

**Vermont Judiciary**  
**Annual Statistical Report for FY16**

# Vermont Judicial Branch Annual Statistical Report

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## Highlights from the Report:

### Family

- The number of CHINS petitions on the grounds of abuse or neglect of child increased slightly more than 1% from FY15 to FY16. However, these filings remain high, increasing nearly 63% since FY13. This represents the largest case filing increase in the Superior Court with the exception of probate trusts. CHINS cases rank as one of the most labor intensive case types not only in the family division, but in any division of the Superior Court. The dramatic rise in CHINS cases over the past five years has put a significant strain on the resources of the trial courts.
- Even with the increase in abuse and neglect case filings, the Superior Court has demonstrated some progress on clearance rates, rising from 79% in FY15 to 85% in FY16. Although the upward tick is encouraging, this clearance rate still remains the lowest of any group of cases in any division of the Superior Court.
- Although the overall number of case filings in the delinquency docket rose marginally (4%) in FY 16, there remains a decline in filings compared to five years ago.
- Termination of parental rights petitions in juvenile cases have increased by 60% in the last five years. This is a trend that is likely to continue given recent increases in the number of CHINS filings.
- There has been a 15% decline in divorce/dissolution filings over the past five years, continuing the decline that began in FY14. Parentage declined 25% over the past five years. Child support filings and post-judgment motions also continue to decline.
- Petitions for protective orders for relief from abuse have also declined in the past five years by about 11%. Temporary orders were granted in 74% of relief from abuse cases, and final orders in 46%. The number of exploitations of the elderly cases has not changed significantly over the last five years. Temporary orders were granted in 93% of exploitation of the elderly cases, and final orders in 63%.
- Clearance rates for all domestic case types continue to remain very high.
- The fastest growing case type in the Mental Health docket is involuntary medication applications, with filings nearly doubled in FY16 over filings in FY12. From a workload perspective, medication cases require a significant amount of judge time since they are almost always contested.

### Criminal

- Felony filings have risen 8% overall in the last year. This increase is primarily due to a 58% increase in filings involving crimes against persons (cases alleging murder, manslaughter, sexual assault, robbery and assault). There was also a 14% increase in felony DWI/DUI cases filed in the last year.
- Felony domestic violence filings increased slightly from FY15 to FY16 (up 5%), however, it should be noted that filings in this areas continue to steadily increase (up 11% from 5 years ago).
- Misdemeanor filings have remained fairly level in the last three years. Misdemeanor drug filings continue to remain low as a result of the decriminalization of marijuana. There has been a downward trend in the number of misdemeanor domestic violence filings. Crimes against property and persons have increased over last year.
- For felonies, less than 2% of the cases were disposed as a result of jury trial. For misdemeanors, this is true for less than 1% of the cases.

## **Civil**

- Filing trends in the last five years indicate a decline in most major civil case types. FY16 saw a 11% decrease in major civil cases as compared to FY15, mostly as a result of fewer collections, foreclosures, and landlord/tenant filings.
- Small claims filings decreased in FY16 by almost 38% as compared to FY15 and 43% as compared to FY14.
- Request for civil protection orders against stalking and sexual assault have increased 17% in the last five years. Temporary restraining orders were granted in 58% of the cases. Of these cases, a final order was granted in 44%.
- Clearance rates for all civil case types remain above 100%, meaning more cases are being disposed than opened.

## **Probate**

- Filings in adoption cases increased by 12% in the last year.
- The number of minor and adult guardianship petitions declined only slightly in the last year, but when contrasted to five years ago, minor guardianships have declined 14%. Adult guardianships have remained almost level.
- The number of estate cases in Vermont has been steadily growing over the last five years, increasing 18% since FY12.
- With the passage of the Uniform Trust Code, it was predicted that the number of trust filings in Vermont would grow. This has proven true as filings have increased 69% in the last five years.
- The number of petitions for a change of name has been steadily growing over the last five years (23%).

## **Environmental**

- Cases in the environmental division declined by 15% since FY15, primarily in the areas of civil complaints and municipal de novo appeals. This is the lowest number of filings in five years.
- Approximately 30% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued in 54% of the cases. 16% were dismissed or withdrawn by parties.

## **Judicial Bureau**

- Filings in the Judicial Bureau were the highest in five years, increasing nearly 10% over FY15. The majority of this increase was because of an increase in traffic violations. The number of fish and game violations remained level. The number of municipal ordinance violations declined slightly.

# Introduction

The purpose of this report is to highlight trends in the five divisions of the Superior Court and in the Supreme Court with respect to the filing and disposition of cases. For many years, the Judiciary has posted annual data reports on our web site. We reported the data for each fiscal year, but without any context. There was no way to compare the data from one year to the year before or the year after without opening every report.

In addition to providing data on the number of cases added and disposed, this report also measures performance with respect to timeliness using the three performance measurements that are part of the National Center for State Courts' CourTools. The three measures are:

## **Clearance Rate**

The clearance rate measures the number of disposed cases as a percentage of the number of incoming cases. The purpose is to measure whether the court is keeping up with its incoming caseload. If the Clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

## **Age of Active Pending Caseload**

This is a point in time measurement usually done on the last day of the fiscal year. The age of the active pending cases is measured against the time standard or disposition goal for that particular case type set by the Supreme Court to determine how many of the active unresolved cases are within the goal and how many have exceeded the goal.

## **Time to Disposition**

This measure looks at all of cases disposed during the fiscal year and measures the percentage that were resolved within the disposition time standard or goal for that case type and the percentage that exceeded the goal. It is important to note that it would be very rare indeed for every case to be decided within the disposition goal. (If that were the case, the goal is probably too high and should be lowered.) Typically, if the percentage decided within the disposition time standard is around 80% to 85%, it probably means that the court is doing fairly well provided that the cases that exceeded the goal did so within a reasonable margin.

## **Disposition Time Standards**

The Vermont Supreme Court has adopted by Administrative Directive disposition time standards or goals for many, but not all, case types in the Superior Court. Where time standards have not yet been adopted, it is obviously difficult to use either the second or third NCSC measurement described above. We have noted in this report case types which do not yet have time standards. Where the Court has adopted time standards, it has recognized that in every case type, there are standard cases and then there are complex cases and the complex cases need longer time frames. The Court has therefore adopted a differentiated case management system which sets a time frame as a goal for standard cases and a somewhat longer goal for complex cases. Unfortunately, we lack the capacity in our current case management system to easily identify the complex cases. Therefore, for the most part, our measurement with respect to timely disposition are based on an assumption that all cases are standard, an assumption that we recognize is not accurate.



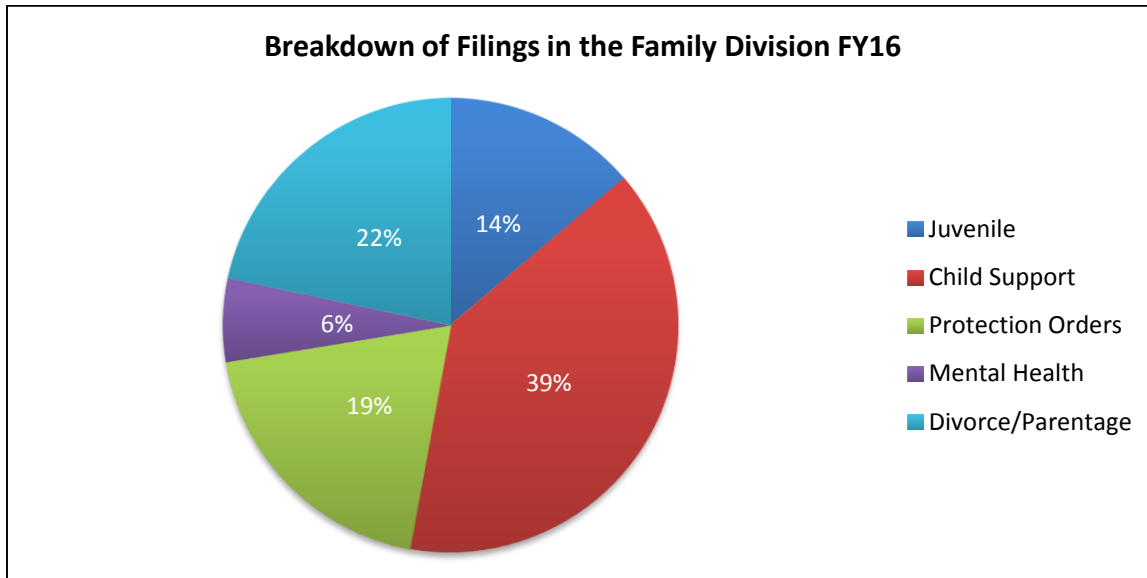
# Family Division

## Statewide Data

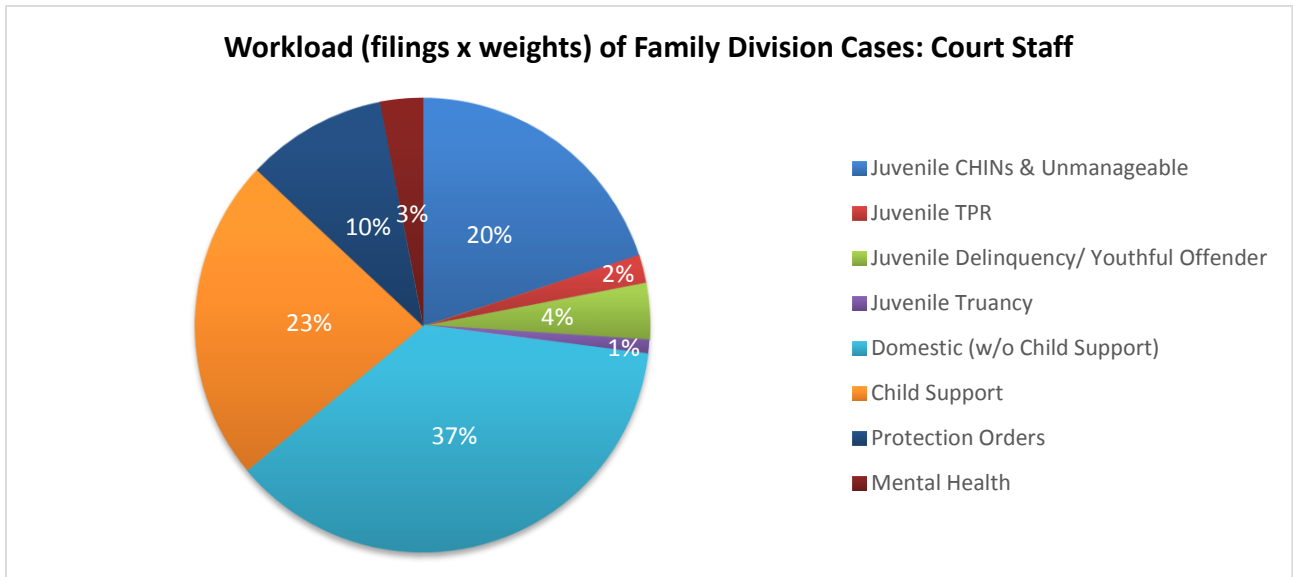
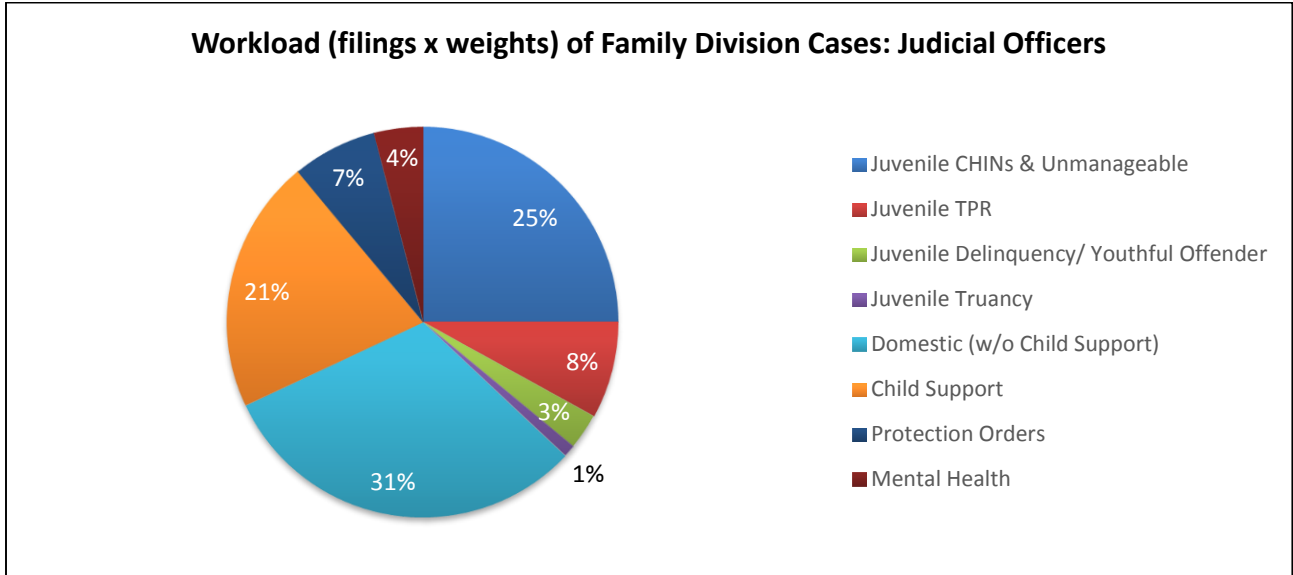
For statistical purposes Family Division cases are divided into three major categories: domestic, juvenile and mental health. Each of these categories is comprised of several different case types as shown below:

<b>JUVENILE</b>	<ul style="list-style-type: none"> <li>• Child in Need of Care and Supervision – abuse/neglect and beyond parental control</li> <li>• Delinquency (including youthful offenders)</li> <li>• Termination of Parental Rights</li> </ul>
<b>DOMESTIC</b>	<ul style="list-style-type: none"> <li>• Divorce/Dissolution</li> <li>• Parentage</li> <li>• Post Judgment Motions for Enforcement or Modification of final orders</li> <li>• Child Support Establishment and Motions for Enforcement or Modification of final orders</li> <li>• Protection Orders for Relief From Abuse and Exploitation of the elderly</li> </ul>
<b>MENTAL HEALTH</b>	<ul style="list-style-type: none"> <li>• Application for Involuntary Treatment (Hospitalization)</li> <li>• Application for Involuntary Medication</li> </ul>

The chart below depicts the breakdown of the various case types in the family division based solely on numbers of cases filed.



The following charts reflect the relative workload associated with these cases from the perspective of judicial officer and staff resources.



## Family Division: Juvenile

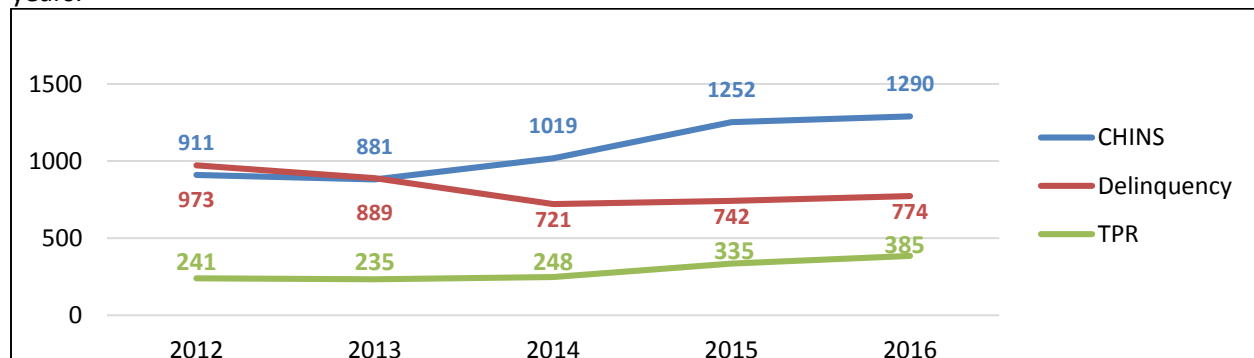
There are two major categories of juvenile cases:

1. Cases involving children who are in need of care and supervision known as CHINS cases and cases involving children who have committed a delinquent act known as delinquencies. CHINS cases are divided into two subtypes: children who have been abused or neglected and children who are truant or beyond parental control.<sup>1</sup>
2. The delinquency docket includes both youth charged with a delinquent act and youth transferred from adult criminal court as youthful offenders. State custody (i.e. the removal of a child from the custody of the child's parents) is a potential outcome in all juvenile cases and court records in all juvenile cases are confidential.

Juvenile cases often involve significant post judgment activity. This is particularly true of CHINS cases. As long as a child who is the subject of a CHINS proceeding is in state custody, multiple review hearings will occur in the family division including a post disposition review and numerous permanency reviews. The purpose of these review hearings is to ensure that the child moves towards a permanent resolution – usually either reunification with a parent or adoption – with as little unwarranted delay as possible. If parents are unable to either reunify or make significant progress towards reunification with the child within a reasonable amount of time, the State will then petition the court to terminate parental rights so that the child can be adopted. Termination of parental rights petitions are resource intensive and for statistical purposes are therefore tracked as a separate case type.

### Trends

As indicated in the chart below, while the number of delinquency cases has declined over the past five years, the number of CHINS cases has significantly increased, especially in FY16. Whereas five years ago, there were more delinquencies filed than CHINS cases, now there are a greater number of CHINS cases. From a workload perspective, CHINS cases rank as one of the most labor intensive case types not only in the family division, but in any division of the Superior Court.<sup>2</sup> The dramatic rise in CHINS cases over the past five years has put a significant strain on the resources of the trial courts. The increasing caseload in the CHINS docket also has resulted in an increase in the number of TPR petitions filed. Given the significant increase in CHINS cases in the past year, the increase in TPR filings is likely to continue for the next few years.

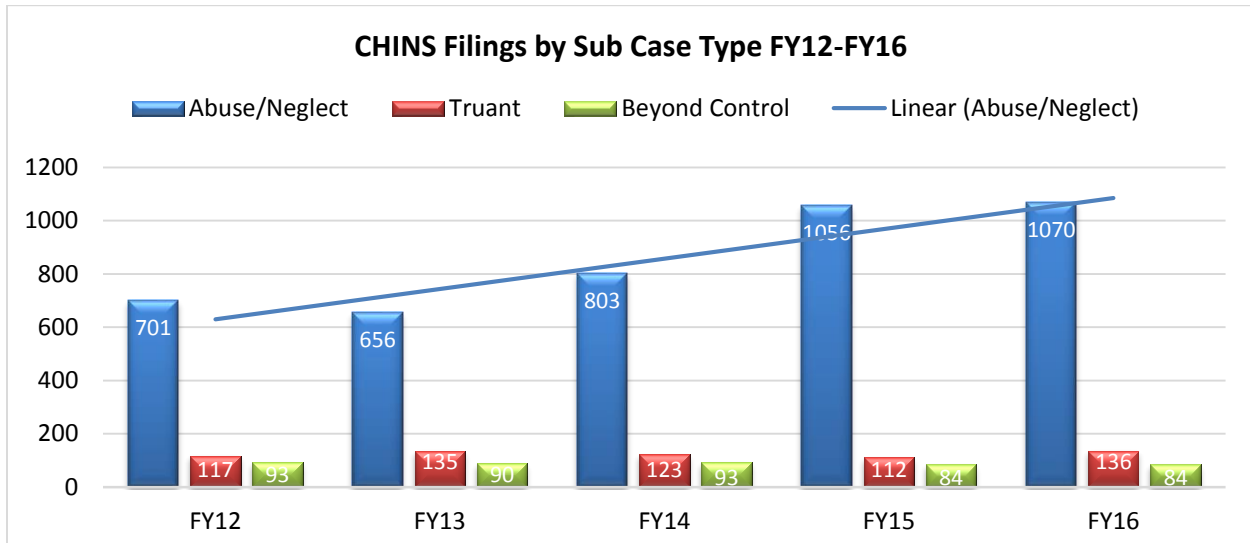


<sup>1</sup> Children beyond parental control are sometimes referred to as “unmanageable.” This category includes youth who have run away from home and youth who are chronically truant from school.

<sup>2</sup> According to the 2015 Weighted Caseload Study by the National Center for State Courts, of the work involved in juvenile cases, a CHINS abuse/neglect case on average requires nearly six times the amount of judicial resources and slightly more than 3 times the amount of staff work compared to the work load involved in disposing a delinquency case.

## CHINS

Of the 1,290 CHINS cases filed in FY16, 1,070 were abuse/neglect cases, the remainder were beyond parental control or truant. The increase in CHINS filings over the past few years has been fueled primarily by a dramatic growth in abuse/neglect cases. The number of abuse neglect filings from FY15 to FY16 increased slightly more than 1%. However, these filings are still very high, abuse/neglect filings have increased 63% since FY13.



