont Criminal Justice Research Study of 2013*

*Family Treatment Project – Caledonia County*

The Family Dependency Project 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 abstain from drugs and alcohol.

*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 use 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, treatment providers, social services, and child protective services to actively intervene and break the cycle of substance abuse and crime. Juvenile Treatment Court dockets provide an intense regimen of substance abuse, mental health and related health services, wrap-around case management,

drug testing, regularly scheduled status hearings before a judge, linkages with job skills training/employment, educational services, housing, mentors 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 whose crimes are related to their 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, law enforcement, defense attorney and State's Attorney. The individual is offered intensive treatment and supervision, risk reduction strategies, 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).

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

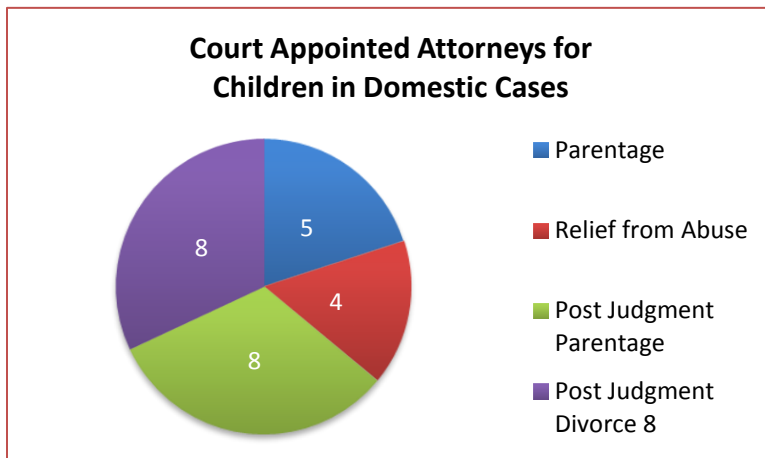
This interdisciplinary effort resulted in the design and initiation of a statewide strategy to develop a more effective evidence-based response to individuals with mental illness and co-occurring disorders and other impairments who are involved, or at risk of becoming involved, with the criminal justice 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. 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*

Each year a budget amount is set for the fiscal year. During that fiscal year Courts appoint attorneys to represent the interests of minor children in newly filed Parentage, Divorce, and Relief From Abuse (RFA) cases, as well as in post-judgment filings in Divorce, Parentage, and RFA cases. Attorneys who participate in the program are given the option to receive court subsidized payment up to \$750 per case at \$50 per hour. Each county/unit is provided with a budget amount for the fiscal year by the Chief Superior Judge. Local judges set the number of hours expected to be needed per case, and based on financial information received from parties, judges determine how much of the payment is to be made by the parties and how much will be paid from court funds. In some instances, the parties pay the full amount as set by the court. Attorneys also have an opportunity to provide their services pro bono. In these latter two instances attorneys do not submit a bill to the judiciary for their services. For FY16 the statewide amount budgeted was \$15,500, and Courts encumbered a total of \$10,325. For FY16, \$10,325 was encumbered, and a total of \$2810 was billed and paid to attorneys during the fiscal year for a total of 77 hours of attorney services. Attorneys who represent children provide a service to both the children and the court in giving the court more information to determine the best interests of children in these difficult cases.



The breakdown of case types served by this program in FY 2016 was: 5 new parentage cases and 4 new RFA cases; 8 post-judgment parentage cases, and 8 post-judgment divorce cases.

### *Vermont Superior Court Family Mediation Program*

The Judiciary subsidizes the cost for eligible parents and guardians to resolve disputes with the assistance of a professional mediator. The mediator helps parents communicate and negotiate with each other so that they can resolve issues arising in divorce, separation, and support proceedings, as well as in similar matters.

The subsidy is available when the household income of a parent with one or more minor children does not exceed \$30,000. Eligible participants pay part of the mediator's hourly fee pursuant to a sliding-fee scale. The program pays the balance of the mediator's hourly fee for up to 10 hours of mediation services per eligible party. The program also pays mediators a modest stipend to screen cases to ensure that the parties' dispute is appropriate for mediation. Mediation is not used in cases of abusive relationships.

The subsidy is available when a court orders eligible parties to meet with a mediator. The subsidy is also available to eligible parties who contact one of the program’s mediators without a court-ordered referral. Many final divorce decrees require parties to attempt mediation before the parties may ask the court to enforce or modify those decrees. Courts often enforce those mediation provisions and require parents to try mediation, particularly when the parents have previously shared parental rights and responsibilities.

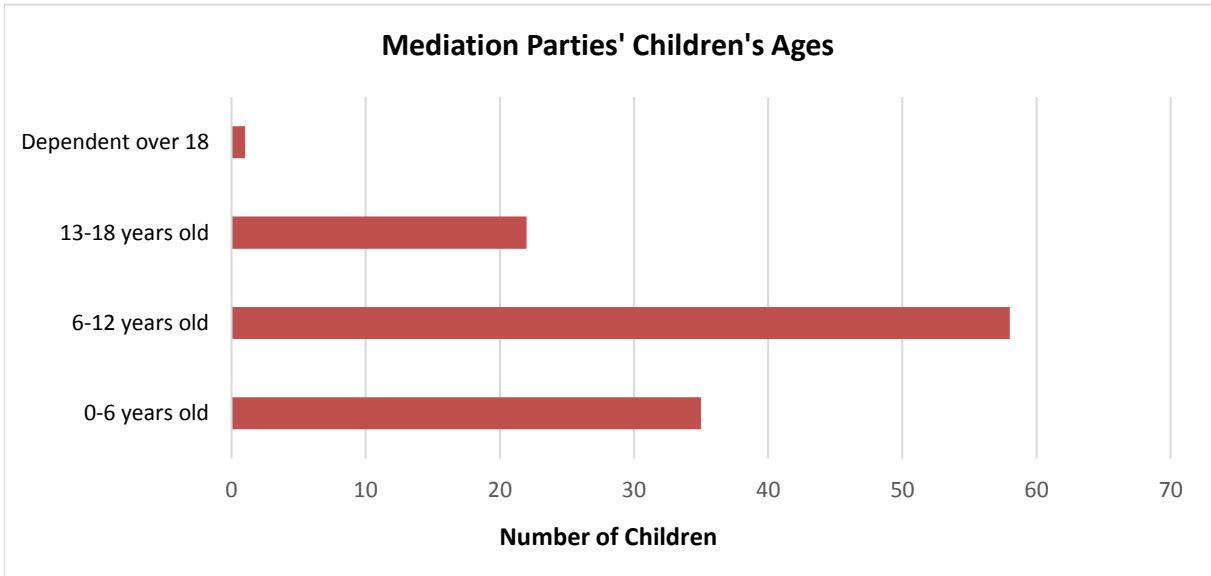
Mediators serving in the Vermont Superior Court Family Mediation Program comply with the program’s standards, complete professional development, and agree to charge eligible participants a fee pursuant to the program’s fee schedule.