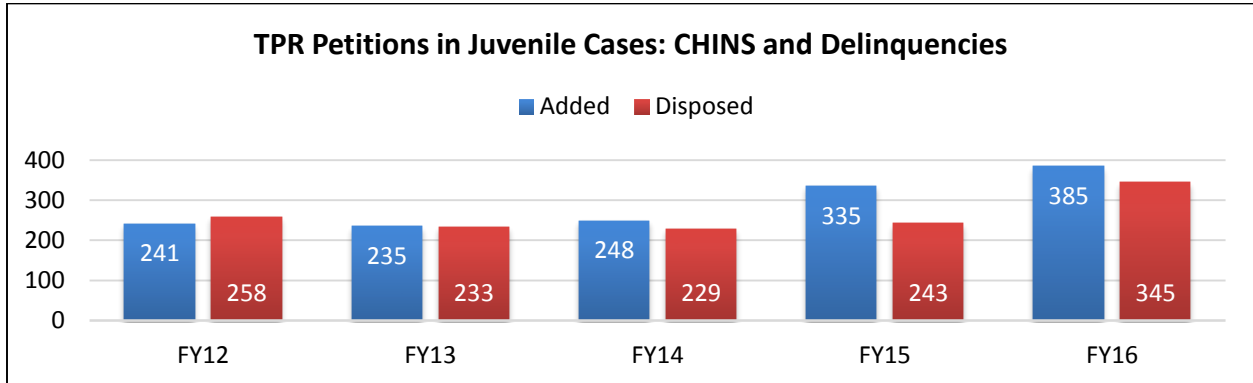
## Delinquency

Although the overall number of case filings in the delinquency docket rose marginally (4%) in the last year, there remains a decline in filings compared to FY12 and FY13.

ADDED	FY12	FY13	FY14	FY15	FY16
Domestic Violence	93	67	60	72	59
Drug	71	99	44	51	40
Motor Vehicle - DWI/DUI	2	9	8	4	7
Motor Vehicle - Other	35	35	27	16	35
Other	42	33	54	0	0
Person	244	191	176	195	234
Property	174	145	106	104	127
Protection	2	8	3	4	7
Public Order	310	302	243	296	265
<b>Grand Total</b>	<b>973</b>	<b>889</b>	<b>721</b>	<b>742</b>	<b>774</b>

### Termination of Parental Rights (TPR)

TPR petitions have increased by 60% since FY12 with the major increase occurring during the past two years. As indicated earlier, this is a trend that is likely to continue given recent increases in the number of CHINS filings.

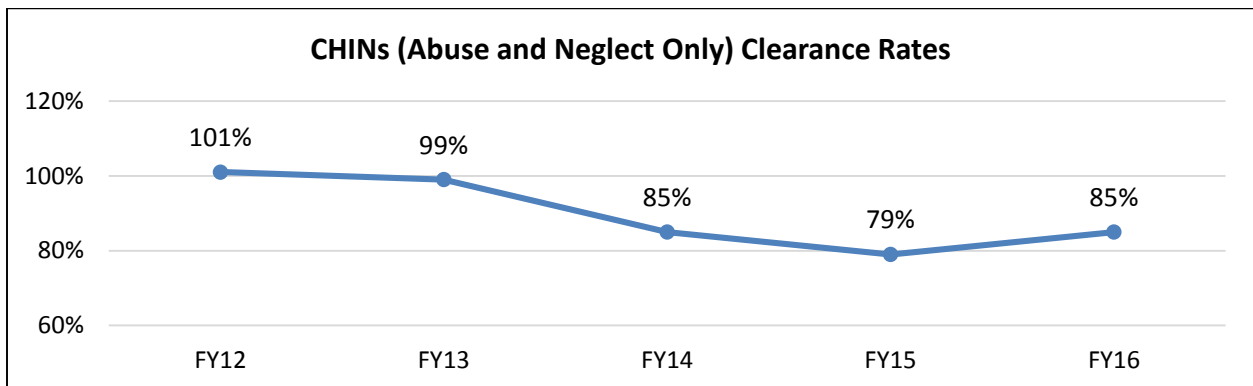


### Clearance Rates

A clearance rate reflects the number of cases closed/disposed divided by the number of cases added/filed. If the Clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed which means that the backlog of cases is increasing.

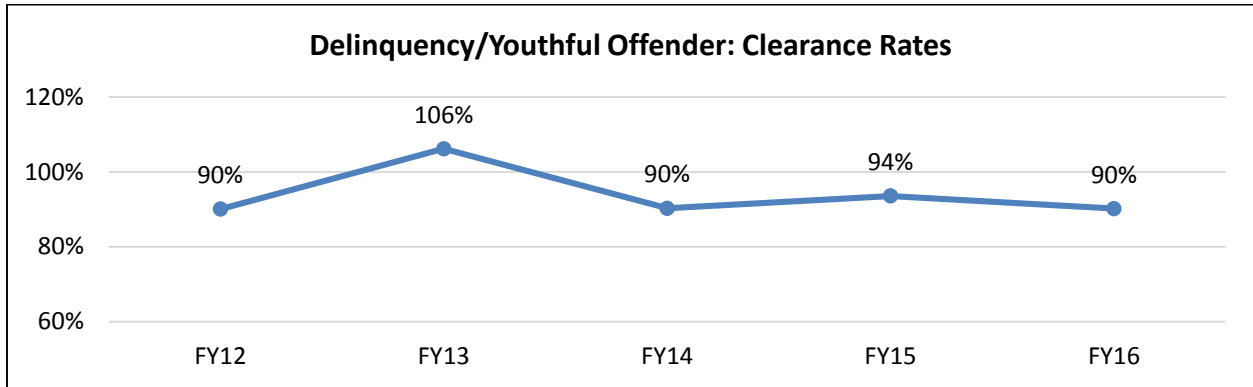
### CHINS

The clearance rate for Abuse and Neglect cases rose 6% from FY15 to FY16. Although encouraging, this clearance rate remains one of the lowest of any group of cases in any division of the superior court. As pointed out in the introduction to this section, CHINS cases are labor intensive for judges and court staff. They require numerous hearings and the stakes for the litigants are high. Not only are many of the children involved in these cases removed from the custody of their parents, there is always the threat of termination of parental rights if parents are unable to regain custody within a reasonable amount of time. Clearance rates below 100% is a source of concern. It means the development of a backlog of cases that will be difficult to overcome without a dramatic decline in the number of filings or an increase in resources.



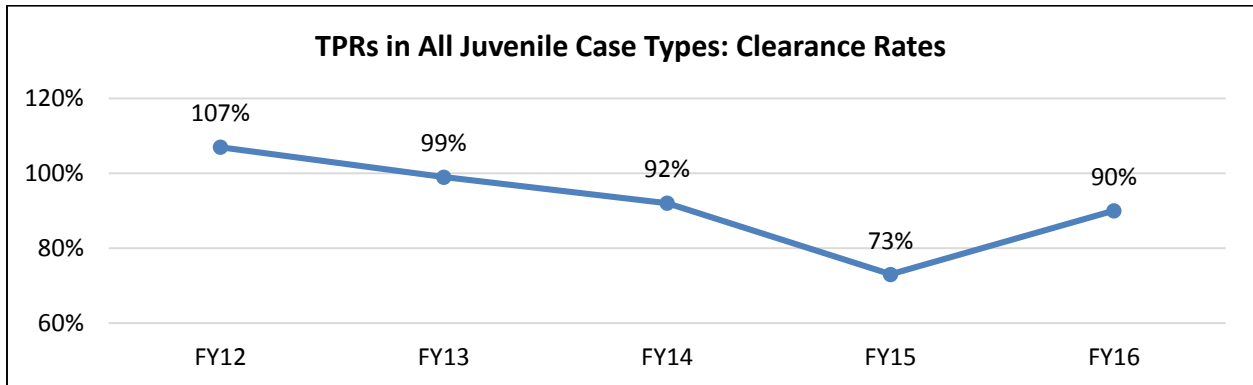
### Delinquency

The clearance rate for delinquency cases decreased slightly from last year. This is likely a reflection of the slight increase in delinquency case filings, as well as the burgeoning CHINS caseload



### Termination of Parental Rights

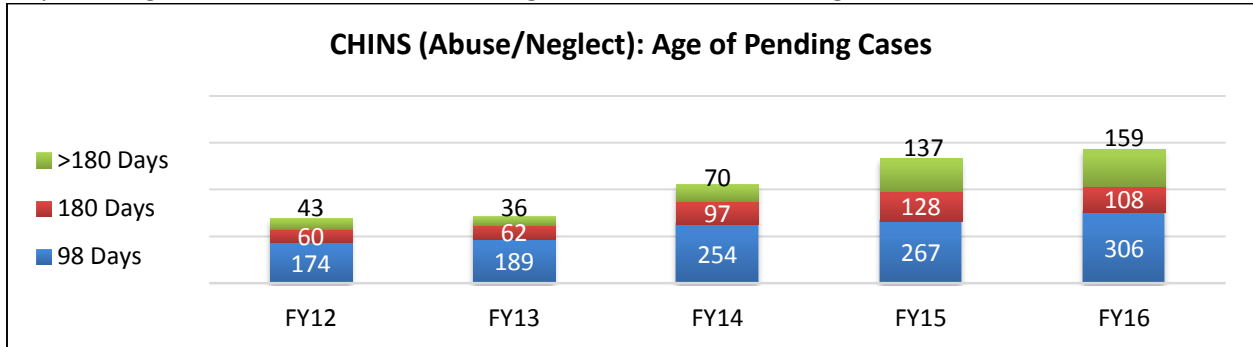
The clearance rate for termination of parental rights petitions rose dramatically in FY16, rising 23% and signaling a return to previous clearance rates.



## Age of Pending Cases

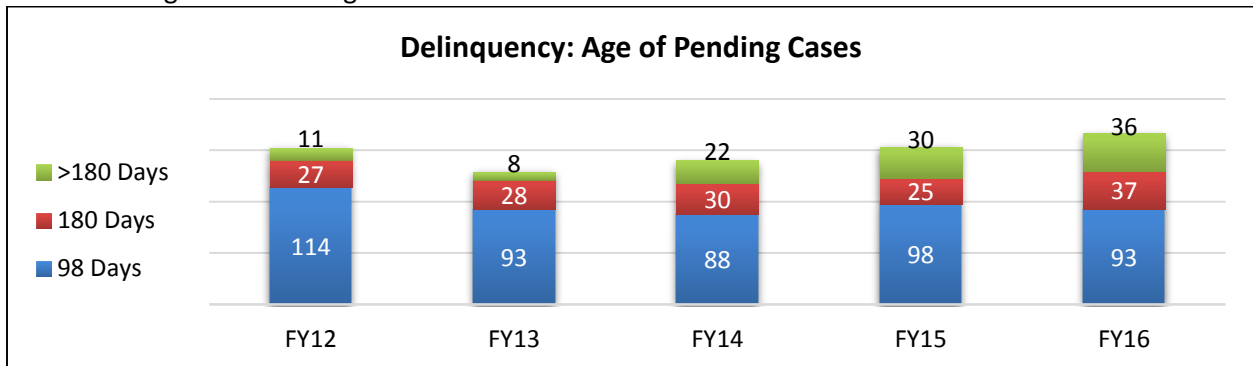
### CHINS

The Supreme Court has established a disposition goal of 98 days for standard (i.e. non-complex) CHINS cases. The chart below shows the age of the cases pending on the last day of FY16. The chart indicates not only the growth in the total number of pending cases, but also that the pending cases older than the disposition goal has increased an astounding 159% when measured against FY12.



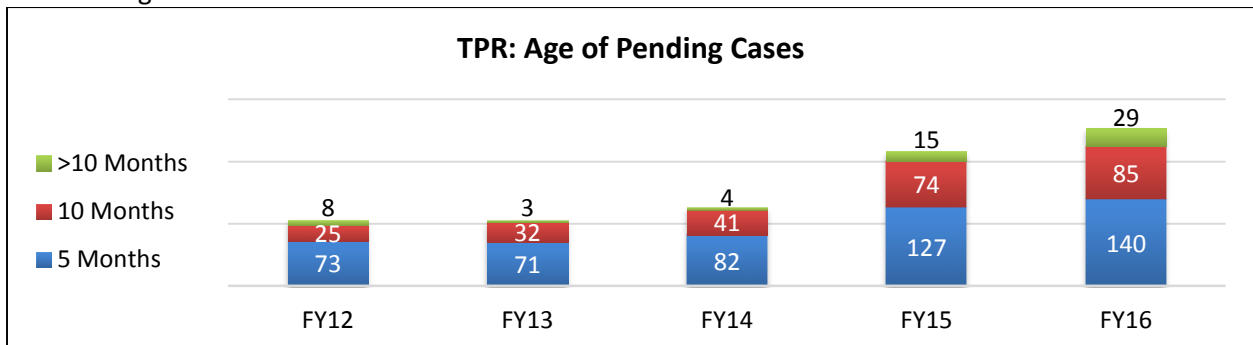
### Delinquency

The disposition goal for delinquency cases is 98 days. There has been a 32% increase in the backlog of delinquency cases older than 98 days. This is likely due to resources being diverted to address the overwhelming abuse and neglect docket.



### Termination of Parental Rights

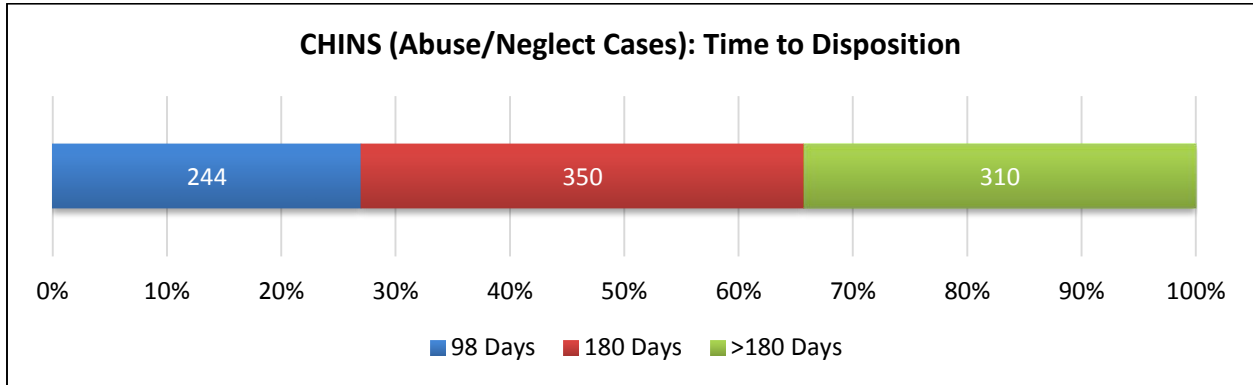
The disposition goal for a non-complex termination of parental rights case is five months. The chart below shows that the number of pending cases at the end of FY16 has grown dramatically, as has the number of cases over goal. There were 29 cases in FY16 that were over 10 months old.



## Time to Disposition

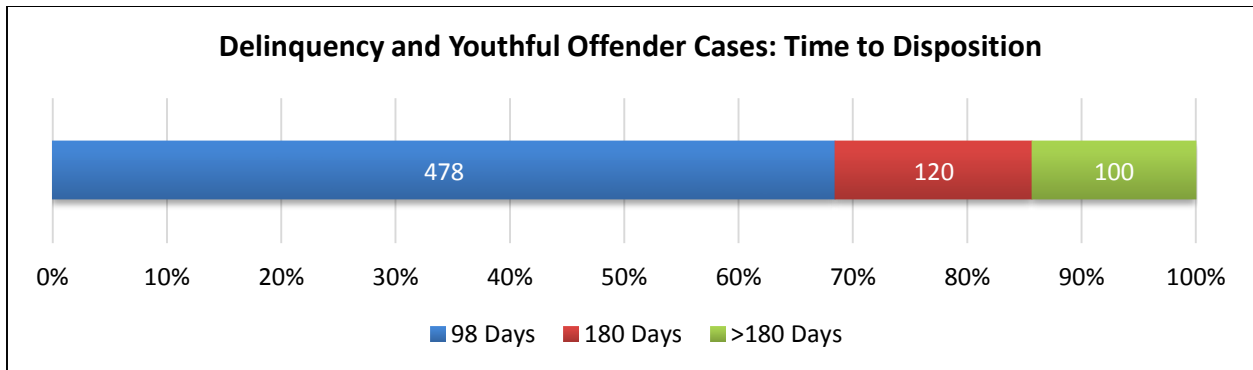
### CHINS

Only about 27% of CHINS (abuse and neglect) cases were disposed within the 98 day disposition goal set by the Supreme Court. 34% of the disposed cases took longer than six months.



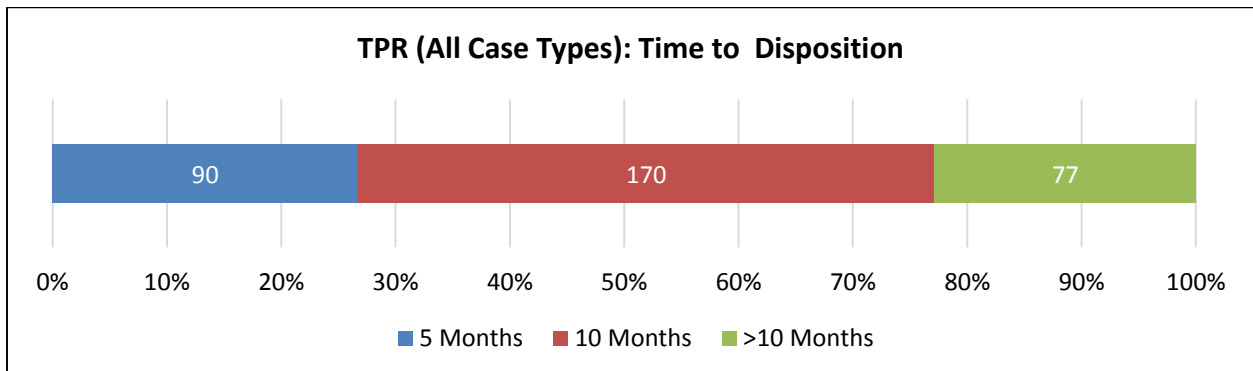
### Delinquency

By contrast, 68% of the delinquency cases were resolved within the disposition goal of 98 days and less than 15% exceeded six months.



### Termination of Parental Rights

It continues to be difficult for the Superior Court to meet the time frame for TPRs set by the Supreme Court. 27% of TPR cases were resolved within the five month time frame for standard cases.





## Method of Disposition

### **CHINS (Abuse/Neglect, Truancy, Beyond Control of Parents)**

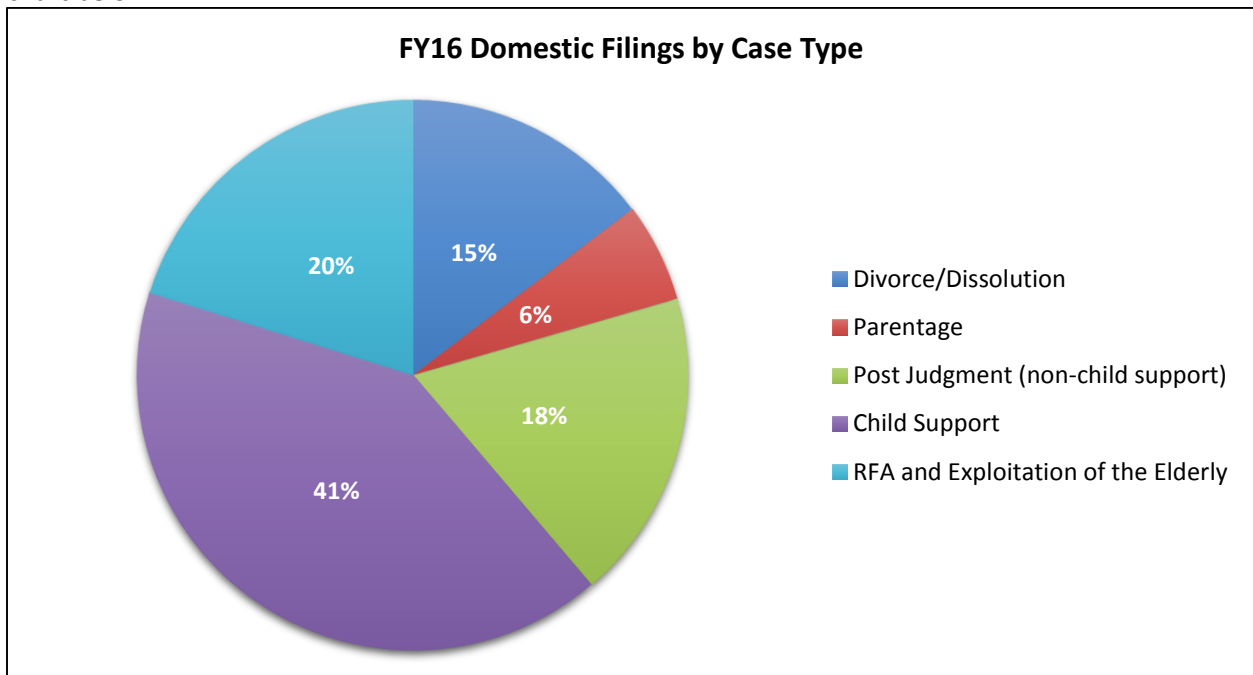
Out of the 1101 CHINS cases disposed in FY16, 67% resulted in a finding that the child was a child in need of care and supervision. 29% were either dismissed by the Court or withdrawn prior to disposition.

### **Delinquency/Youthful Offender**

Of the 698 delinquency cases disposed in FY16, 36% resulted in a finding of delinquency, 34% were dismissed or withdrawn and 27% completed diversion satisfactorily.

## Family Division: Domestic

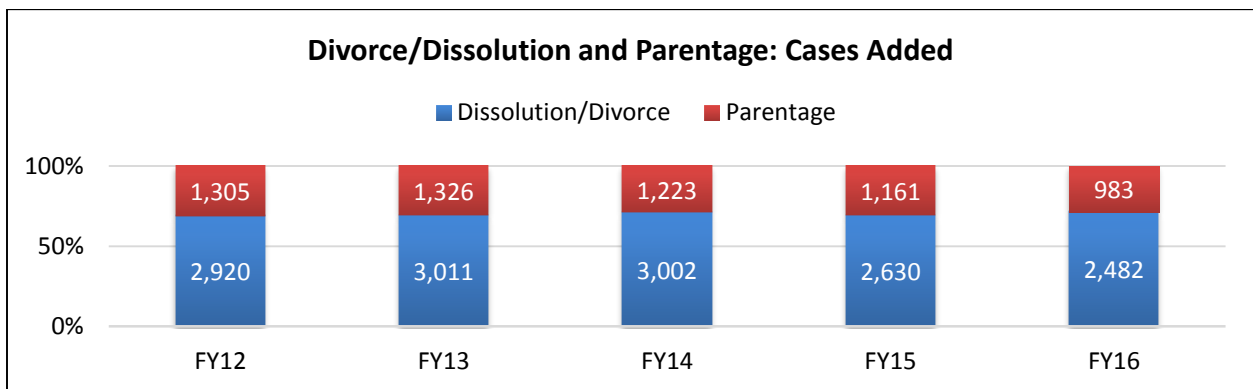
The domestic docket is made up of five different case groupings: initially filed divorce and civil union dissolution; initially filed parentage cases; cases re-opened because of a post judgment filing for enforcement or modification on an issue other than child support; child support cases including establishment, enforcement and modification of child support; and civil protection orders for relief from abuse or exploitation of the elderly. The distribution of the cases in FY16 based on filings is shown in the chart below:



## Trends

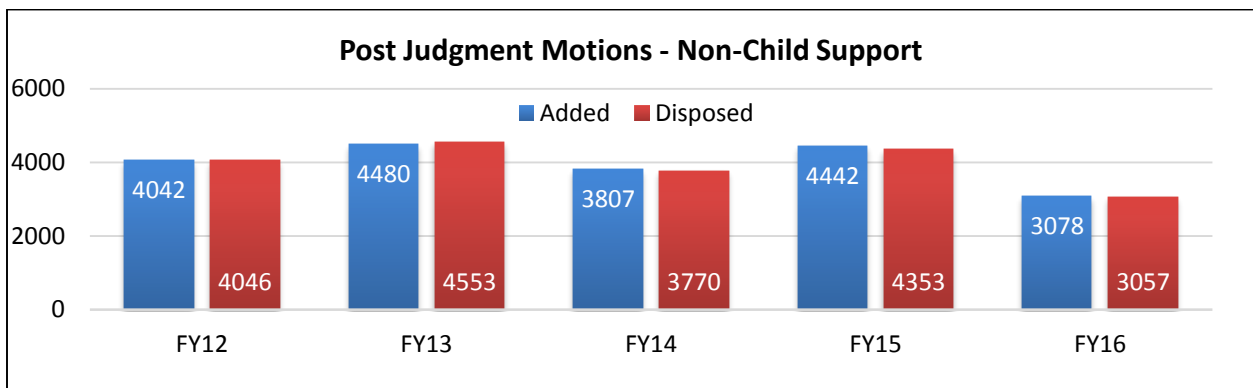
### Divorce/Dissolution and Parentage

The Divorce/Dissolution docket includes newly filed divorce and civil union dissolution cases. Divorce/dissolution filings have declined by about 15% in the last five years while parentage filings have decreased by 25%. In divorce or dissolution cases, there are often multiple issues that the parties or the court must resolve in addition to ending the divorce or civil union. Issues can include property division and spousal support, as well as issues of parental rights and responsibilities (custody), parent child contact (visitation) and child support if the case involves children. Parentage cases are cases where either a parent or the State is seeking to establish parentage for children whose parents were not married when the child was born. These cases also involve the resolution of issues related to parental rights and responsibilities, parent child contact and child support.



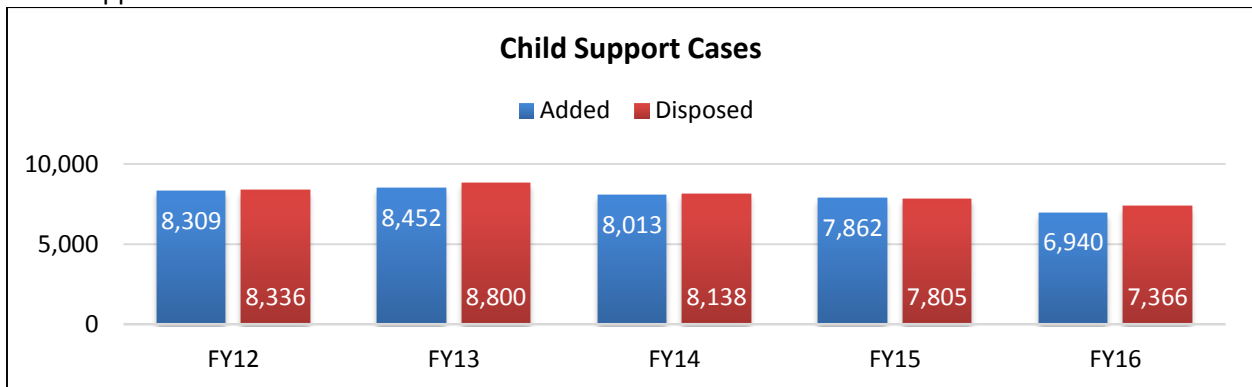
### Post Judgment Motions for Enforcement and Modification (Non Child Support)

Once a divorce or civil union dissolution is finalized, either of the parties may file what is known as a “post judgment” motion to either enforce or modify a provision of the final order. Property division cannot be modified post judgment, but provisions related to parental rights and responsibilities, parent child contact, child support and spousal maintenance can be modified upon a showing of a substantial change in circumstance. The figures shown in the chart below include all post judgment motions except motions to modify or enforce child support. In FY16, post judgment filings (non-child support) showed a significant decrease from FY15 of almost 31%.



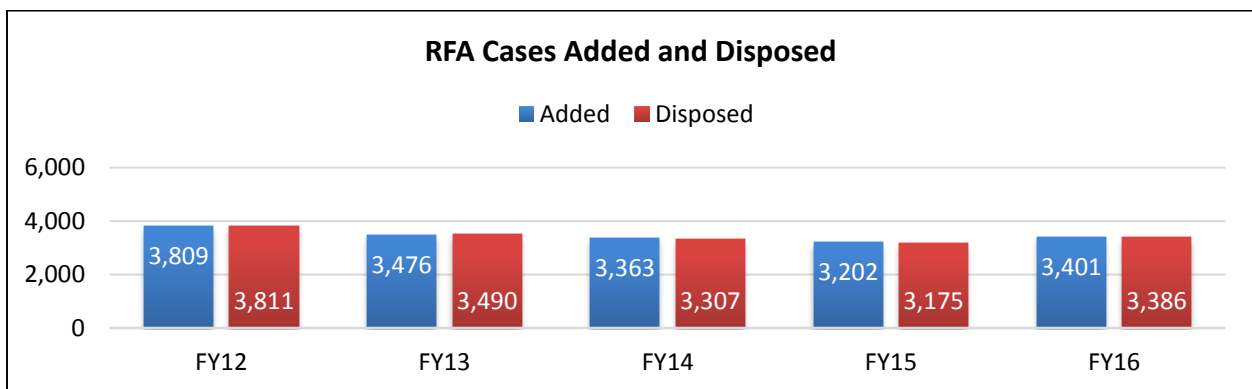
### Child Support: Establishment, Enforcement and Modification

In Vermont, issues related to child support in divorce, dissolution or parentage cases are heard by magistrates as opposed to superior judges. Five magistrates cover the entire state. In FY16, about 35% of child support cases involved the establishment of an initial amount of child support. 65% involved post judgment motions to modify or enforce existing child support orders. There is a significant overlap between the cases in the child support docket and the cases in the divorce, parentage and post judgment dockets discussed above. Child support is established in virtually every divorce and dissolution case involving children and every parentage case. Many of the post-judgment motions to modify parental rights and responsibilities and/or parent child contact, if granted, will involve modifications of child support. 72% of the child support cases in FY16 were IV–D cases involving assistance from the Office of Child Support.<sup>3</sup>



### Protection Orders for Relief from Abuse

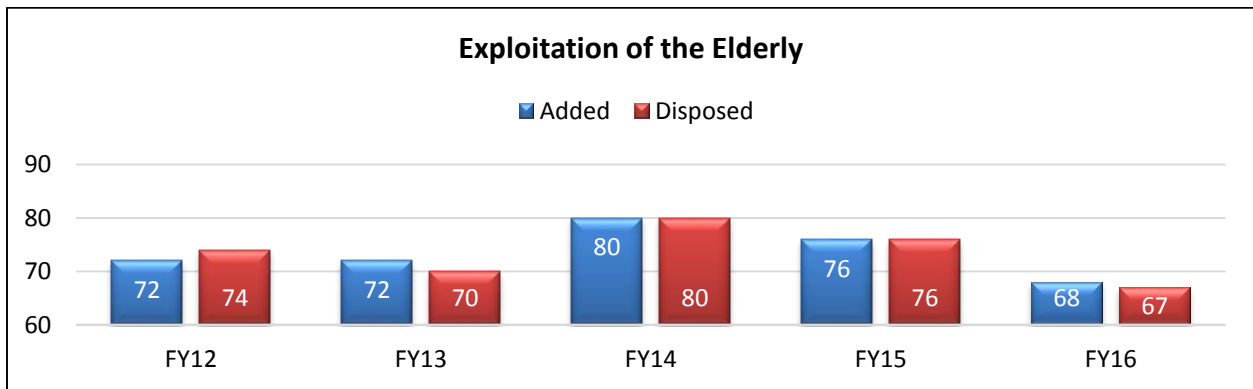
Civil protection orders that protect a household member from domestic violence, also known as orders for relief from abuse or RFA orders are an important part of the domestic docket. Typically these cases have a very short life span that usually begins with an emergency temporary order that is issued ex parte often after hours. At the time the temporary order is issued, a hearing is set within 10 days. At the hearing, the case is either dismissed or a final order is issued. There has been a gradual decline in the number of filings over the past five years with about 11% fewer filings in FY16 than in FY12.



<sup>3</sup> OCS is the state agency responsible for establishing, collecting upon, enforcing, and modifying support orders for children who do not live with both parents. Services are available to both custodial and non-custodial parents.

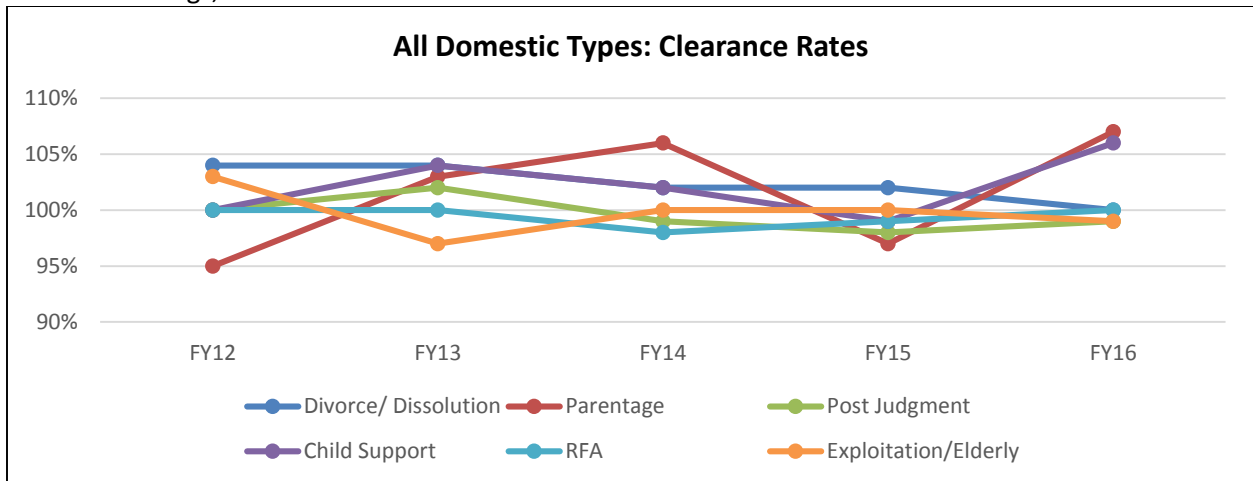
### Exploitation of the Elderly

While there was a slight increase in RFA filings in the past year, the number of exploitation of the elderly cases has not changed significantly over the last five years.



### Clearance Rates

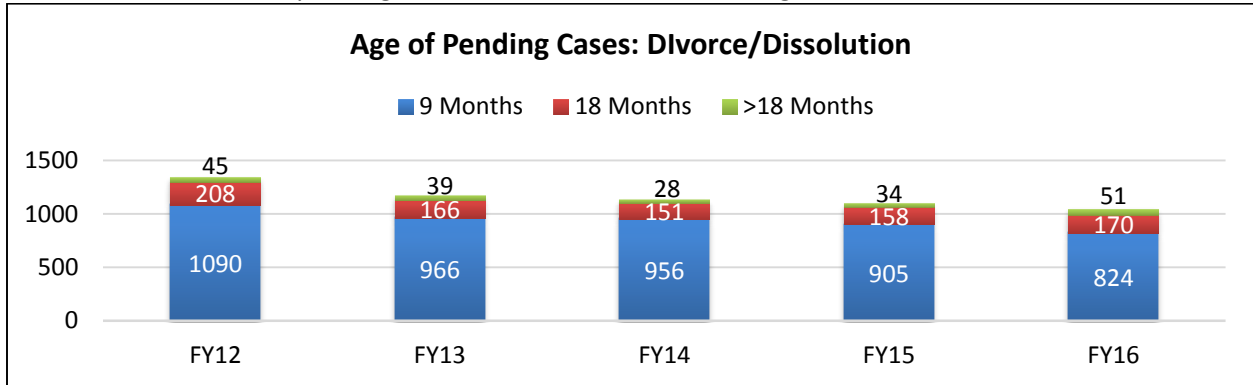
Clearance rates for the various categories of cases have remained fairly steady over the past five years. There has been a noticeable improvement in the clearance rate for parentage and post judgment child support cases since FY12. The clearance rate for parentage cases dropped in FY12 and FY15 due to a sharp increase in filings, but has since increased.



## Age of Pending Cases

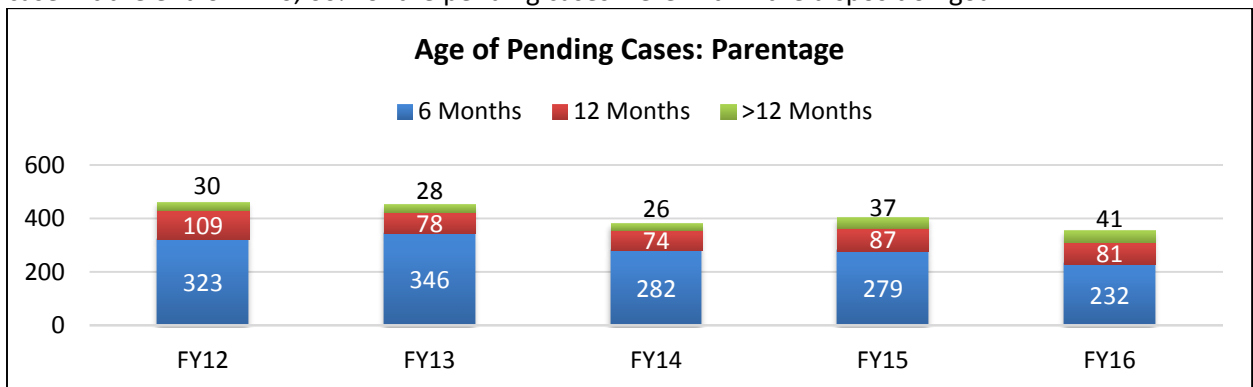
### Divorce/Dissolution

The number of pending divorce and dissolution cases has decreased 22% over the past five years. The Supreme Court has set a disposition goal of nine months for a standard divorce/dissolution case. At the end of FY16, 79% of the pending cases were within the standard goal.



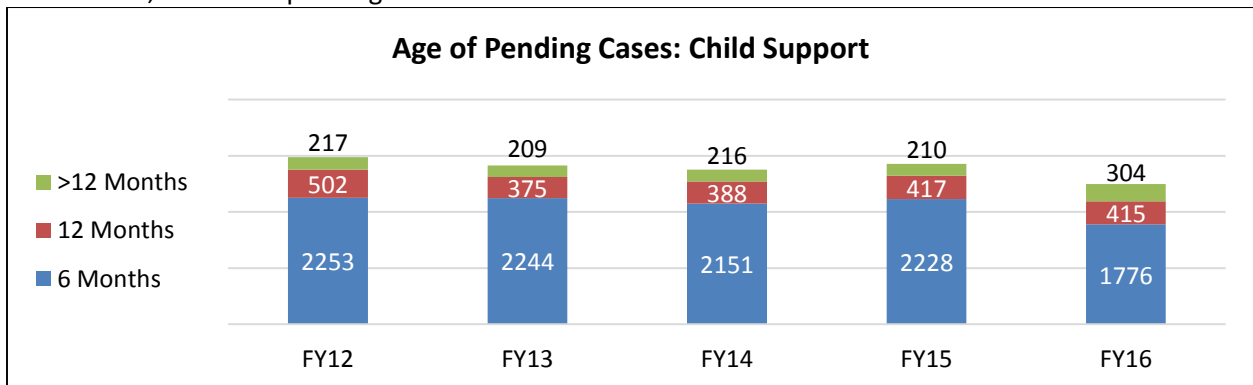
### Parentage

The Supreme Court has set six months as the disposition goal for a standard (non-complex) parentage case. At the end of FY16, 66% of the pending cases were within the disposition goal.



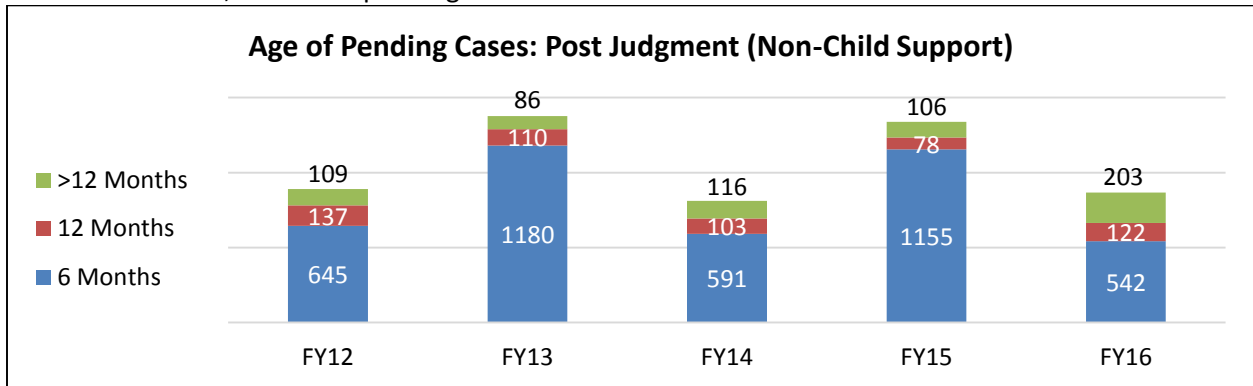
### Child Support

The number of pending child support matters has decreased 16% in the last five years. This decline is attributable to some degree to a decline in cases filed. Of the 2,495 child support matters pending at the end of FY16, 71% were pending less than 6 months.



**Post Judgment – Non Child Support**

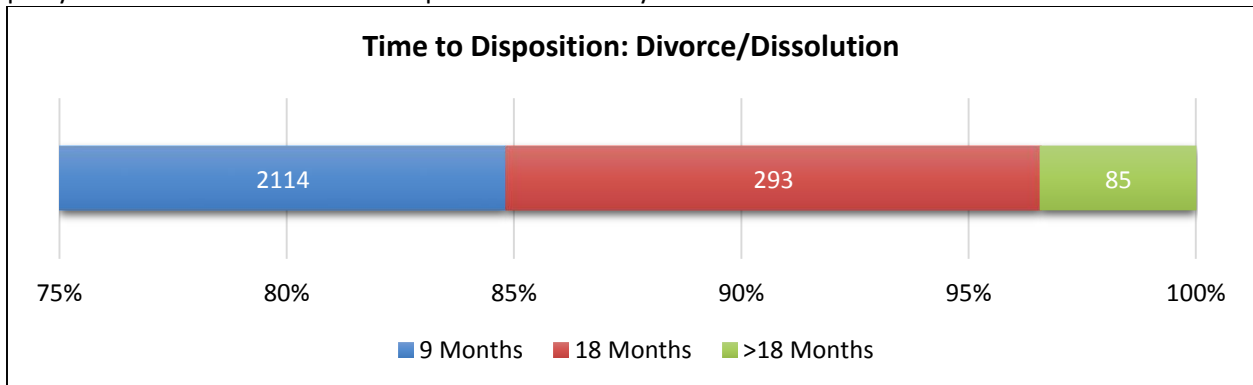
The number of pending post judgment non-child support matters has decreased 35% in the last year. This is attributable to some degree to a 31% decrease in cases filed. Of the 867 post judgment matters pending at the end of FY16, 63% were pending less than 6 months.