Family Court Mediation Program	
<p><b>How Much Did We Do?</b></p> <p>The number of subsidized cases and the cost of the program are shown in the chart below.</p>	<p><b>How Well Did We Do It?</b></p> <p>During FY 16 and based on information supplied by the mediators, parties reached:</p> <ul style="list-style-type: none"> <li>• <b>full agreement</b> in approximately 64% of the issues they mediated</li> <li>• <b>partial agreement</b> in approximately 13% of the issues they mediated.</li> </ul>
<b>Family Court Mediation Program: FY16<sup>1</sup></b>	
Number of Intakes	520
Number of Mediated Cases	281
Total Mediation Hours	955
Average Cost per Case	\$134
Total Program Cost	<b>\$38,697</b>

<sup>1</sup> The **number of intakes** indicates cases where the mediator met with at least one party during the fiscal year to discuss whether the case was appropriate for mediation. The **number of mediated cases** includes cases where the mediator held a session after intake with both parties. The **total program cost** includes costs for intakes and subsidies paid for mediated sessions, but it does not include \$1,819 paid to a mediator serving as the case supervisor. The **average cost per case** divides the total program cost by the number of mediated cases.

**Is Anyone Better Off?**

Mediators reported case completion data for 88 cases that closed. Based on that information, families with 116 children completed a mediation between July 1, 2015 and June 30, 2016. Below is a chart showing the age ranges for children whose parents participated in mediation during the covered period.



Parent coordination is a child-focused alternative dispute resolution process in which a third party—the parent coordinator—helps parents in high-conflict cases develop safe, appropriate parent/child contact plans based on 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 designed to meet the needs of the children. If parents can reach agreement, the parent coordinator will draft that agreement for the court’s review. The Judiciary subsidizes parent coordination services for eligible parents who are divorcing or separating.

Parenting plans 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.

On its own initiative or in a response to a party’s request, the court may order parties to meet with a designated parent coordinator for an initial intake and information meeting. Parent coordinators meet with the parents, the children, the parties’ attorneys, and other professionals involved with the children, as well as family members or others who know the children well. Parent coordinators may also conduct a home visit. They help parents develop parenting plans collaboratively when possible, and they deliver recommendations to the referring court based on observations of the family and their experience.

## Parent Coordination

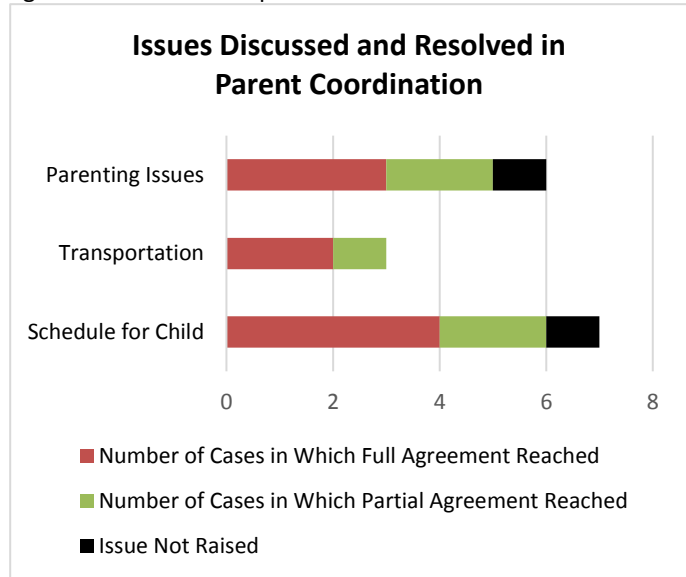
### How Much Did We Do?

The chart below compares for FY 15 and FY 16 cases where courts appointed a parent coordinator, the number of billable hours those parent coordinators delivered, and the amounts invoiced for those services. Note that costs for mileage and a contractual case supervisor, whose serviced ended midway through the fiscal year, are not included.

<b>Parent Coordination Services: Comparison of Caseload Activity in FY 15 and FY 16</b>		
	FY 15	FY 16
Cases	94	70
Billable	427	252
<b>Cost</b>	<b>\$24,190</b>	<b>\$13,743</b>

### How Well Did We Do It?

Parent coordinators reported data on seven completed cases. Below is a table showing the issues parents discussed with parent coordinators and how frequently the parents reached agreement on each respective issue.