**Time to Disposition<sup>4</sup>**

**Divorce/Dissolution**

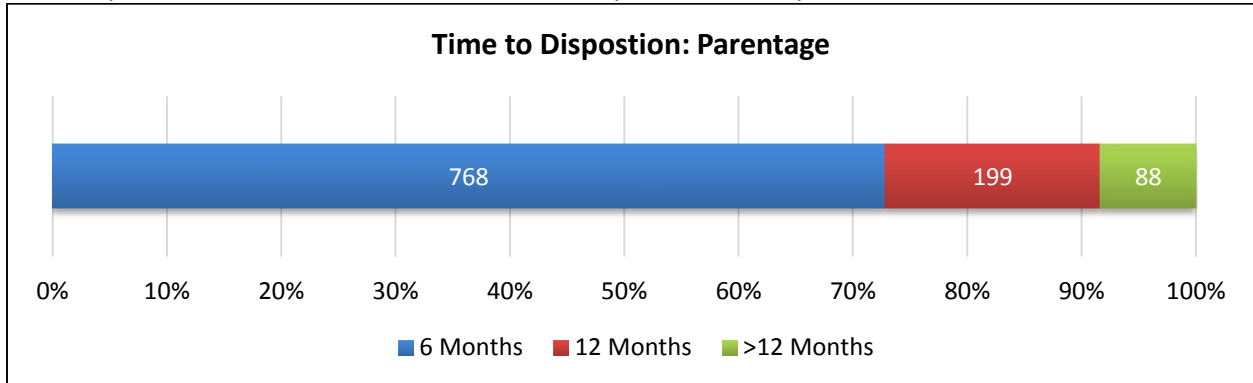
As stated above, the disposition goal for a standard divorce case is 9 months. Of the 2,492 divorce and dissolution cases disposed in FY16, 85% were disposed within nine months from the date the opposing party was served and 97% were disposed within one year.



<sup>4</sup> Time to disposition data is not available for child support cases and non-child support post judgment cases.

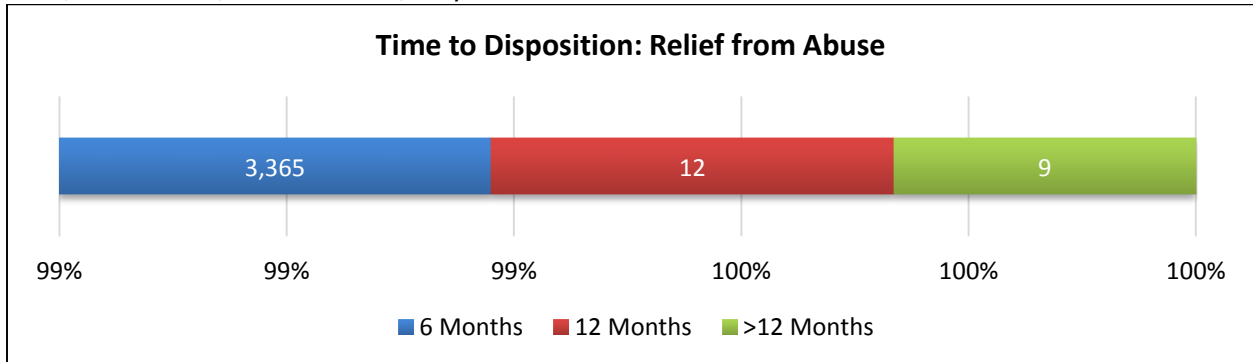
## Parentage

The disposition goal for a standard parentage case is six months. Of the 1,055 cases disposed in FY16, 73% were disposed within six months and 92% were disposed within a year.



## Protection Orders for Relief from Abuse

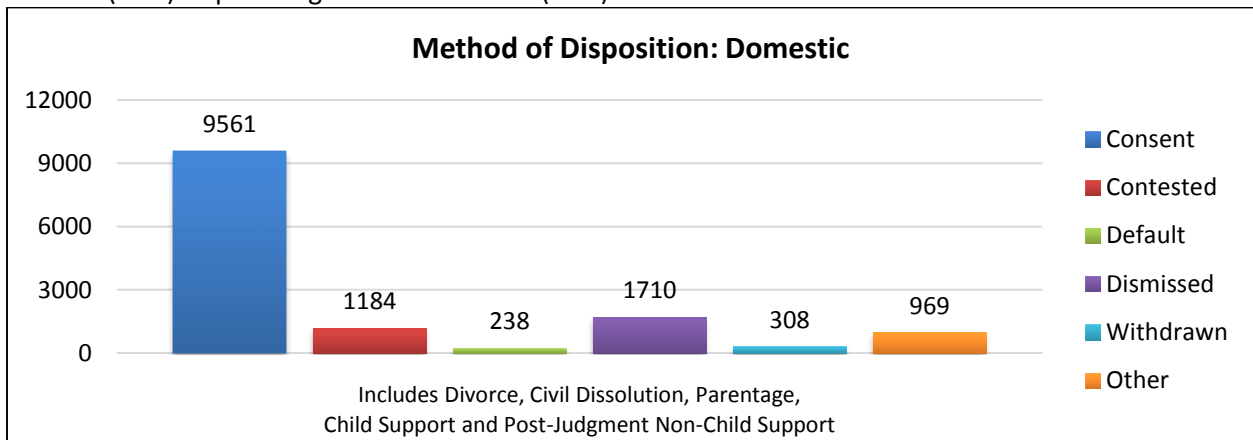
The Supreme Court has not set a goal for disposition of protection orders in relief from abuse cases. In FY16, out of the 3,401 cases filed, only 9 cases took more than six months to resolve.



## Method of Disposition

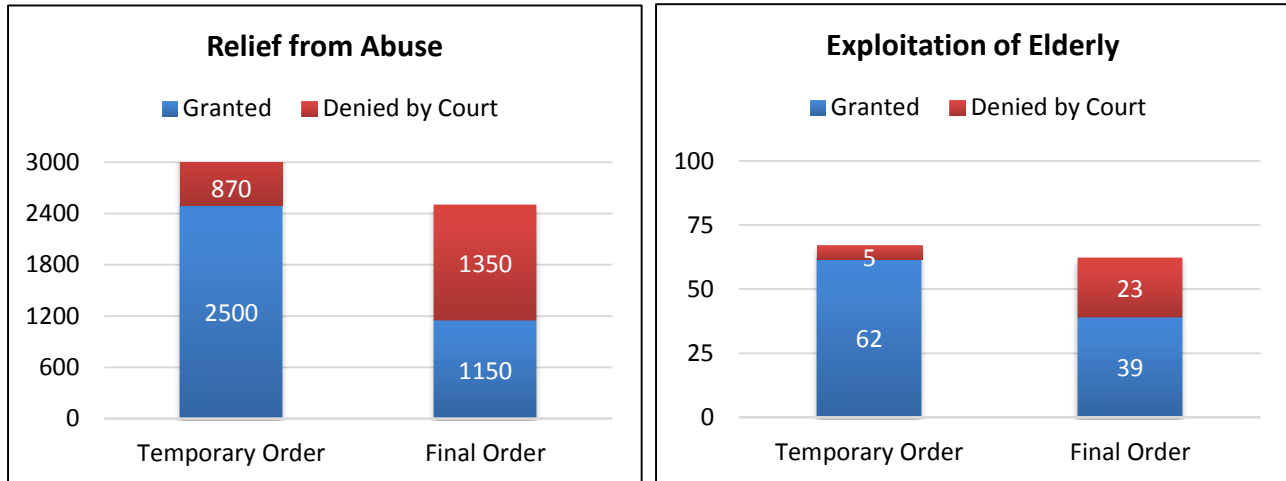
### Divorce/parentage/post-judgment/child support

Approximately 70% of the cases disposed in the family division are resolved by agreement of the parties or result in a default judgment because one party does not participate. Contested cases that require a judgment by the court tend to be more frequent in post disposition matters (45%) than in child support matters (29%) or parentage or divorce cases (26%).



### Protection Orders for Relief from Abuse

A temporary order was granted in 74% of relief from abuse cases and in 93% of cases involving exploitation of the elderly. Of the 2,500 relief from abuse temporary orders granted, 54% were later dismissed or withdrawn. The remaining 46% were granted a final order. Of the 62 exploitation of the elderly temporary orders granted, 37% were later dismissed or withdrawn. The remaining 63% were granted a final order.



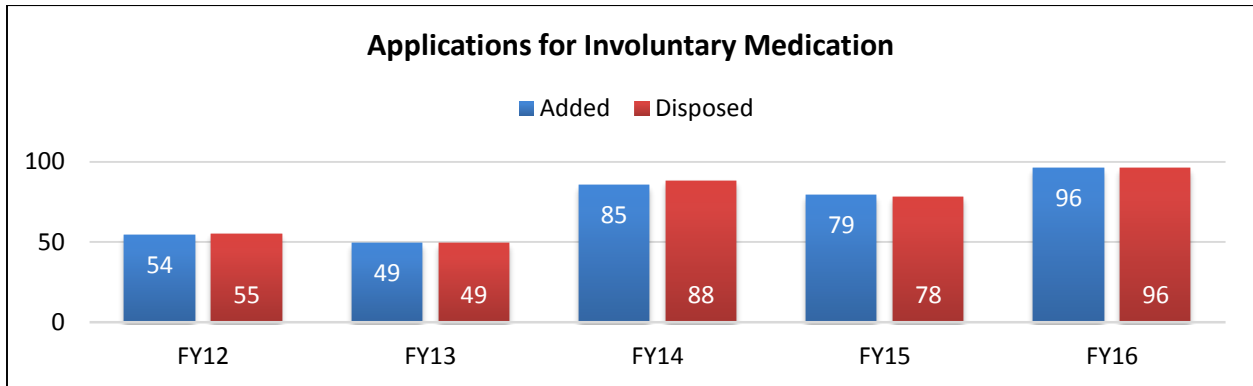
### Family Division: Mental Health

There are three types of Mental Health cases filed in the Family Division by the Department of Mental Health. The first is an application for involuntary treatment (sometimes referred to as an AIT), where the State is seeking a 90 day order from the Court that a person either be involuntarily placed in a designated psychiatric hospital or placed in the community on an order of non-hospitalization (often referred to as an ONH) because the person suffers from a mental illness and is a danger either to himself/herself or others. When involuntary hospitalization is requested, the applications are generally filed only in a county where there is a designated psychiatric hospital. If the Court issues an order for involuntary treatment, the State can seek to have the order extended for up to a year by filing the second type of Mental Health Case known as an application for continued treatment. The third case type in the mental health docket is an application for involuntary medication. In these cases the State is seeking to involuntarily medicate a person who is suffering from a mental illness. In almost all of such cases, the person is hospitalized at a designated psychiatric hospital under an order for involuntary treatment.

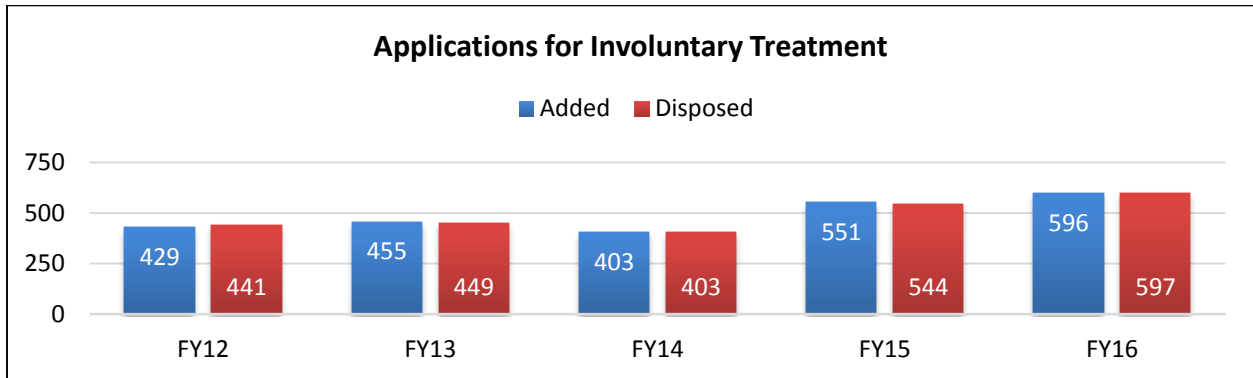


## Trends

The fastest growing case type in the mental health docket is involuntary medication. While the numbers of cases still remain small in comparison to applications for involuntary treatment or continued treatment, they nearly doubled in FY16 as compared to FY12. From a workload perspective medication cases require a significant amount of judge time since they are almost always contested. They also place a significant burden on the family division units where a designated hospital is located.

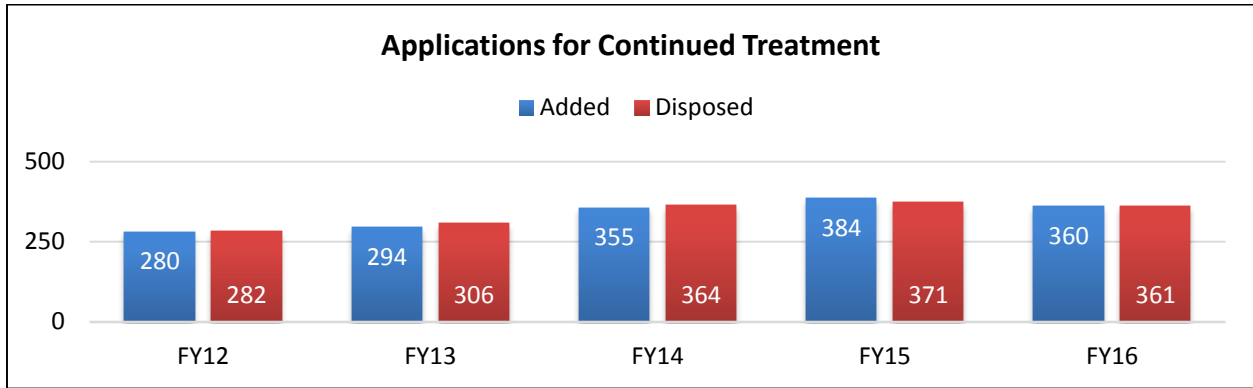


There were 596 applications for involuntary treatment in FY16, about 8% more than the prior year.



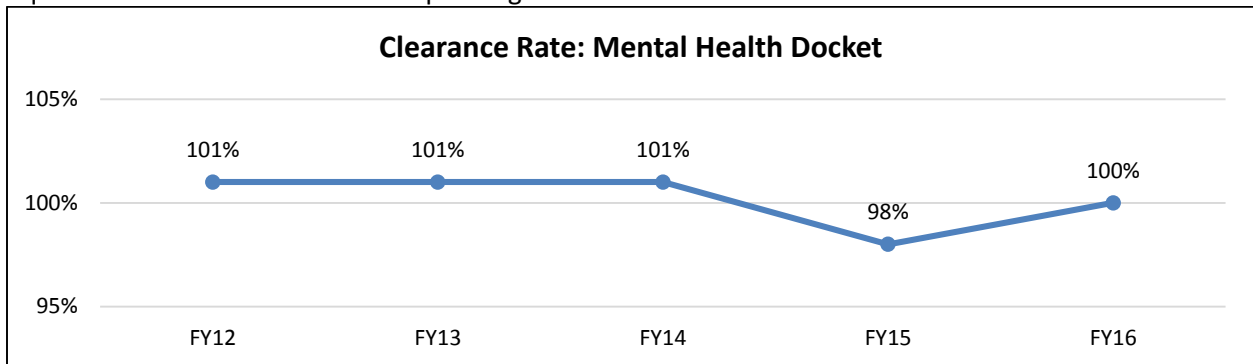
### Applications for Continued Treatment

Finally, applications for continued treatment have decreased 6% in the last year. There are relatively few contested hearings on these applications since the vast majority involves persons living in the community receiving services from a local community mental health agency. Most resolve by agreement with a consent judgment.



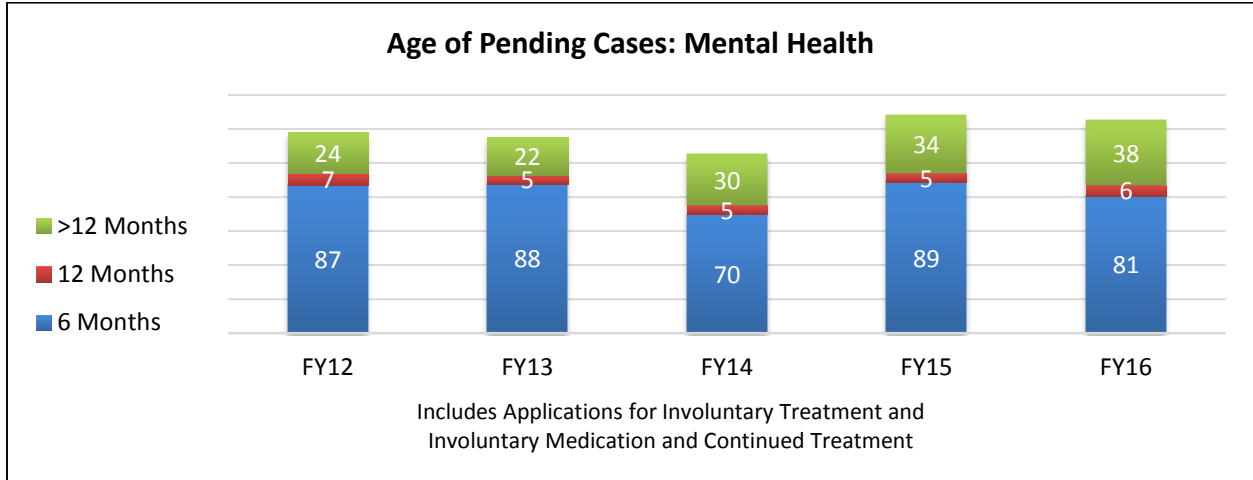
### Clearance Rate

Mental Health cases, regardless of case type, are subject to tight statutory time frames. The overall clearance rate should be consistently at or above 100%, in other words, the number of cases disposed is equal to or exceeds the number of pending cases.



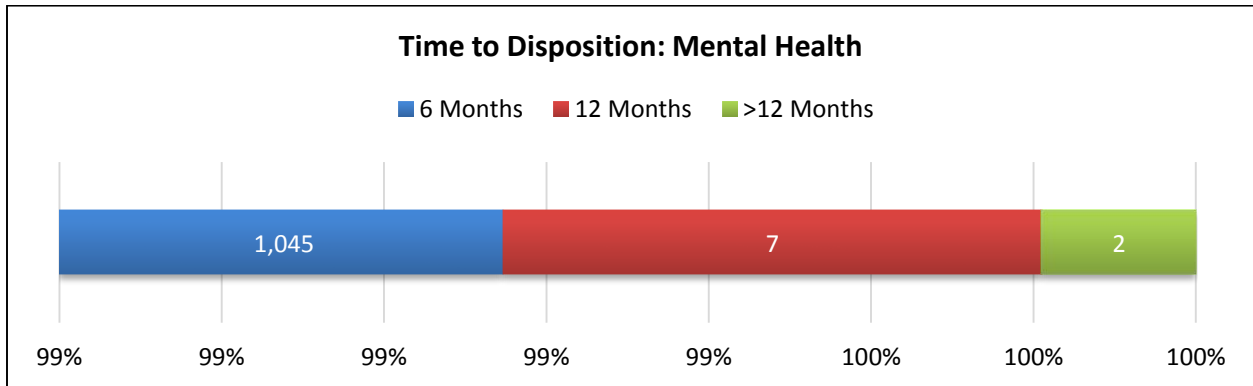
**Age of Pending Caseload**

The number of mental health cases pending at end of year has stayed fairly constant since FY12. Of the 125 cases pending at the end of FY16, 65% were pending less than 6 months.



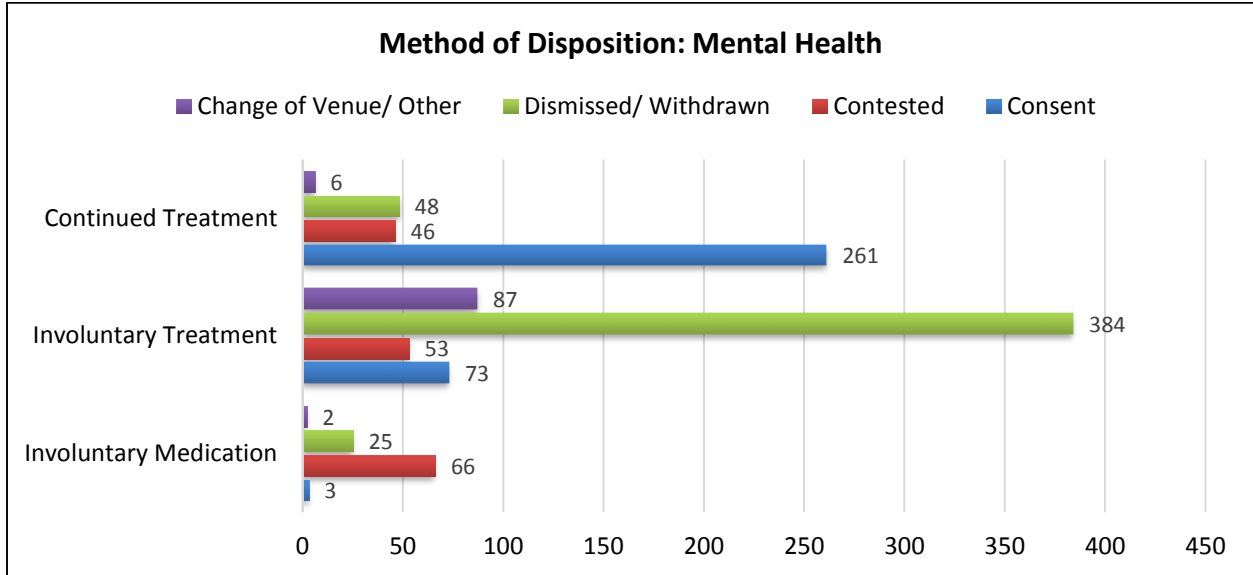
**Time to Disposition**

99% of all mental health cases were disposed in less than 6 months.



## Method of Disposition

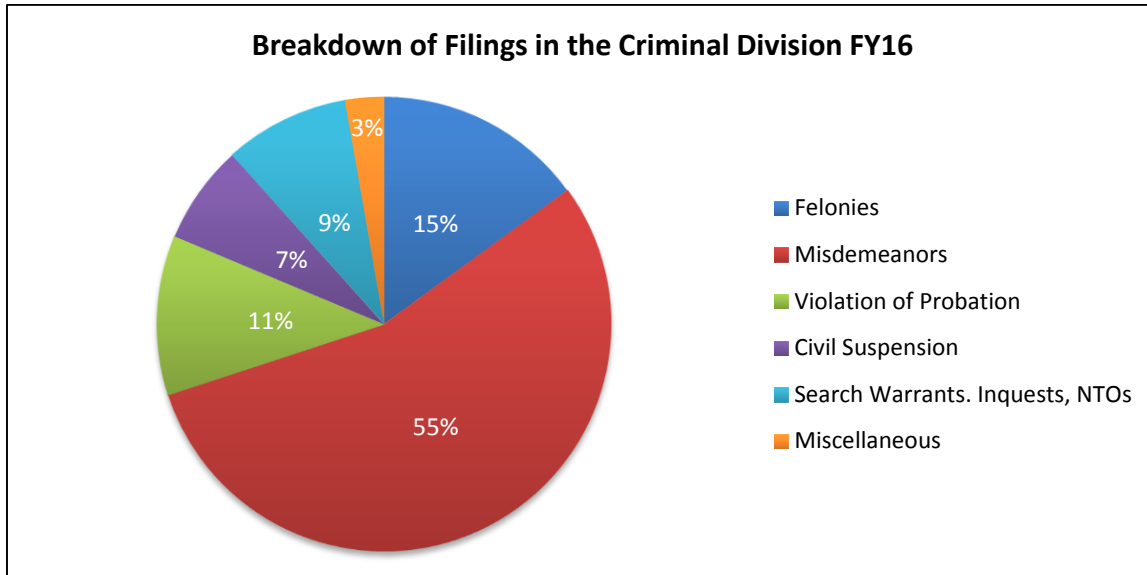
Although smaller in number in terms of cases filed, a high percentage (67%) of applications for involuntary medication requires a contested hearing. By contrast, only 9% of applications for involuntary treatment are contested and 13% of applications for continued treatment are contested. The majority of these latter cases are resolved by consent or dismissed by the State.



## Criminal Division

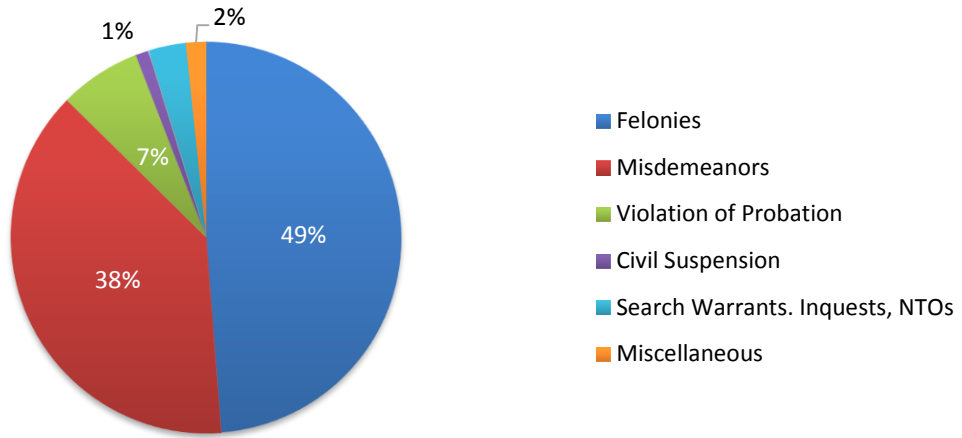
### Statewide Data

The criminal division of the Superior Court handled approximately 16,000 felonies, misdemeanors, and violations of probation. In addition, the Criminal Division also handled 1,587 civil suspension matters, 2,007 requests for search warrants, inquests, and non-testimonial orders and 608 miscellaneous matters related to fish and game, traffic tickets, and municipal ordinances. The chart below depicts the distribution based on the number of case filings during FY16.

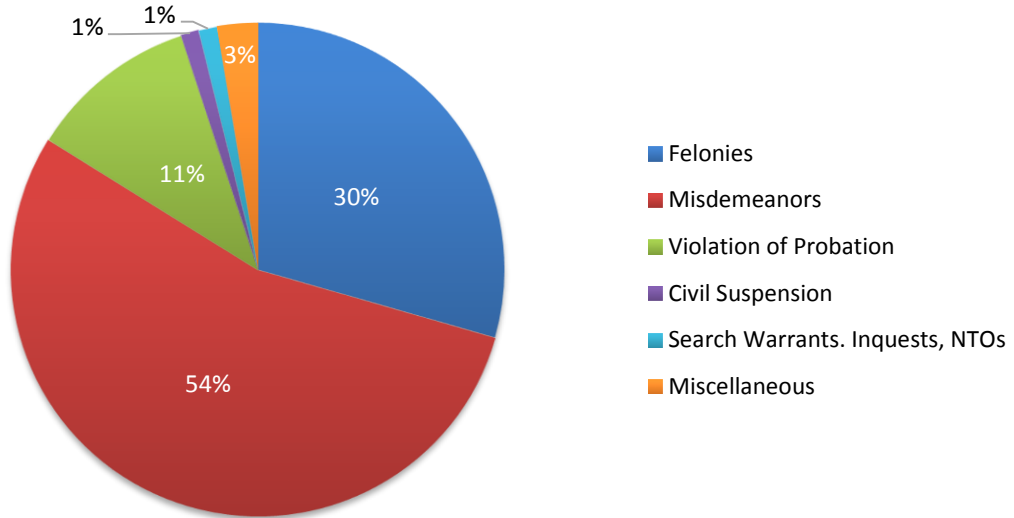


While misdemeanor offenses far outweigh the other two categories based on number of filings, the adjudication of felony offenses is the most labor intensive from a workload perspective. It should also be noted that the numbers reported for cases added and cases disposed represent charges, not defendants. If cases added and cases disposed were based on the number of defendants, the numbers of defendants would be much smaller.

**Workload (weights x filings) for Criminal Division: Judicial Officers**



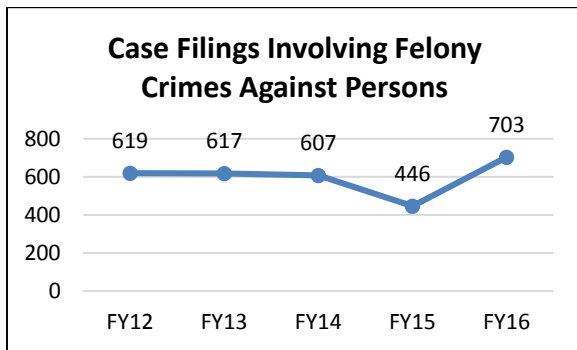
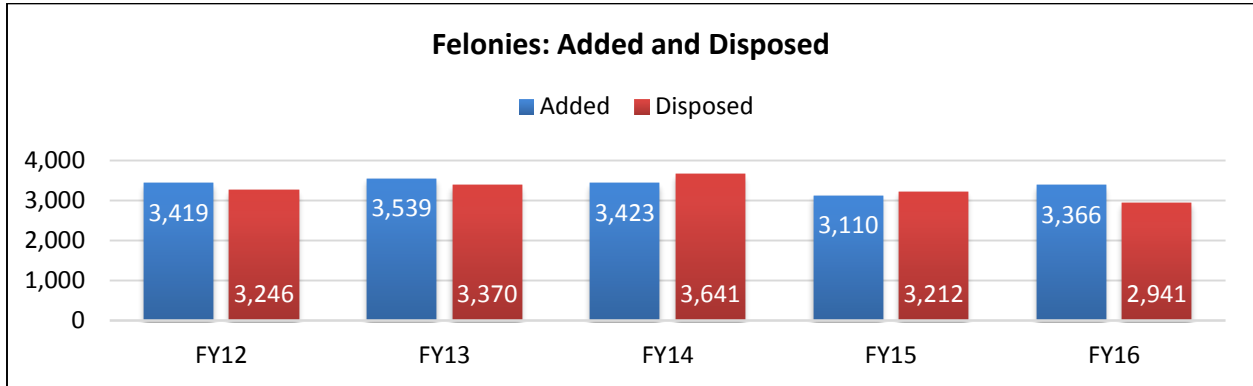
**Workload (weights x filings) for Criminal Division: Court Staff**



## Trends

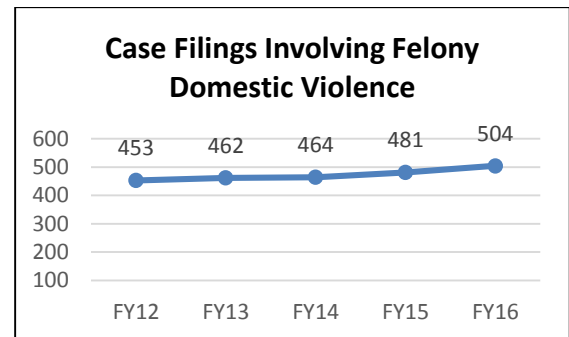
### Felonies

A crime is considered a felony offense in Vermont if the maximum sentence that can be imposed is more than 2 years. The chart below indicates the trends over the past five years in cases added and disposed.



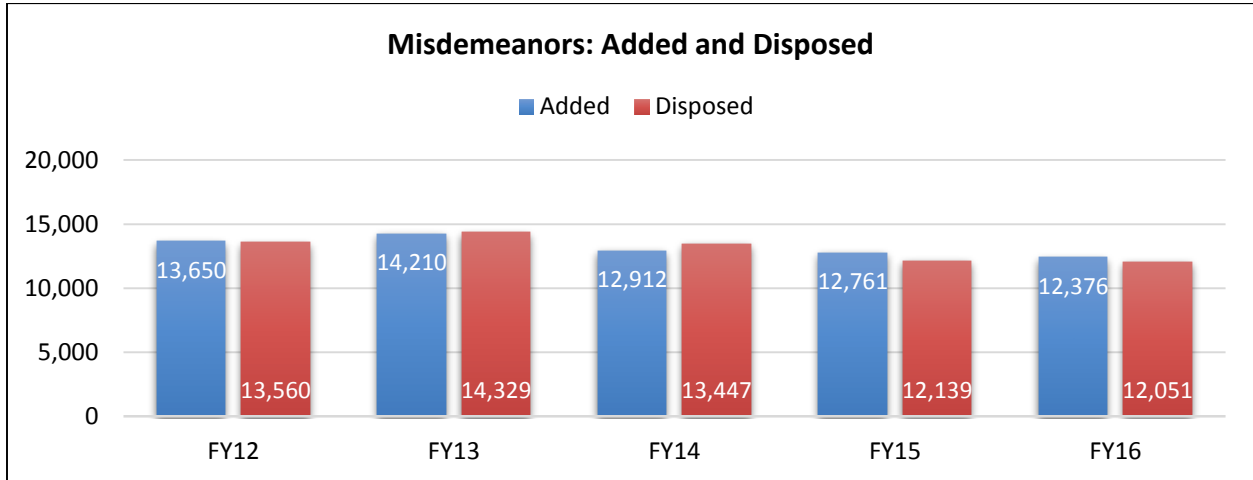
Felony filings have risen 8% overall in the last year. This increase is primarily due to a 58% increase in filings involving crimes against persons (cases alleging murder, manslaughter, sexual assault, robbery, and assault). There was also a 14% increase in felony DWI/DUI cases filed in the last year.

Domestic violence filings increased slightly over FY16 (up 5%), however, it should be noted that filings in this area continue to steadily increase (up 11% from 5 years ago).

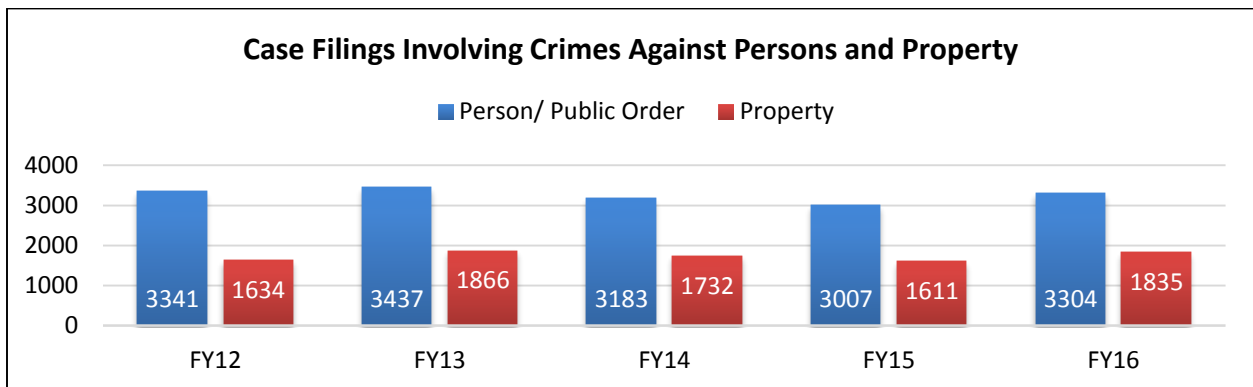
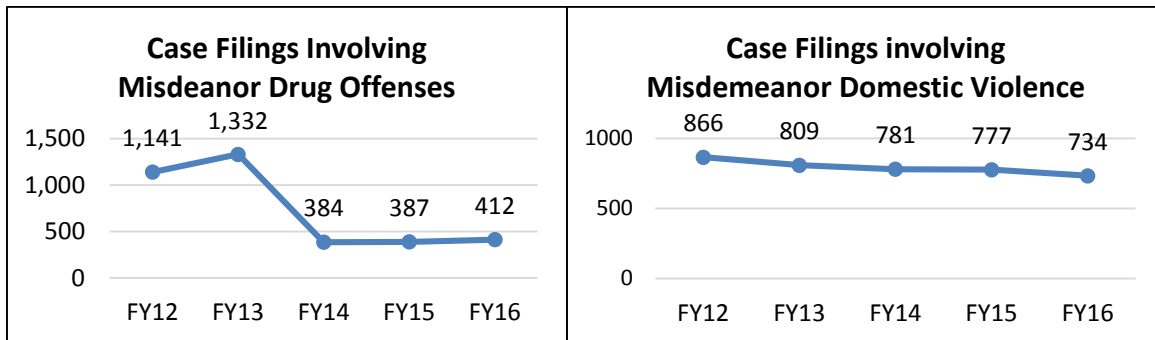


## Misdemeanors

A crime is considered a misdemeanor in Vermont if the maximum sentence that can be imposed is 2 years or less. The chart below shows the number of charges added and disposed between FY12 and FY16.



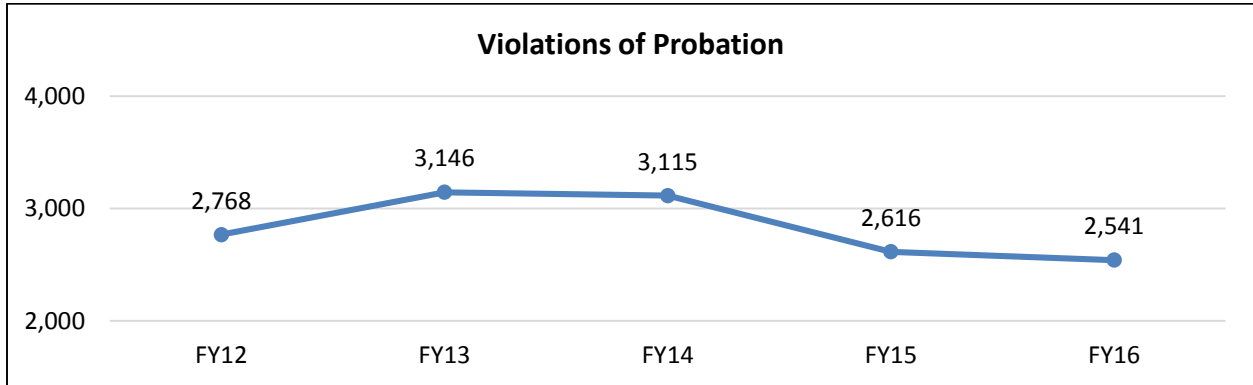
Misdemeanor filings declined in the last year. Misdemeanor drug filings continue to remain low decrease as a result of the decriminalization of marijuana. There has been a downward trend in the number of misdemeanor domestic violence filings. Crimes against property increased 14% since FY15 and crimes against persons and public order increased 10% in the same timeframe.





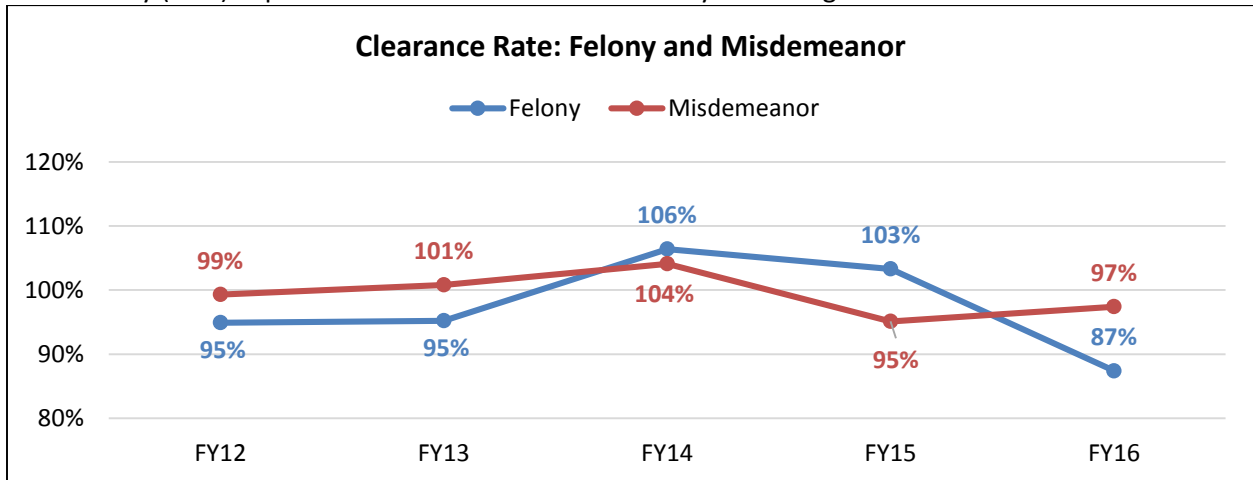
### Violation of Probation

Filings of violations of probation in FY16 declined 3% from the previous year.