### Is Anyone Better Off?

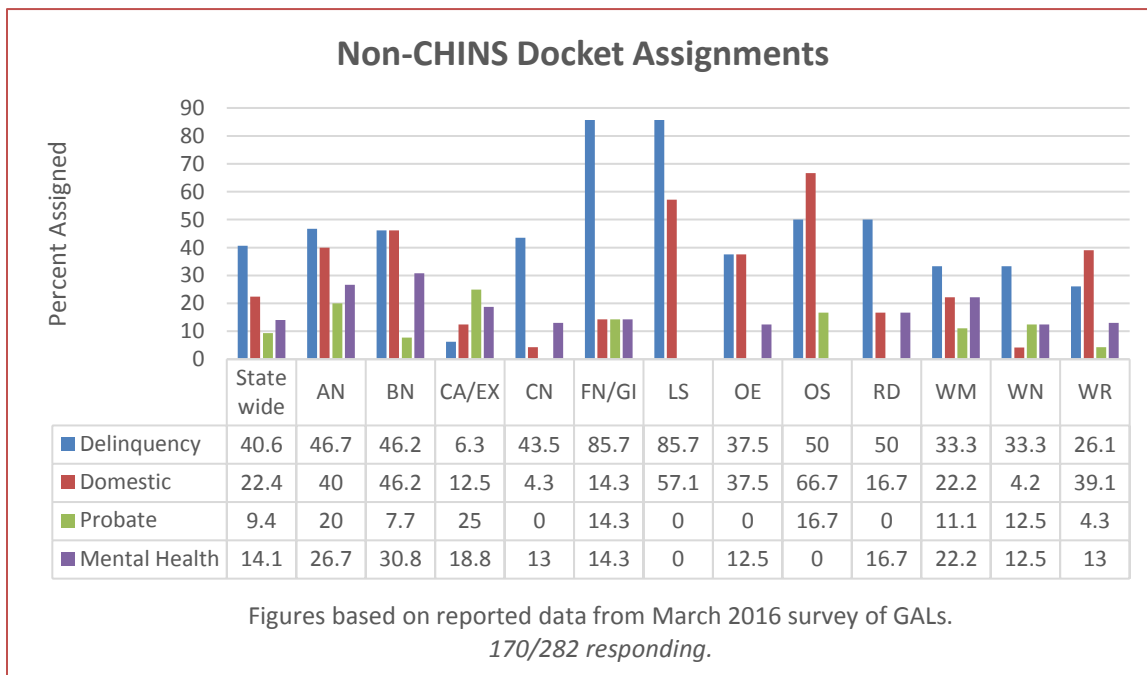
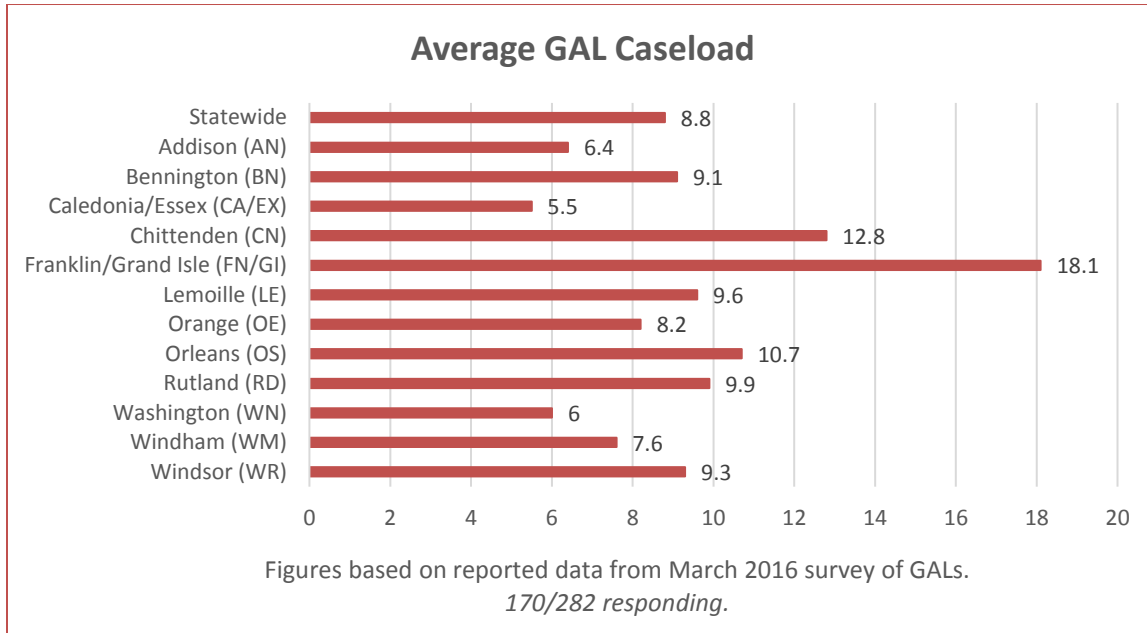
As mentioned above, parent coordinators reported data on seven completed cases. The data show that parent coordinators served families with a total of ten children. One child was less than six years old, whereas the remaining nine children were between six and twelve years old.

<i>Milestone</i>	<b>Number of Cases in Which Milestone Reached</b>
<b><i>Partial Stipulation Signed</i></b>	<b>4</b>
<b><i>Final Stipulation Signed</i></b>	<b>3</b>
<b><i>Recommendation Filed</i></b>	<b>5</b>
<b><i>Recommendation Accepted</i></b>	<b>5</b>

### *Guardian ad Litem Program*

The Vermont Guardian ad Litem Program (VTGAL) recruits, trains, and supports qualified volunteers to serve as child advocates in Family divisions proceedings. Vermont statutes and rules require that a guardian ad litem (GAL) be appointed for every child in child protection proceedings (CHINS), delinquency cases, and when a child is a witness. In Fiscal Year 2016 there were 270 volunteers who advocated for approximately 2000 children in CHINS cases alone. VTGAL is focused on recruiting and training volunteers in every county to serve children and youth in the CHINS docket and in delinquency cases when a conflict

prevents a parent from doing so. However, volunteer GALs are frequently appointed in certain other cases including domestic, probate, and mental health cases.