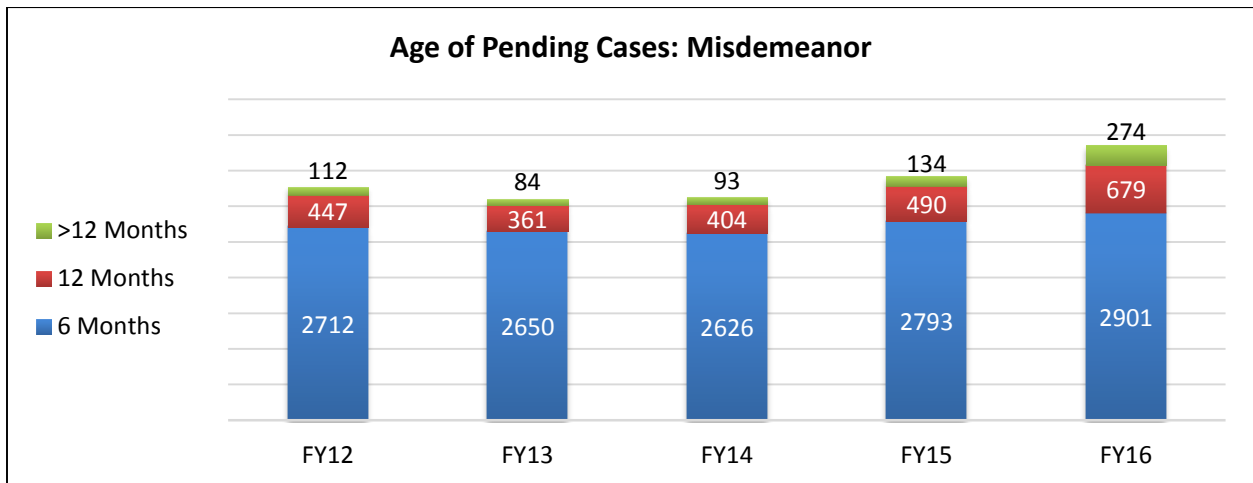
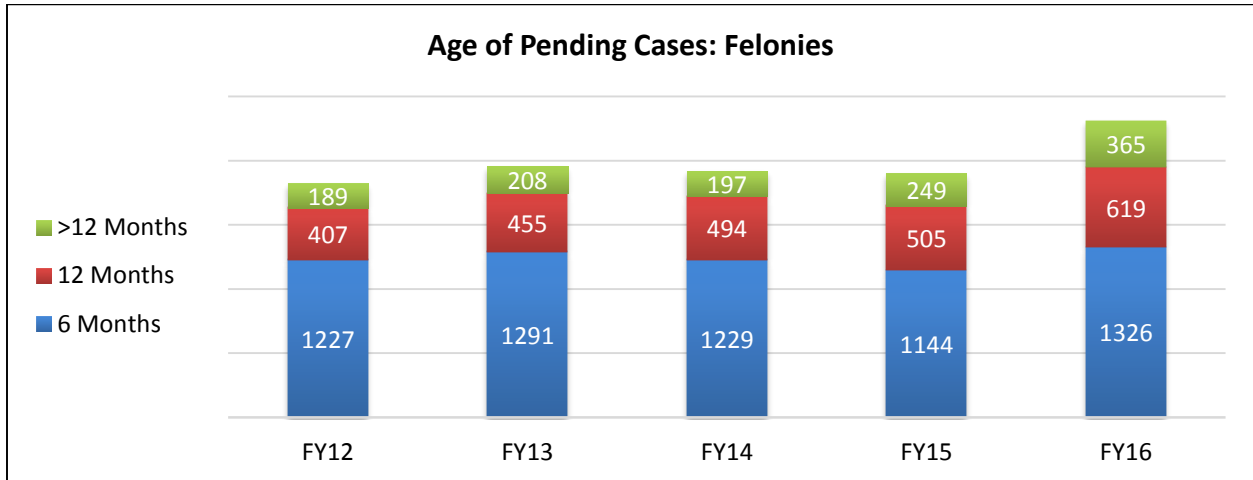
### Clearance Rate (Cases Disposed / Cases Filed): Five Year Trend

The clearance rate for felony and misdemeanor cases in FY16 was 87% and 97% respectively. While misdemeanors showed a slight increase from the previous year (2%), felony clearance rate decreased dramatically (16%) in part because of the increase in felony case filings



### Age of Pending Cases – All Criminal Cases

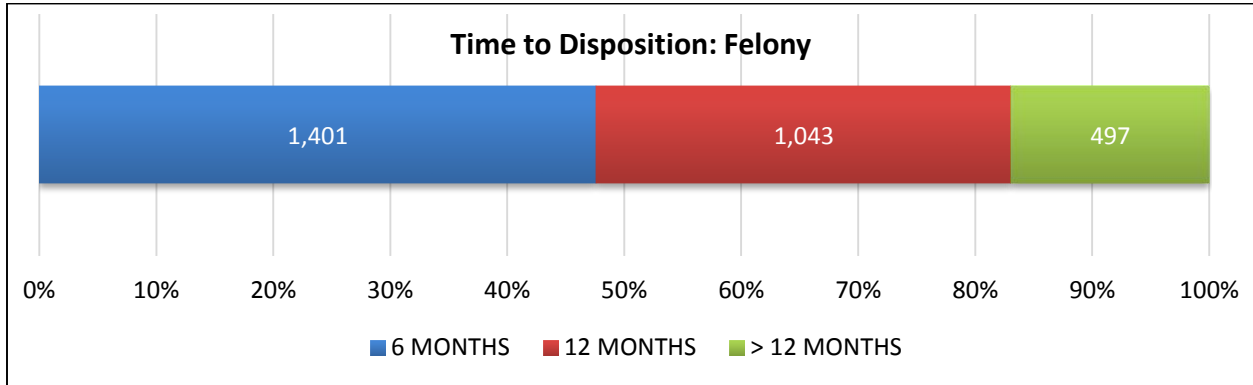
Another way to look at the data is to look at the number and age of the cases that are pending on the last day of the fiscal year. For both felony and misdemeanor cases, the number of cases pending over six months continues to rise, with 43% of felonies are pending over 6 months and 25% of misdemeanors are pending over 6 months.



## Time to Disposition

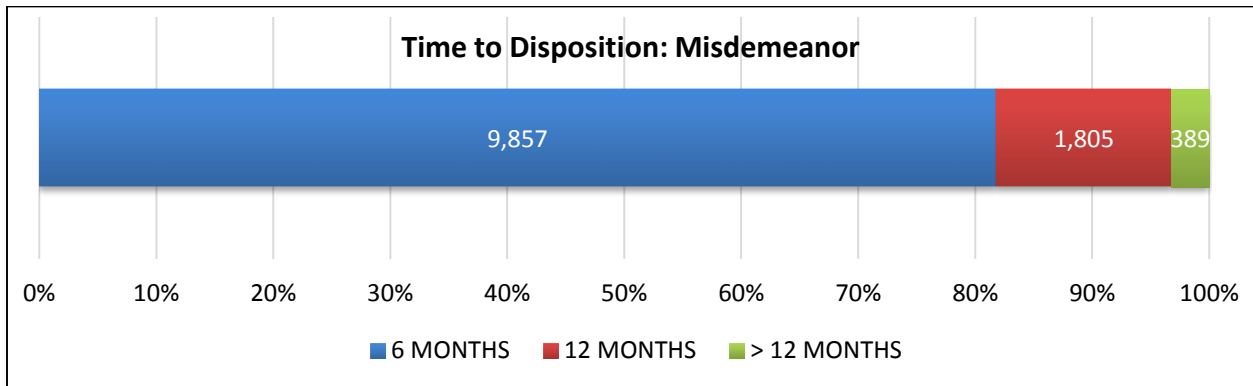
### Felonies

The Supreme Court has set 6 months as the disposition time standard for a standard (non-complex) felony case. In FY16, 48% of all felony cases met this time standard. 83% were resolved within one year. 17% took over a year to resolve.



### Misdemeanors

The disposition time standard for a standard misdemeanor is four months. In FY16, 81% of all misdemeanor cases were resolved within six months of filing. 97% were resolved within a year.<sup>4</sup> 3% took over one year to resolve.



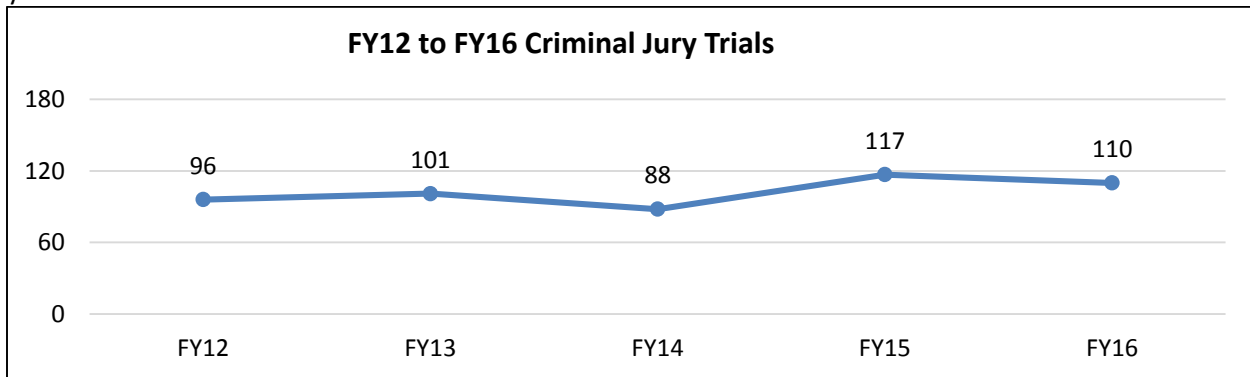
<sup>4</sup> Chart reflects misdemeanor cases resolved within 6 months of filing. It is not an indicator of cases meeting the time standard of four months.

**Method of Disposition – All Criminal Cases**

The vast majority of criminal cases in Vermont resolve either by plea bargain or by dismissal. For felonies, less than two percent of the cases are disposed as a result of a trial by jury (1.8%) or by court (.14%). For misdemeanors, less than 1% of cases are disposed as a result of trial by jury (.47%) or by court (.01%)

	Plea	Court Trial to Verdict	Jury Trial to Verdict	Dismissed	Transferred	Invalid or Missing	Total
<b>Felonies</b>	<b>2,157</b>	<b>4</b>	<b>53</b>	<b>683</b>	<b>39</b>	<b>5</b>	<b>2,941</b>
<b>Misdemeanors</b>	<b>7086</b>	<b>12</b>	<b>57</b>	<b>4754</b>	<b>129</b>	<b>13</b>	<b>12,051</b>

Over the past five years, the number of jury trials in criminal cases in Vermont has fluctuated, with the largest decrease occurring in FY14. In FY16, the number of jury trials decreased 6% over the previous year.

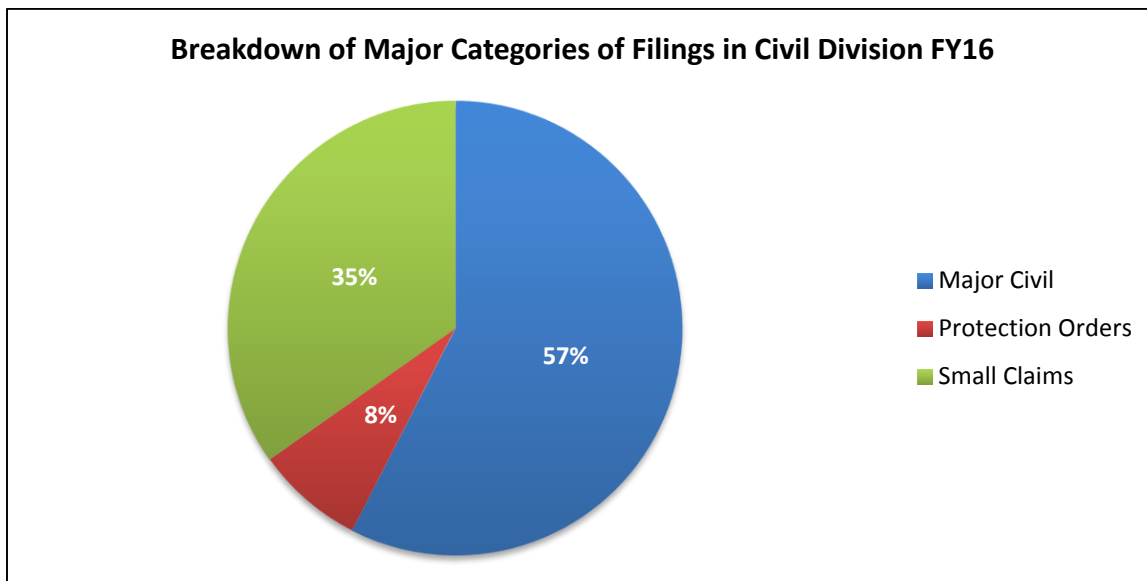


# Civil Division

## Statewide Data

For statistical purposes, civil case types are divided into three categories: Major Civil; Small Claims; and Civil Protection Orders against Stalking or Sexual Assault. Measured by the number of filings, major civil cases represent 57% of all cases filed, small claims represent about 35% and civil protection orders 8%. However, in terms of judicial and staff work load, the bulk of the work in the civil division involves the major civil cases.<sup>6</sup>

Filing trends over the last five years indicate a decline in most civil case types. This is most evident in small claims; however, the number of protection orders filed continues to rise, increasing 17% over the last five years.

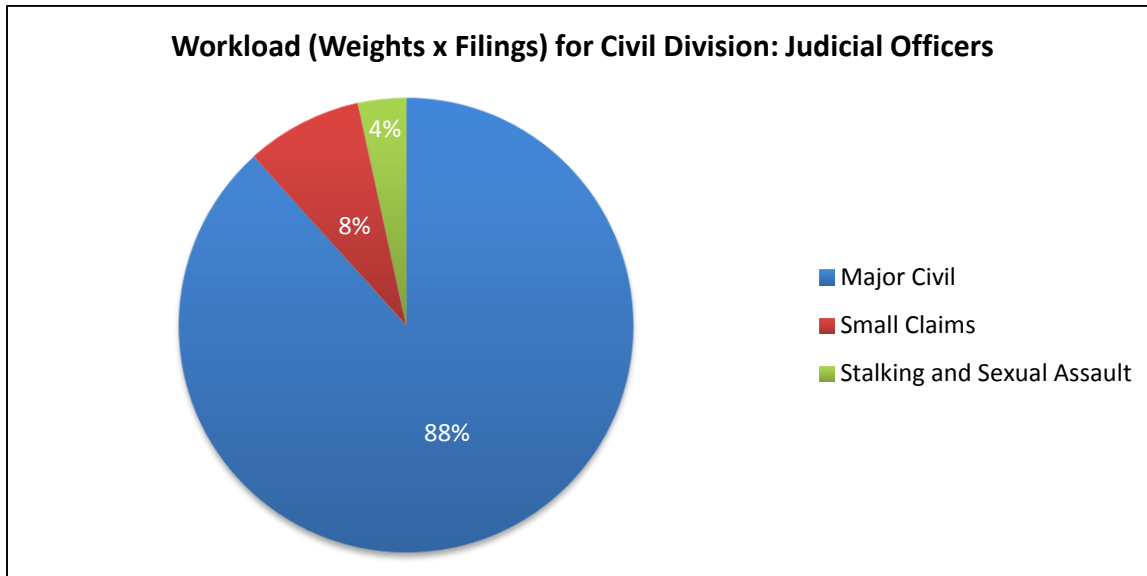
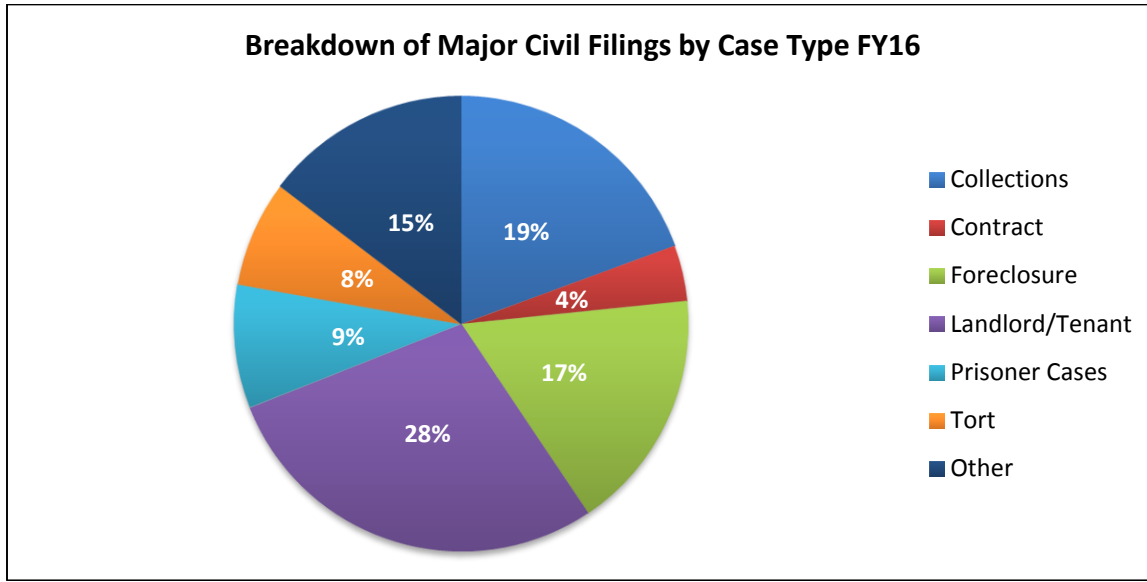


<sup>6</sup> According to the 2015 Weighted Caseload Study by the National Center for State Courts of the work involved in civil cases, a major civil case on average requires slightly more than six times the amount of judicial resources and about 3 times the amount of staff work compared to the work load involved in disposing a small claims case.

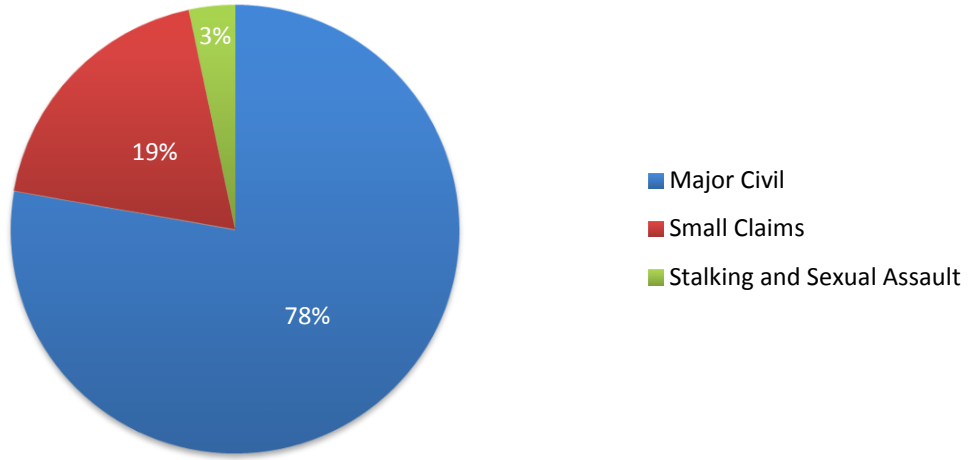
**Cases Added, Disposed and Pending at the End of the Fiscal Year: Trends**

**Major Civil Cases**

Major civil includes all case types filed in the civil division with the exception of small claims and civil protection orders. Sub case types in this category include: collections, landlord tenant, foreclosure, tort, prisoner cases, contracts, claims against government, employment, declaratory relief, appeals and other miscellaneous civil case types.

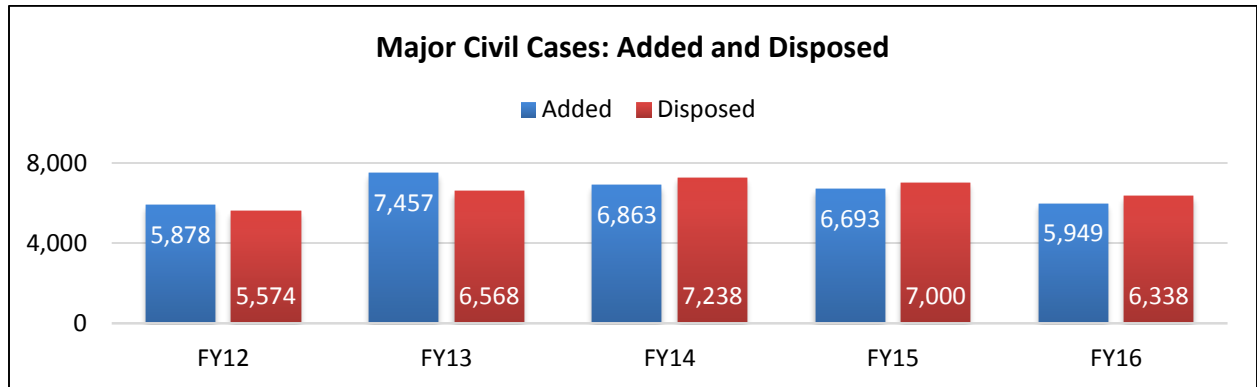


### Workload (weight x filings) for Civil Division: Court Staff



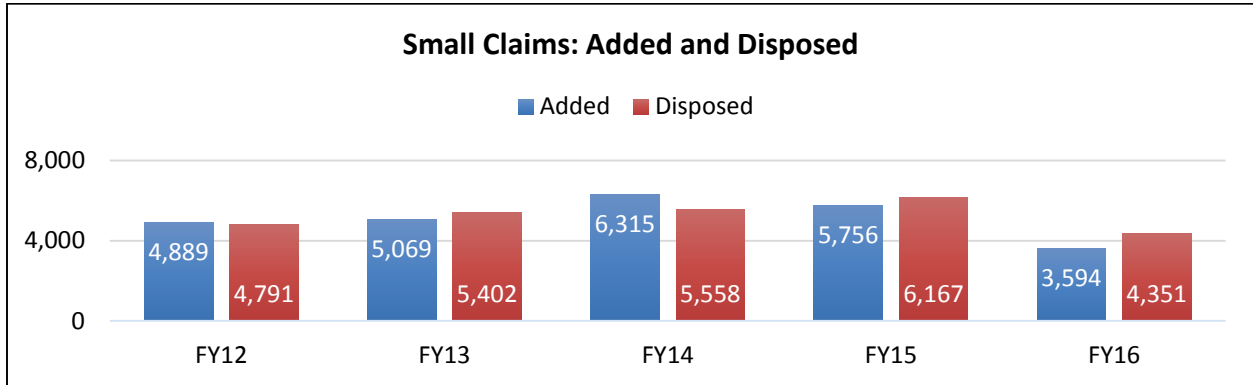
FY16 saw a 11% decrease in major civil cases as compared to FY15, mostly as a result of fewer collections, foreclosures and landlord/tenant filings. FY16 was a productive year in the civil division with the number of major civil cases disposed significantly higher than the number of cases added.