Every volunteer GAL must complete a 3-day pre-service training that focuses on Vermont’s child protection system and is based on a national curriculum developed by the National Court Appointed Special Advocates Association (NCASA). VTGAL’s new training model resulted in a 300% increase in the number of pre-service trainings offered in FY16 at a lower cost than the previous model. In addition, VTGAL provided two full-day trainings on delinquency cases through a partnership with the Office of the

Defender General and funded by the Court Improvement Program (CIP) and Juvenile Accountability Block Grants (JABG).

The Guardian ad Litem Program (VTGAL) is primarily funded through general funds, but supplements these funds with small grants from NCASA, the Court Improvement Program, and the Juvenile Accountability Block Grant Program. The general fund pays for 4 part-time Regional Coordinators each of whom supports volunteers in one or more counties. These part-time coordinators combine to the equivalent of 1.7 FTE, and are assigned to Bennington, Rutland, Addison, Chittenden, Franklin/Grand Isle, Windsor, Orange, and Caledonia/Essex counties. Grant funding allows VTGAL to provide up to 7 hours of support per week to Washington County, and the case manager provides approximately 8 hours of support in Windham County. These Regional Coordinators average of 8.2 hours per county for all counties where one is assigned. NCASA best practice standards call for 1 FTE supervisor per 30 volunteers to allow for the recruitment, training, and support needed for an effective program. Vermont’s current general funded staffing results 1 FTE supervisor for every 159 volunteers. In FY16 the personnel cost for GAL Regional Coordinators was approximately \$125,766 from the general fund.

<b>Guardian ad Litem Program</b>	
<p><b>How Much Did We Do?</b></p> <ul style="list-style-type: none"> <li>• Regional coordinators support GALs in every county other than Lamoille and Orleans.</li> <li>• 66 GALS were trained in FY16</li> <li>• 64 GALS were activated in FY16</li> <li>• 36 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 8.8 Children with 7.45 children in CHINS cases alone.</li> <li>• A trained GAL served every child involved in the CHINS process despite the continued increase in demand.</li> <li>• 97% of the volunteers who completed training became active compared to 83% in FY2015.</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <ul style="list-style-type: none"> <li>• Every Vermont child or youth involved in the CHINS process was served by a volunteer GAL.</li> <li>• VTGAL offered local or statewide training opportunities for experienced GALs on topics including developmental trauma, working with older youth, and county specific resources.</li> <li>• At least 25% of all volunteer GALs serve children and youth in dockets other than CHINS and Delinquency.</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.

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 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.

The Court Improvement Program is a federally funded grant focused on improving the court system's work in child welfare cases.<sup>2</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 volunteer guardians ad litem (GALs) assigned to these cases; and thorough court hearings. It accomplishes much of its work through collaboration with DCF, prosecutors, defense attorneys, and others.

---

<sup>2</sup> The grant is administered by the [Children's Bureau](#) of the U.S. Department of Health and Human Services.

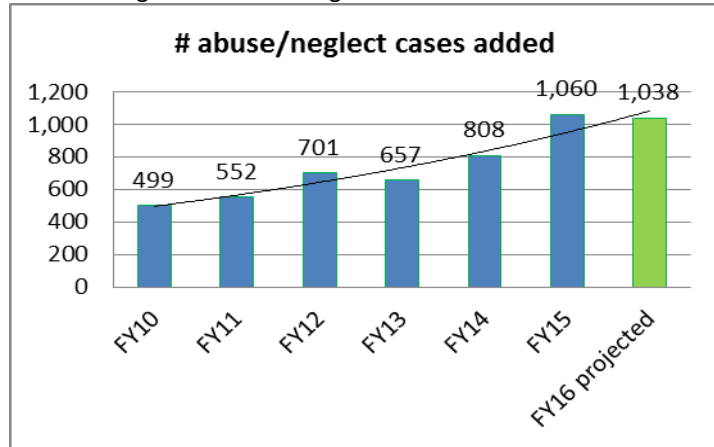
# Juvenile Court Improvement Program

## 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.



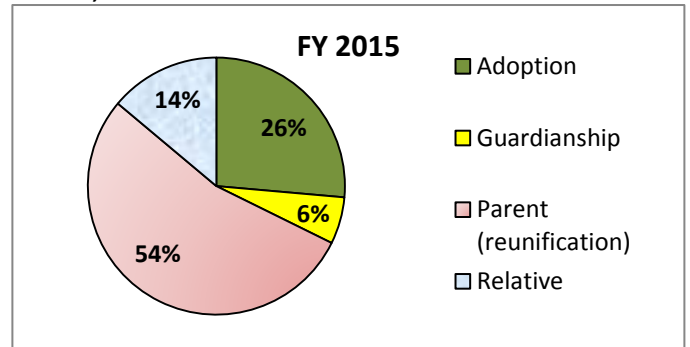
Abuse/neglect cases account for a growing portion of all new juvenile petitions filed: 52% in FY15, compared to 37% in FY12 and FY13. This case type is more likely to involve DCF custody and multiple court hearings, which sometimes are highly contested. In the past two years, the number of children under 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.

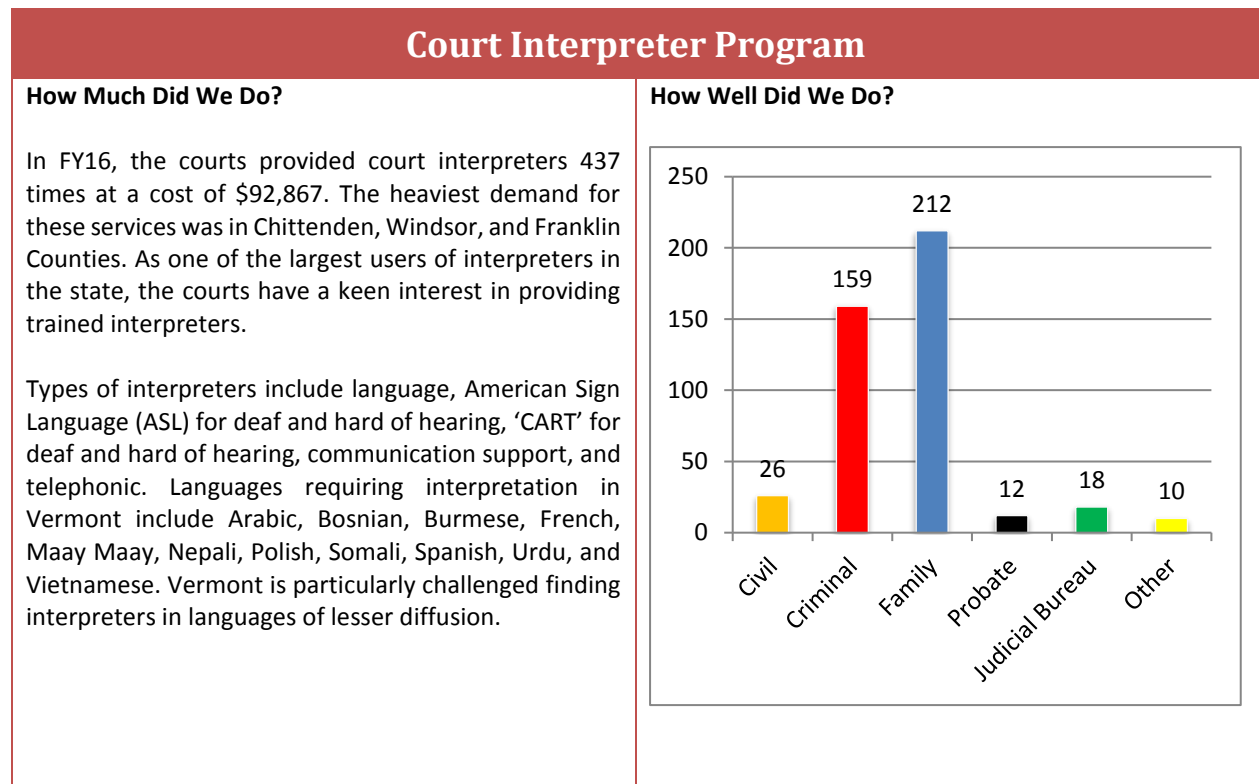
**Safety:** Since 2013, 99% of Vermont children have remained safe from re-abuse and neglect. Vermont exceeds the national standard for repeat maltreatment.

**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 have limited proficiency in the English language or who are deaf or hard of hearing in all court proceedings and court-ordered programs.



### **Is Anyone Better Off?**

Previous customer service surveys indicate the public agrees the courts make reasonable 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 guaranteed the right to participate in the judicial process. As Vermont becomes more diverse, the 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 technique. Vermont is also working with other New England states to enhance support for interpreters. As Vermont's immigrant and refugee populations grow, we expect the courts' interpreter usage rates to increase in the coming years.

### **Technology and the Court System**

The Vermont Judiciary uses 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 (NG-CMS) 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. Initial funding for the Judiciary's NG-CMS project was received from the Legislature in Act 26 (H.492), signed by the Governor on May 18, 2015. A Request for Proposals (RFP) for the NG-CMS was issued in July, 2016. Review of proposals from the leading candidates that responded to our RFP is complete, and we are currently in the final stages of the procurement process. The Judiciary plans to begin implementation of the NG-CMS in March of 2017.

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 in February 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 five days per week in Chittenden County. A Steering Committee, chaired by Chief Superior Judge Grearson and including representatives from the Office of the Defender General, Department of State's Attorneys and Sheriffs, Department of Corrections, and the Judiciary, has been formed and is currently planning the next rollout.

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. After executing a RFP and selecting an implementation vendor, we are currently completing an intensive effort to redesign and re-platform VermontJudiciary.org. The launch of this new website is planned for February 2017.

In addition to these important initiatives, the ongoing technology needs of the Judiciary are being addressed from two perspectives. First, we continue to work with the Department of Information and Innovation to ensure that the Judiciary has a solid and reliable technical foundation for current and future operations. This has been challenging as our virtual desktop systems and infrastructure have been difficult to configure to coexist optimally with statewide initiatives such as the Office 365 rollout. 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 Have We Done?	How Well Did We Do it?	Is Anyone Better Off?	
<b>Supporting Current Operations and Ongoing Improvements in Existing Technology</b>			
<ul style="list-style-type: none"> <li>Supreme Server – Supreme Court Docket System (SCDS)</li> </ul>	<p>This, the final application running on an outdated server, has been successfully migrated from the old Informix system to a new, purpose-built MS Access Database system. Supreme Court users are currently migrating data and performing final testing to ensure data integrity, standardization and reliability of operations and reporting.</p>	<p>The new SCDS system, based on MS Access 2016, is more functional, stable and sustainable than the obsolete, legacy system. The new system will also allow users to leverage familiar MS Office tools and eliminate the need for additional supporting applications. The system applies a rigorously designed, standardized process for information capture, milestone setting, screening, review, scheduling and general case management and increases efficiency as more data is contained within the system.</p>	<p>The risk of catastrophic failure has been nearly eliminated. The new application, leveraging standardized processes organized around the SC workflow, promises to increase the efficiency and effectiveness of the operation and result in better service to the public.</p>
<ul style="list-style-type: none"> <li>Video Appearances Pilot</li> </ul>	<p>Pilot program to design and implement improved, more efficient business processes that leverage technology to provide video arraignments for lodged parties.</p>	<p>This pilot is currently active five days per week in Chittenden County. A Steering Committee, chaired by Chief Superior Judge Gearson and including representatives from the Office of the Defender General, Department of State’s Attorneys and Sheriffs, Department of Corrections, and the Judiciary, has been formed and is currently planning the next rollout. As of 10/31/2016, 540 individuals have participated in video arraignments.</p>	<p>This pilot has worked to remove the inefficiencies in the existing process in the justice system and facilitate proceedings and case flow. Outcomes include the reduction of the costs and risks associated with transporting alleged offenders and inmates between correctional facilities and the courts.</p>