### Major Civil Cases: Added and Disposed



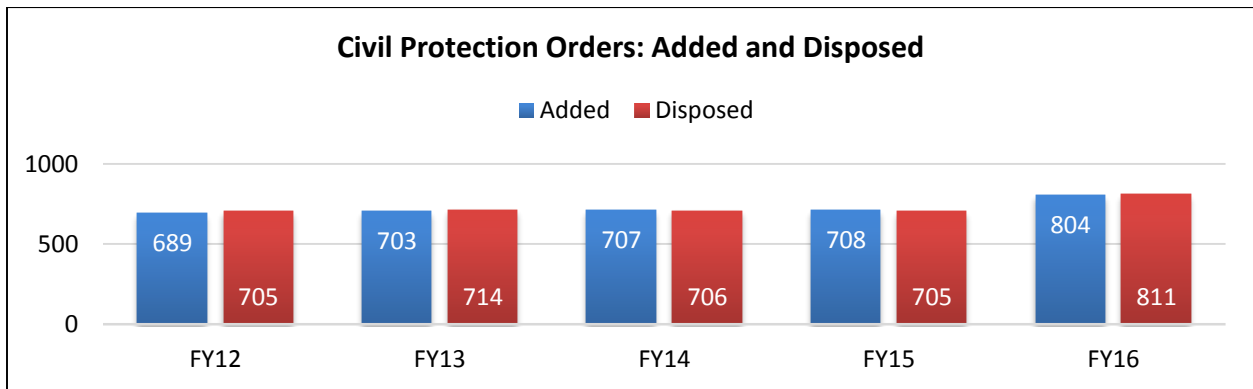
### Small Claims

Small claims filings decreased in FY16 by almost 38% as compared to FY15 and 43% as compared to FY14.



### Civil Protection Orders

Requests for civil protection orders (against Stalking and Sexual Assault) have increased by 14% from FY15 and by 17% since FY12.



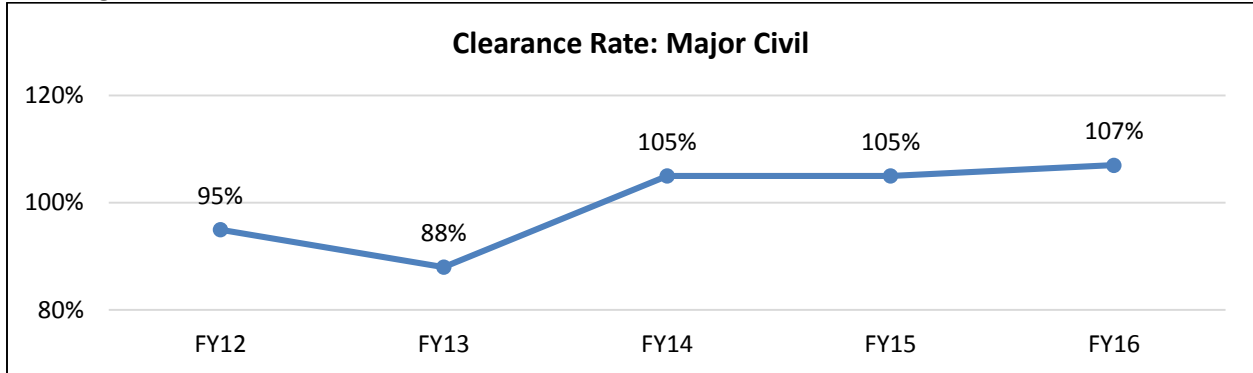


### Clearance Rates

A clearance rate reflects the number of cases closed or disposed divided by the number of cases added or filed. If the clearance rate is 100%, the court is basically staying even. A clearance rate above 100% indicates that the Court is disposing more cases than it is adding and should reflect a decrease in backlogged cases. A clearance rate below 100% indicates that the Court has added more cases than it has disposed and will reflect an increase in backlogged cases.

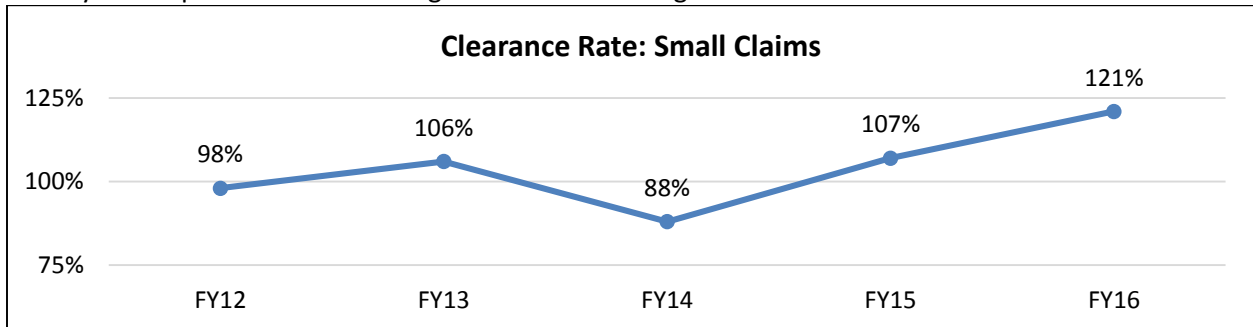
### Major Civil Cases

The number of major civil cases disposed was significantly higher than the number of cases added in FY16, resulting in a clearance rate of 107%.



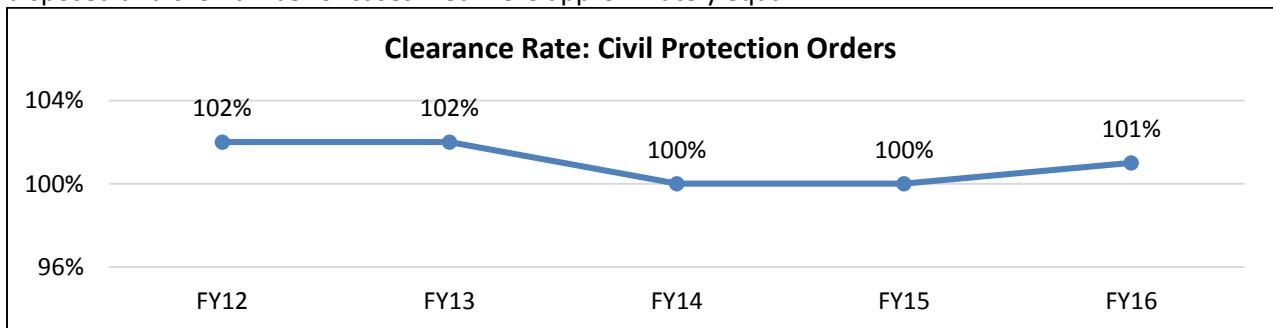
### Small Claims

The clearance rate in small claims was also very favorable, rising from 107% in FY15 to 121% in FY16. This is likely due in part to the continuing decline in case filings.



### Civil Protection Orders

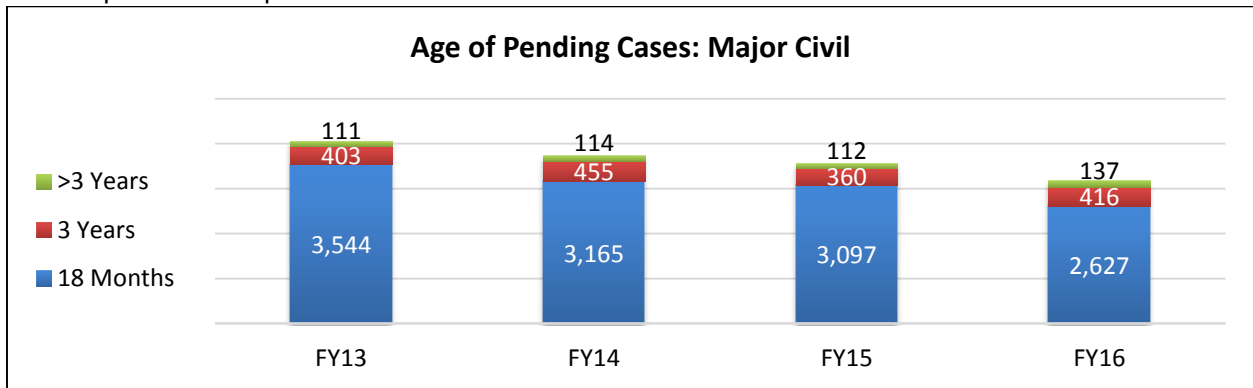
The clearance rate for civil protection orders for FY16 was 101%, in other words the number of cases disposed and the number of cases filed were approximately equal.



## Age of Pending Cases

### Major Civil Cases

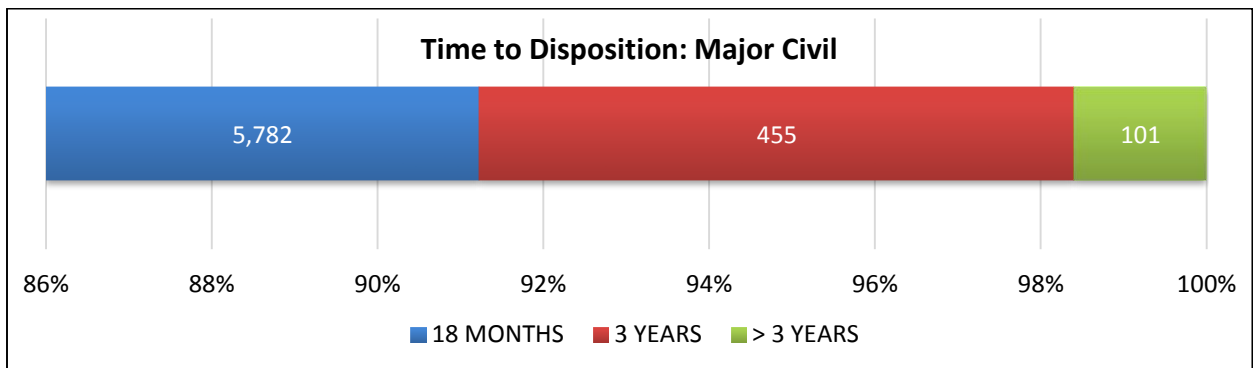
Accurate figures for the age of pending cases and time to disposition in the civil division are only available for FY13-FY16. It is difficult to measure performance based on the age of civil cases because there is so much variation in the average time to disposition from one case type to the next. For tort and employment cases, the disposition goal set by the Supreme Court for standard cases is 18 months for a standard case and 24 months for a complex case. At the shorter end, the goal for landlord tenant cases is three months for standard cases and six months for complex cases. It is only when data on the age of pending cases and time to disposition is broken down by case type and sub case type that accurate conclusions can be drawn with respect to court performance.



## Time to Disposition

### Major Civil Cases

In FY16, 91% of major civil cases were disposed within 18 months of filing.



## Method of Disposition

### Major Civil Cases

Out of 6,338 cases disposed in FY16, only 701 or 11% required either a jury or a court trial. Another 5%, were resolved through summary judgment, a decision that usually requires a significant written decision by the trial court. 32% of the cases were resolved by agreement of the parties, 51% were dismissed by the court or withdrawn by parties and 1% of the cases were transferred to another court location (change of venue).

Fiscal Year	Jury Trial	Court Trial	Summary Judgment	Default Judgment	Consent Judgment	Dismissed by Court	Withdrawn	Change of Venue/ Other	Grand Total
2016	29	672	347	1,489	526	1,442	1,769	64	6,338

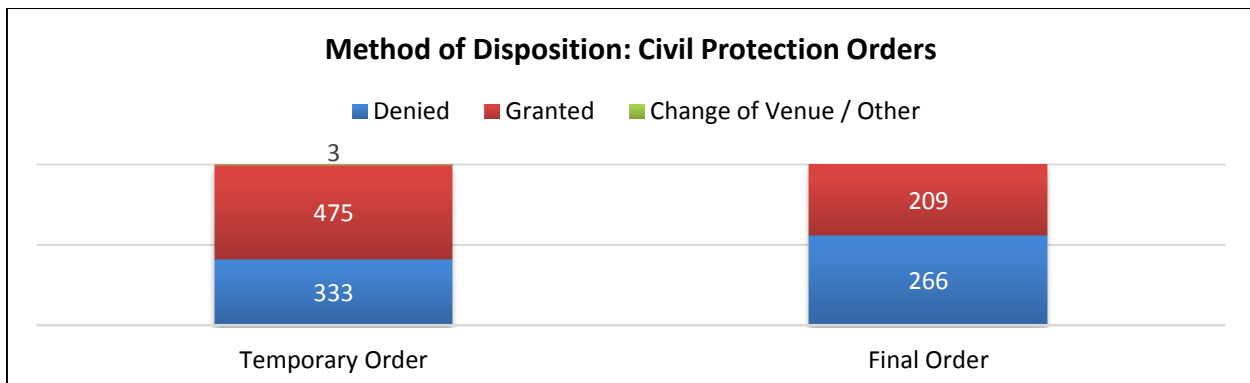
### Small Claims

36% of small claims cases were resolved by agreement of the parties. Another 51% were dismissed by the court or withdrawn by the plaintiff. 12% required a contested hearing.

Fiscal Year	Jury Trial	Court Trial	Default or Consent Judgment	Dismissed or Withdrawn	Change of Venue	Missing or Invalid	Grand Total
2016	0	539	1,580	2,206	15	11	4,351

### Civil Protection Orders

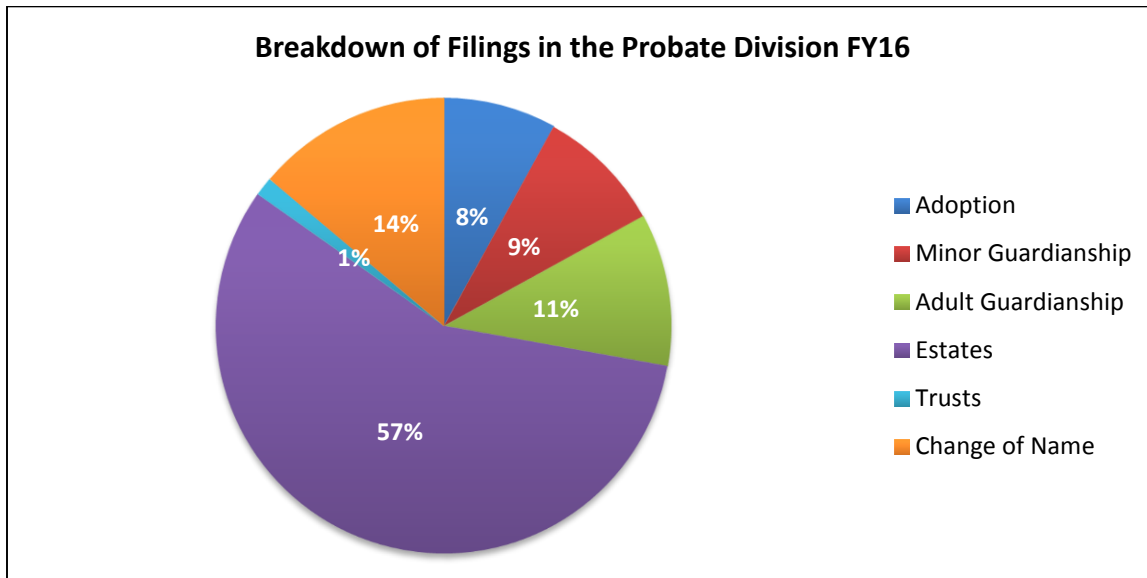
Of the 811 cases disposed in FY16, a temporary restraining order was granted in 58% of the cases, but a final order was granted in only 45% of the cases filed. Requests for civil protection orders to protect against sexual assault represent a very small minority of these cases and temporary and final orders are usually granted. The vast majority of the complaints in this area are based on a claim that the defendant is “stalking” the plaintiff. The explanation for the high percentage of denials of both temporary and final orders lies in all probability with confusion around the definition of “stalking”. Both staff and judges report that self-represented litigants have trouble understanding the statutory definition of “stalking” and, as a result, many claims are dismissed because the alleged facts do not meet the statutory requirement.



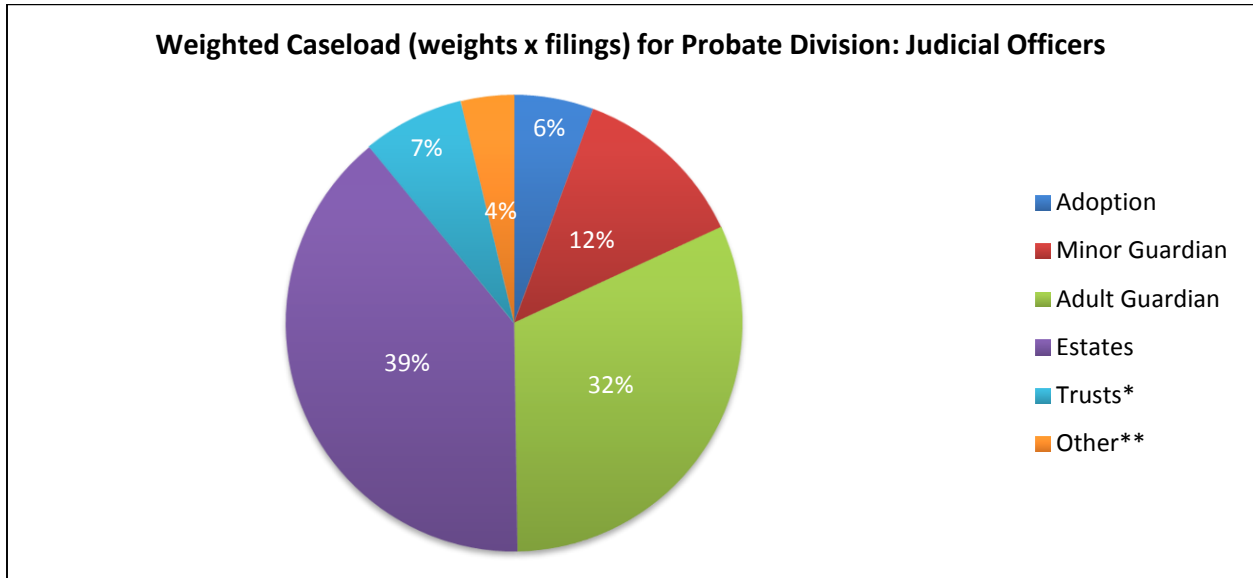
# Probate Division

## Introduction

There are five major case types heard by the probate division. These include: adoptions, minor and adult guardianships, estates, and trusts. In addition, the probate division handles some smaller case types such as change of name, as well as a number of functions that are, for the most part, administrative such as changes to birth and death certificates, requests by an out of state minister to perform a marriage in Vermont, etc. The distribution of the major case types based on number of filings is shown in the chart below. The distribution in terms of number of filings does not reflect the relative workload for the judge and probate staff.

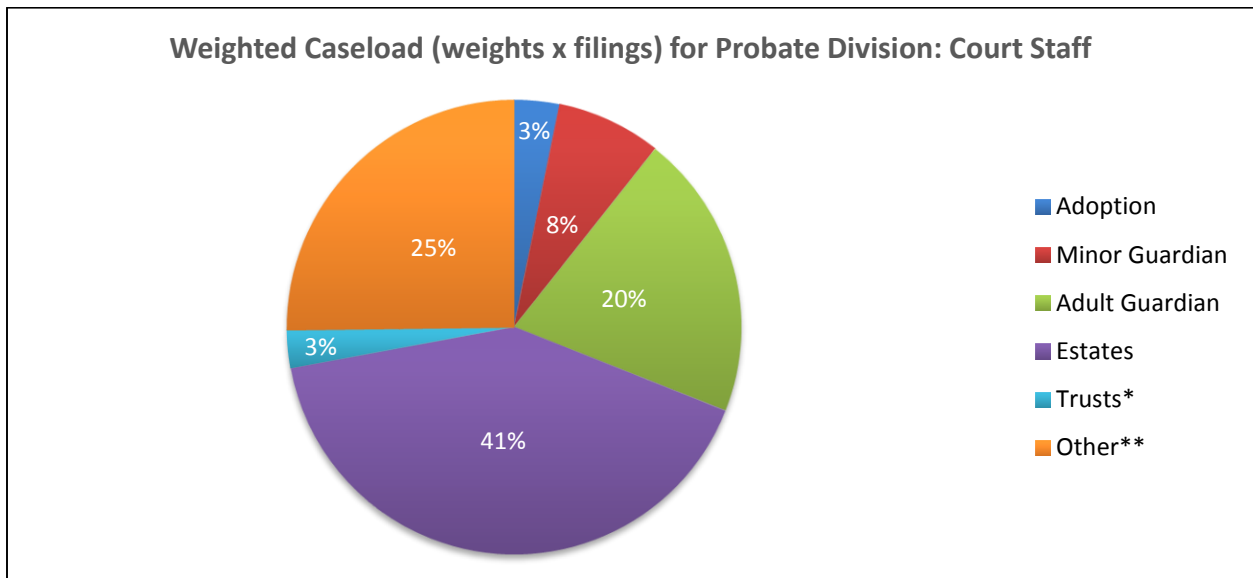


## Weighted Caseload with FY16 Filings



\*Reflects trusts pending

\*\*Reflects change of name



\*Reflects trusts pending

\*\*Includes all administrative case types

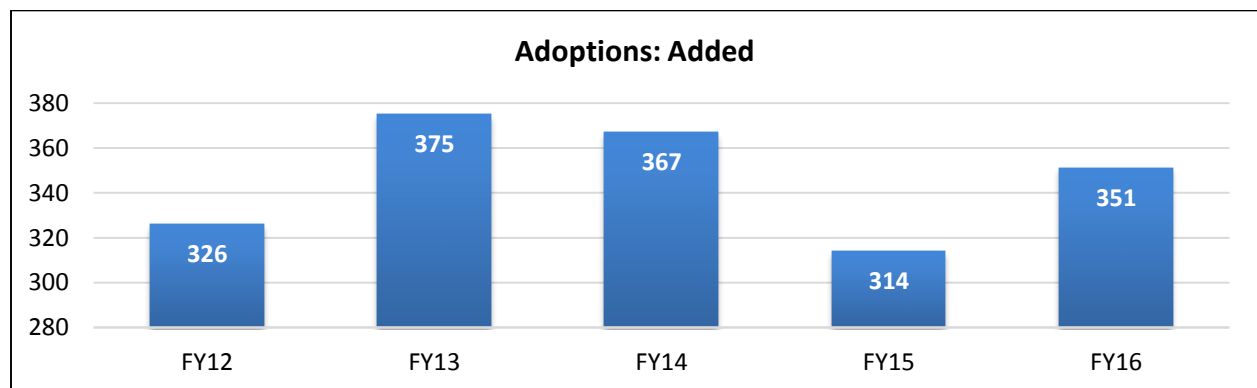
## A Note about Probate Statistical Data

Prior to the unification of the Vermont Superior Court, probate cases were not on the court's case management system (VTADS). Records of filings and dispositions were maintained by hand or, in later years, electronically using a spread sheet. The process of loading all active probate cases into the court's case management system began in FY13 and is still ongoing. Until all the open probate cases are in the case management system, we can only provide limited data. For example, data on other NCSC measurements such as age of pending cases and age of case at disposition will not be available until all cases are in the case management system. In addition, the Supreme Court needs to adopt disposition goals for each of the major probate case types in order to create a benchmark for gauging the timeliness of disposition.