How Much Have We Done?	How Well Did We Do it?	Is Anyone Better Off?
<ul style="list-style-type: none"> <li>● eTicket</li> </ul> <p>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 went live in pilot mode in August, 2016, and has enabled nearly instant data transfer of citations from their issuance road-side to the Judicial Bureau Traffic Module.</p>	<p>eTicket is a fully automated data integration between law enforcement and the Judicial Bureau. Currently, the pilot has processed 541 citations from nine law enforcement agencies. The project, when fully implemented, promises to increase the speed, efficiency, and data integrity of traffic citations.</p>	<p>The Judicial Bureau, along with Law Enforcement and JB customers all benefit from better data that is received and processed up to 30 times faster than current manual methods. This will result in better data integrity, analysis and decision-making for all involved parties and agencies.</p> <p>Measures for the Pilot are as follows:</p> <ul style="list-style-type: none"> <li>● Timeliness (reduce time to move a ticket from LEA to JB): Baseline 30-45 days. Actual 1 day.</li> <li>● Accuracy (reduce dismissals/voids): Baseline 12%. Actual 0.</li> <li>● Uniformity (increase # agencies using eTicket): Baseline: 0 of 70. Actual 10 of 70.</li> <li>● Completeness (increase number of tickets submitted electronically: Baseline 0 of 83K. Actual 541 of 83K.</li> </ul>

## Court Security and Safety

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. The August, 2015 work related murder of Vermont DCF Social Worker Laura Sobel, serves as a stark reminder to all of the potential risks. After the shooting, threats and poisonous rhetoric against the courts and DCF have exponentially increased. Our court security program must be proactive and counter these threats. Over 1 million people enter Vermont courthouses each year.

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. The Court Administrator has a Manager for its Security and Safety Program, who has over 35 years of experience. 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.



The Vermont Judicial Branch has submitted 2 comprehensive security reviews as requested by the Legislature. These reports can be found at the following links:

[http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/House%20Corrections%20and%20Institutions/Capital%20Bill%20\(2015\)/Section%20-%20Judiciary/W~William%20Gerke~Overview%20of%20Courthouse%20Security%20Assessments~2-4-2015.pdf](http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/House%20Corrections%20and%20Institutions/Capital%20Bill%20(2015)/Section%20-%20Judiciary/W~William%20Gerke~Overview%20of%20Courthouse%20Security%20Assessments~2-4-2015.pdf)

<http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/Senate%20Institutions/Bills/H.878/H.878~William%20Gerke~Court%20Administrator's%202016%20Security%20Report~3-17-2016.pdf>

The cornerstones of the Court Security Program and court security officer personnel augmented by physical security systems. The effective use of physical security systems provides for the efficient and effective use of manpower. The Vermont Judicial Branch is reliant upon contracting for court security officer services as there is no entity in Vermont statute that has responsibility for court security. The court security officer work force includes contracted Deputy Sheriffs (70%), private court security officers (10%) and State employed court officers (20%). The contracting of court security officers and physical security systems has been historically woefully underfunded, and remains in critical need of additional funding.

Our democratic form of government is dependent upon uninterrupted access to justice.

### **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.

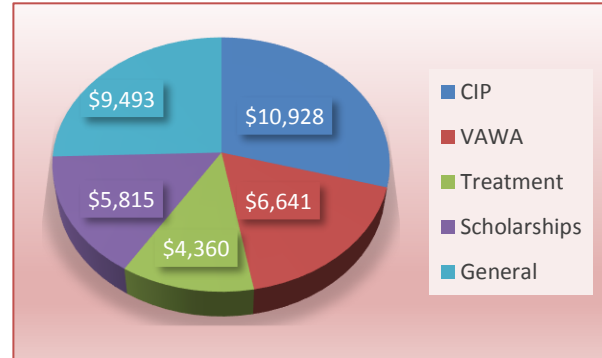
## Appointed Judicial Officer Education

### How Much Did We Do?

- 28 judicial officers attended 18 out of state educational programs.
- 75% of these programs were funded with grant funds and/or scholarships
- Issues addressed in these programs include those dealing with computer forensics; substantive law; sex trafficking; children and youth with developmental disabilities; handling cases with pro se litigants; financial statements; child sex trafficking; child abuse and neglect; juvenile issues; issues involving DWI courts; managing a court technology department; issues facing drug court professionals; increased awareness among those who work with maltreated infants and toddlers and enhancing skills in handling domestic violence cases.

### How Well Did We Do?

The chart below shows how the judicial officer's training was funded:



### Is Anyone Better Off?

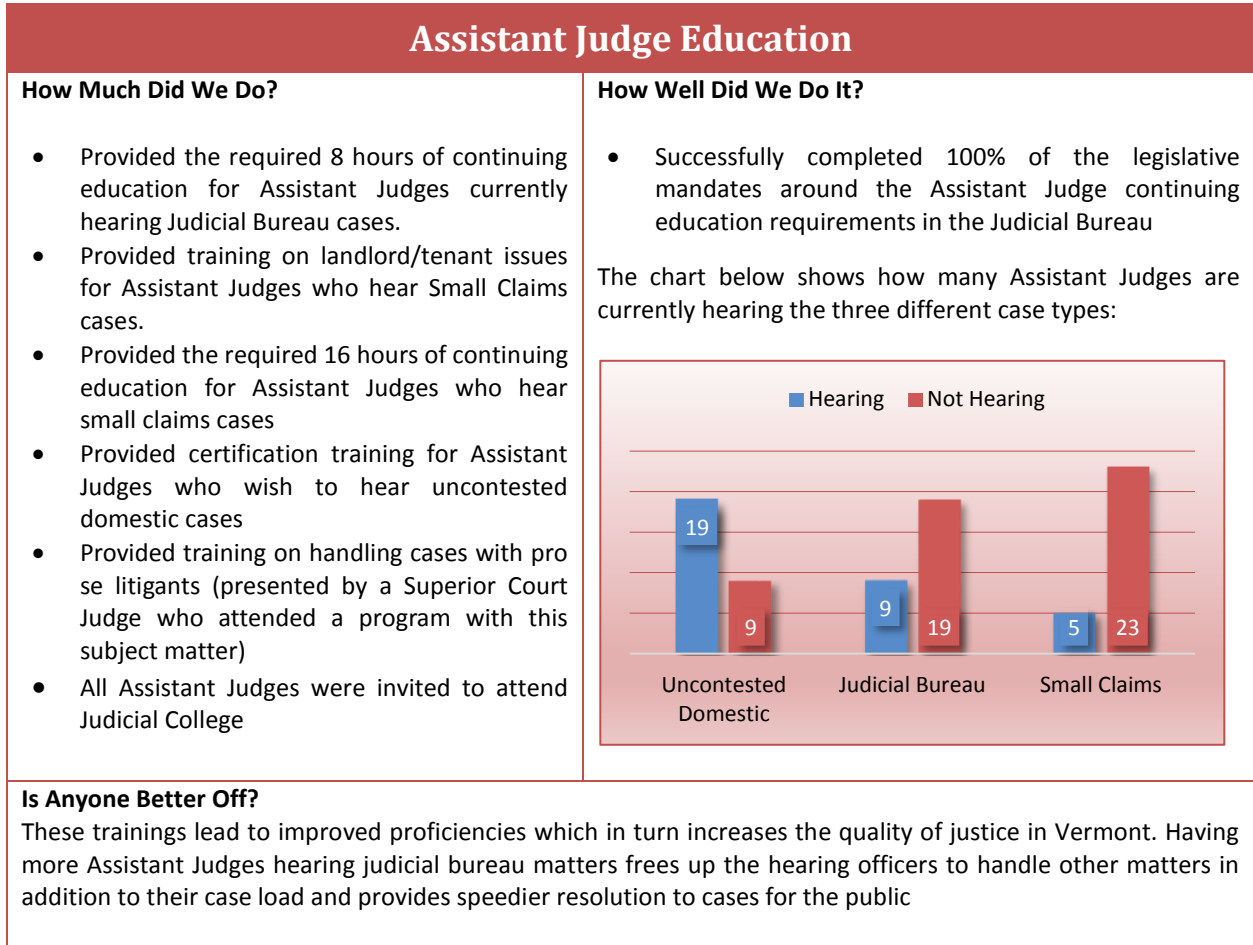
The out of state programs to which we send our judicial officers lead to improved quality and accuracy of judicial decisions, resulting in increased public confidence and perception of the judicial branch. They also lead to:

- Improved skills in cases involving self-represented litigants, child abuse and neglect, domestic violence, juvenile delinquency and substance abuse
- Improved skills needed to rule on evidentiary issues
- Obtained knowledge and insight into presiding over criminal cases involving digital evidence
- Enhanced skills in handling civil and criminal domestic violence cases



## 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.



## Employee Education

The Division of Planning and Court Services works with the Chief of Trial Court Operations and the Human Resources and Employee Development Manager 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 orientation programs for new employees, ethics and professionalism training, de-escalation training, and instruction on compliance with sexual harassment and ADA policies. Additional programs focus on the implementation of new legislation and rules, court policy and procedure and the use of the Judiciary's automated docketing system.

<b>New Hire Orientation</b>	
<b>What Did We Do?</b> <ul style="list-style-type: none"><li>• Transition new hire orientation to online delivery</li><li>• Thirteen modules offered on-line</li><li>• Links sent to new employees within the first few days of employment</li><li>• 70 new employees have completed the orientation program and 6 more are currently enrolled</li></ul>	<b>How Well Did We Do It?</b> <ul style="list-style-type: none"><li>• 90% of employees completed the post-course evaluation</li><li>• 82% like the on-line, self-paced training format</li><li>• 86% agree the content was well organized and easy to follow.</li><li>• 85% agreed the training was <i>Instructive, Important/Relevant to my work, and Meaningful</i></li><li>• 78% agree the training seemed complete and comprehensive</li></ul>
<b>Is Anyone Better Off?</b> <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 consistent training that begins within days of the employee start;</li><li>• Saving time away from the court or office – for employees as well as training staff;</li><li>• One in-house staff member to maintain and manage courses as opposed to many staff needed to prepare, and deliver on-site training;</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></ul> <p><b>Moving forward</b></p> <ul style="list-style-type: none"><li>• Continue training new hires online whenever possible</li><li>•</li></ul>	

## Building Knowledge and Skills in Courts

What Did We Do?	How Well Did We Do It?
<ul style="list-style-type: none"> <li>• Increase the amount to training delivered to court employees</li> <li>• Selected content based on employee and organizational needs</li> </ul>	<ul style="list-style-type: none"> <li>• Trial Courts in every county set aside at least 4 hours each month to communicate with and train employees</li> <li>• Each court employee received approximately 4.5 days cumulative during the year</li> <li>• Original content delivered including: Employee security; MS Office 365; Work Station Ergonomics; Records Management; Bail Procedures; Human Trafficking; ADA and Service Animals.</li> </ul>
<p><b>Is Anyone Better Off?</b></p> <p><u>Increased training for Court employee offers many benefits such as:</u></p> <ul style="list-style-type: none"> <li>• Better trained employees are better able to deliver customer excellence</li> <li>• Content developed once and then delivered at multiple locations increases operational standardization</li> <li>• Local delivery saves money on mileage</li> </ul> <p><b>Moving forward</b></p> <ul style="list-style-type: none"> <li>• Expand training with new content based on feedback from managers and employees</li> </ul>	

### Public Education

#### *Pro Se Education Program*

Parties representing themselves in a divorce, separation or civil union dissolution case in the family division are ordered by the court to attend a Pro Se Litigant Education Program before they appear in court to pursue their claims. 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, general procedures affecting family cases, and services available through outside agencies to help with problems affecting families. Anyone may attend, even if they are not a party to a pending case. The cost is free.

Parties have an opportunity to learn things such as: how the court works; how to serve process; what the court expects of litigants; the types of things litigants need to think about-children, debt, property, bank accounts; when litigants should get help from a lawyer; mediation; and what services and programs are available for litigants' use. Parties can ask the attorney any question they may have about the process.

Consistent data points are not captured at this time.

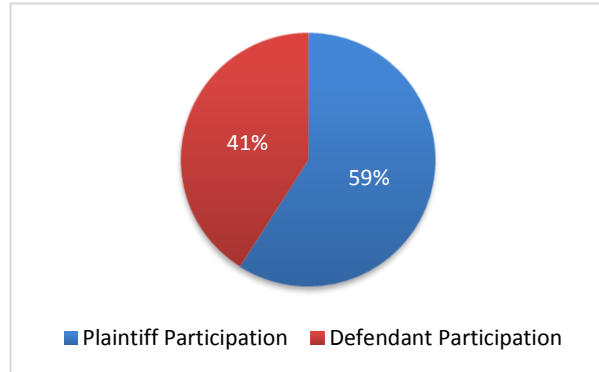
## Pro Se Education Program

### How Much Did We Do?

- In fiscal year 2016, out of 3,142 litigants eligible to attend the education class, 1,122 completed the program
- Plaintiffs are more likely to attend the program, at 59% participation, compared to defendant participation of 41%
- 12 out of 14 counties in the State offered the program on a monthly basis
- Family members or persons offering support are also welcome to attend

### How Well Did We Do?

The chart below illustrates participation in the pro se education program:



### Is Anyone Better Off?

Anecdotally parties are better prepared for their family hearings after taking the class.

- Parties better understand the process
- Parties are given the opportunity to get their questions answered prior to their hearing

### *Relief from Abuse Education Program*

Since 2007, the Vermont Judiciary has offered an education program for parties to a Relief from Abuse case due to the high volume of self-represented litigants. Informational handouts describing how to prepare for a relief from abuse hearing are distributed to both plaintiff and defendant at the time a Temporary Order is issued. On the day of the hearing, parties attend an educational video in two separate group sessions, one for Plaintiffs and one for Defendants, immediately prior to the court hearing. It includes an orientation to the court process, 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. Parties represented by attorneys may instead receive information from counsel. Currently, attendance to the education program is not captured with any formal data point.

## Relief from Abuse Education Program

### How Much Did We Do?

- In fiscal year 2016, 3,401 RFA cases were filed
- It is estimated that 90% of parties who appeared for their hearing watched the educational video
- Every family court in the state offers this educational opportunity
- Family members or persons offering support are also welcome to attend

### How Well Did We Do?

The chart below illustrates estimated participation in the educational video of parties in RFA cases:



### Is Anyone Better Off?

Anecdotally parties are better prepared for the emergent hearings after receiving the written information and viewing the video.

- Parties understand the seriousness of the court proceeding
- Parties are informed that they can ask for a continuance of the hearing if the other party is represented by counsel and they, themselves, wish to seek legal counsel
- Parties are informed about bringing witnesses to the hearing  
Parties receive information on how to plan for parent-child-contact and child support, if applicable to parties' situation

### *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.

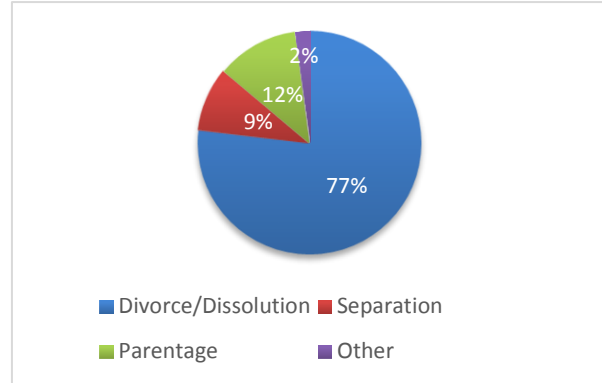
## Children Coping with Divorce

### How Much Did We Do?

- 87 classes were held in FY16
- 1,415 participants attended

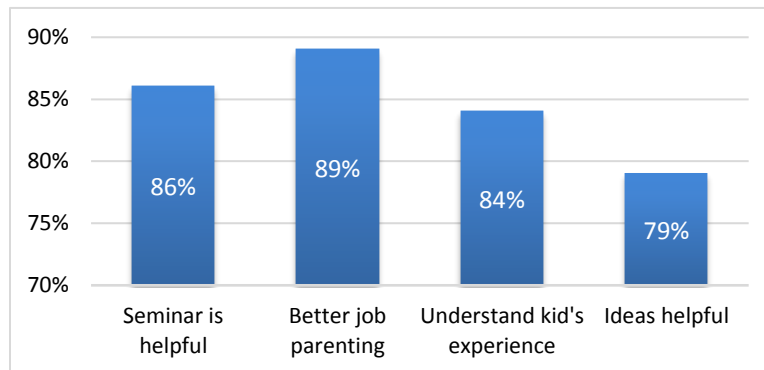
### How Well Did We Do It?

Of the 1,415 participants who attended classes, the majority were there for Divorce/Dissolution cases.



### Is Anyone Better Off?

Based on the chart below, the majority of people who have attended the program come away with a better understanding of the court proceedings.



## 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. 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.