## Adoption

### Trends

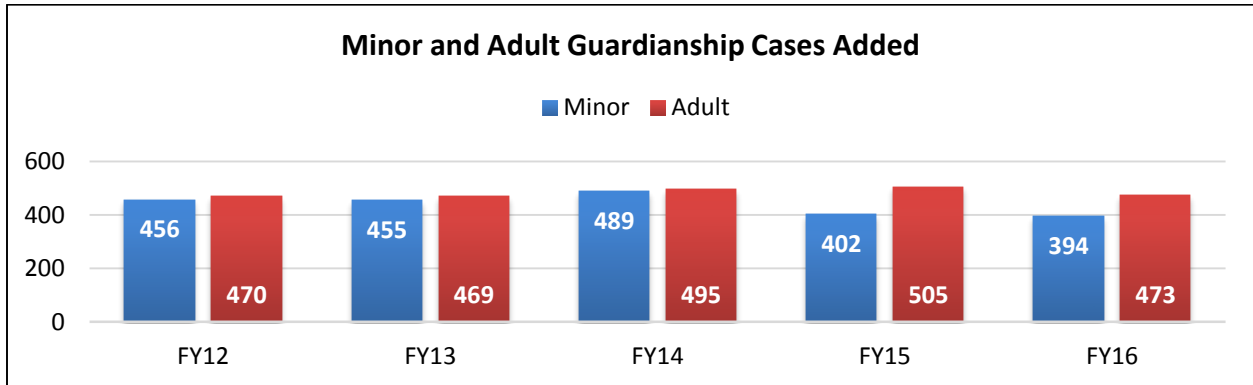
Adoption data includes cases involving the adoption of adults as well as the adoption of minors, although adoption of minors is by far the larger of the two categories. There were 12% more adoption petitions filed in FY16 as compared to FY15.



## Minor and Adult Guardianships

### Trends

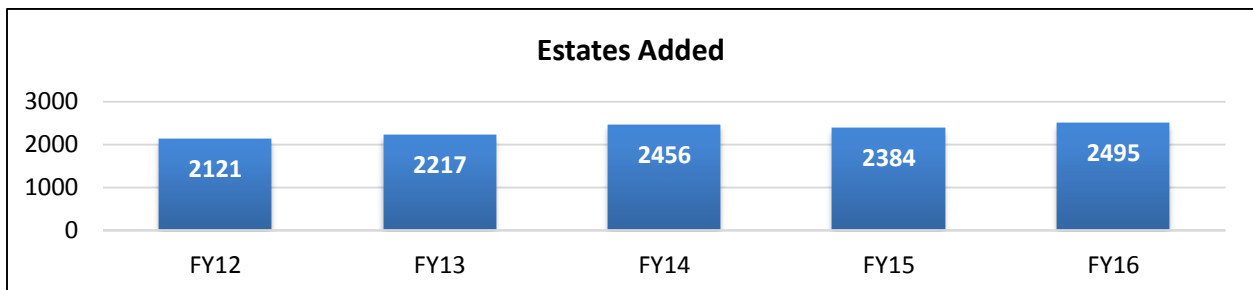
The number of minor and adult guardianship petitions only slightly declined in the last year, however when contrasted to five years ago, minor guardianships have declined 14%. Adult guardianships have remained almost level.



## Estates

### Trends

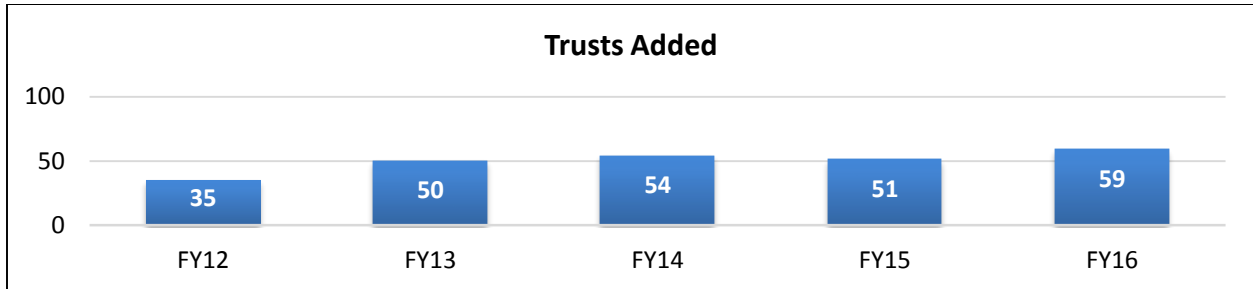
The number of estate cases filed in Vermont has been steadily growing over the last five years, increasing 18% since FY12.



## Trusts

### **Trends**

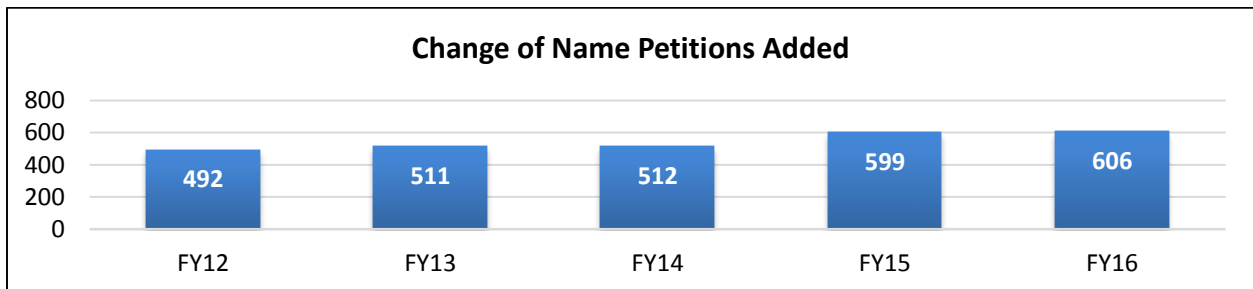
With the passage of the Uniform Trust Code (14A V.S.A. §101 et seq.), it was predicted that the number of trust filings in Vermont would grow. This has proven true as filings have increased by 69% since FY12.



## Change of Name

### **Trends**

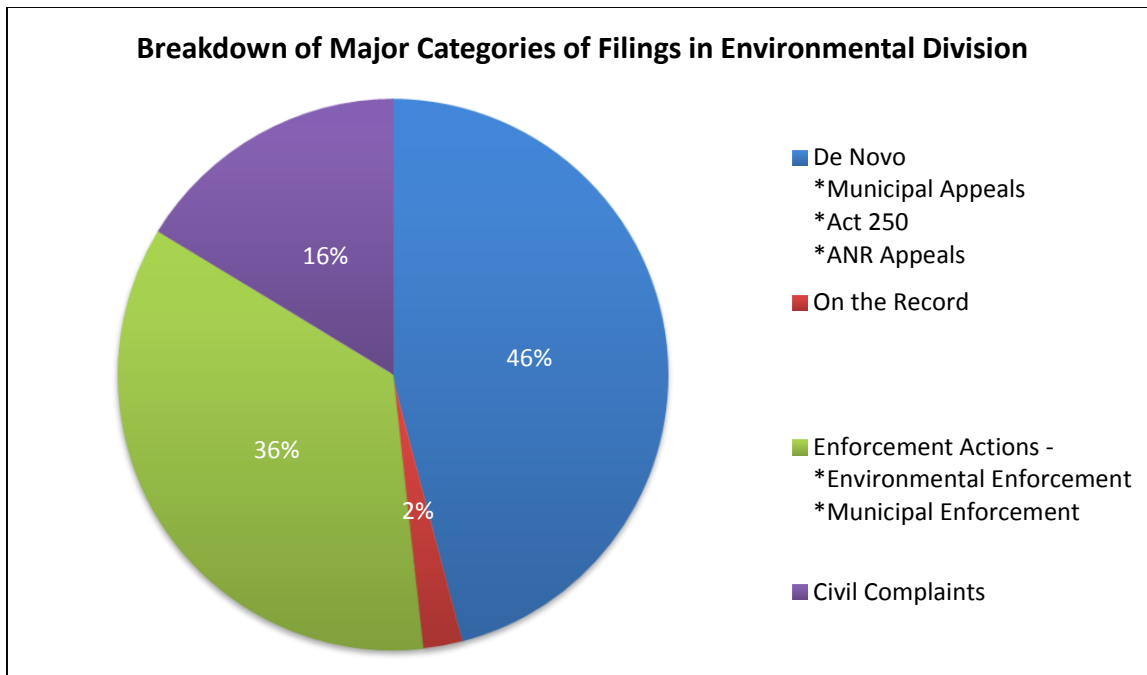
The number of petitions for a change of name has been steadily growing over the last five years. In FY16, 606 petitions for a change of name were filed in the probate division. This is an increase of 23% since FY12.



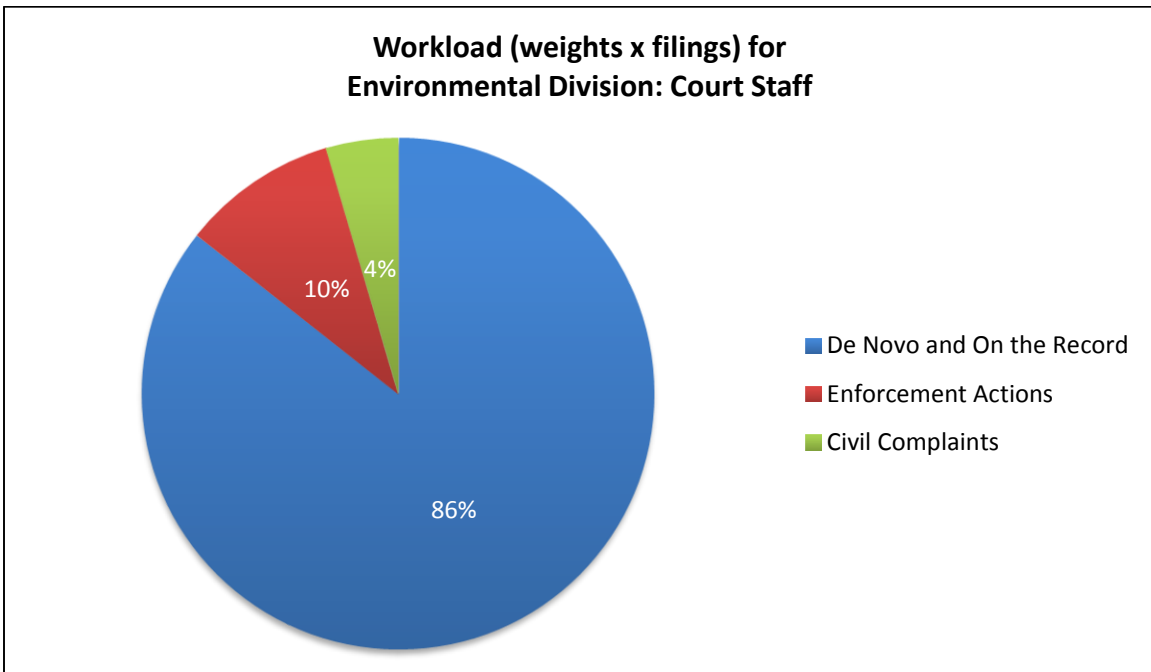
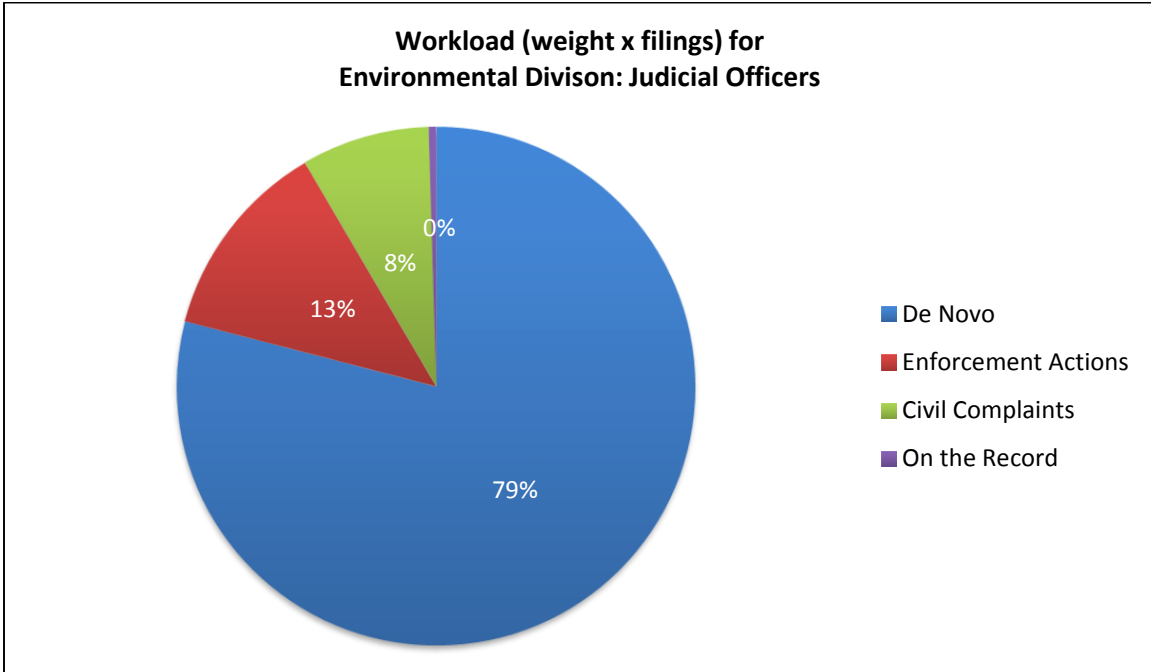


# Environmental Division

The environmental division of the superior court is a statewide court responsible for hearing and deciding cases that fall into five general categories: (1) Requests to enforce administrative orders issued by various state land use and environmental enforcement agencies; (2) Environmental enforcement proceedings from various municipalities; (3) Appeals from municipal zoning boards, development review boards and planning commissions; (4) Appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators; (5) Tickets for environmental violations such as unlawful burning, dumping in a stream or lake, or failing to abide by a permit condition or AMP (acceptable management practice).

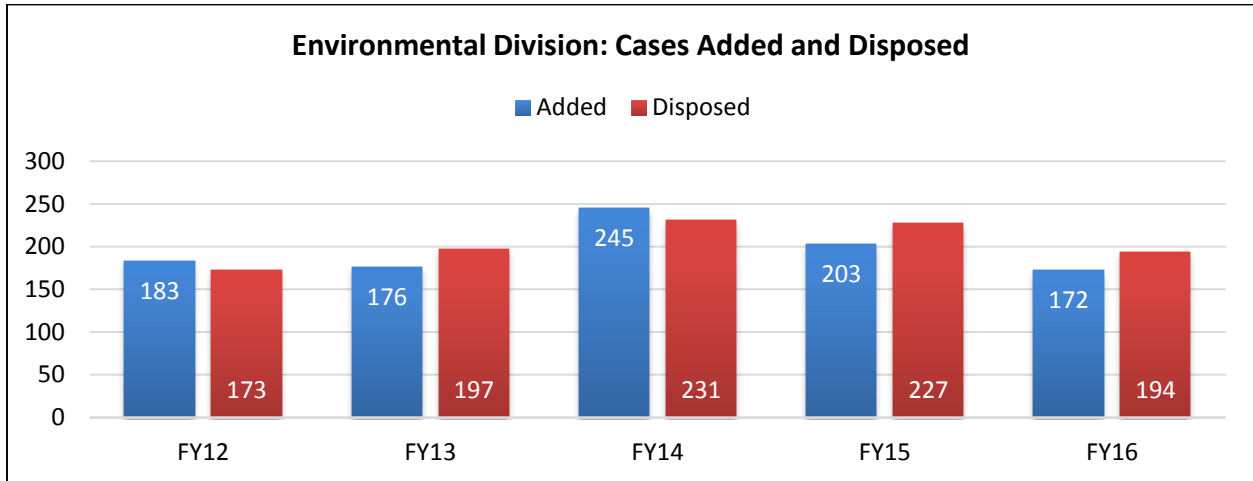


**WEIGHTED CASELOAD WORKLOAD WITH FY16 FILINGS**



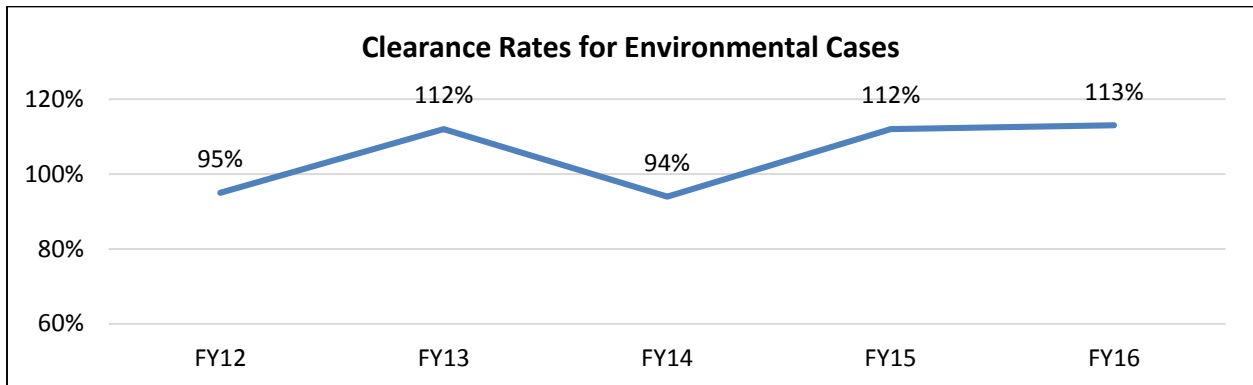
## Trends

As indicated by the chart below, filings in the environmental division decreased 15% from the previous year, primarily in the areas of civil complaints and municipal de novo appeals. The number of dispositions also decreased by 15%.



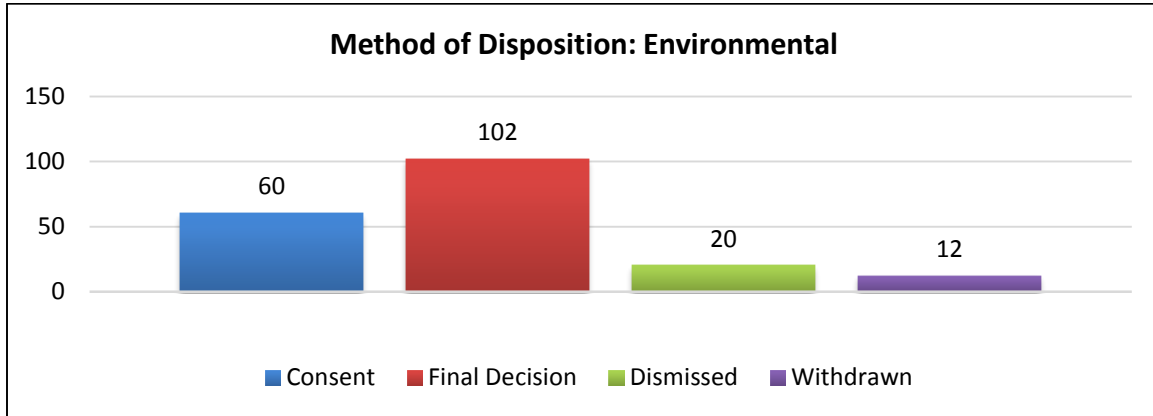
## Clearance Rate

The chart below measures the clearance rate for all environmental division cases from 2012 through 2016. While the clearance rate in FY14 fell below 100%, it has rebounded in the past two years to well above 100%.



**Method of Disposition**

Approximately 31% of the cases disposed in the environmental division are resolved by agreement of the parties. Final decisions were issued by the court in 53% of the cases. 16% were dismissed or withdrawn by parties.

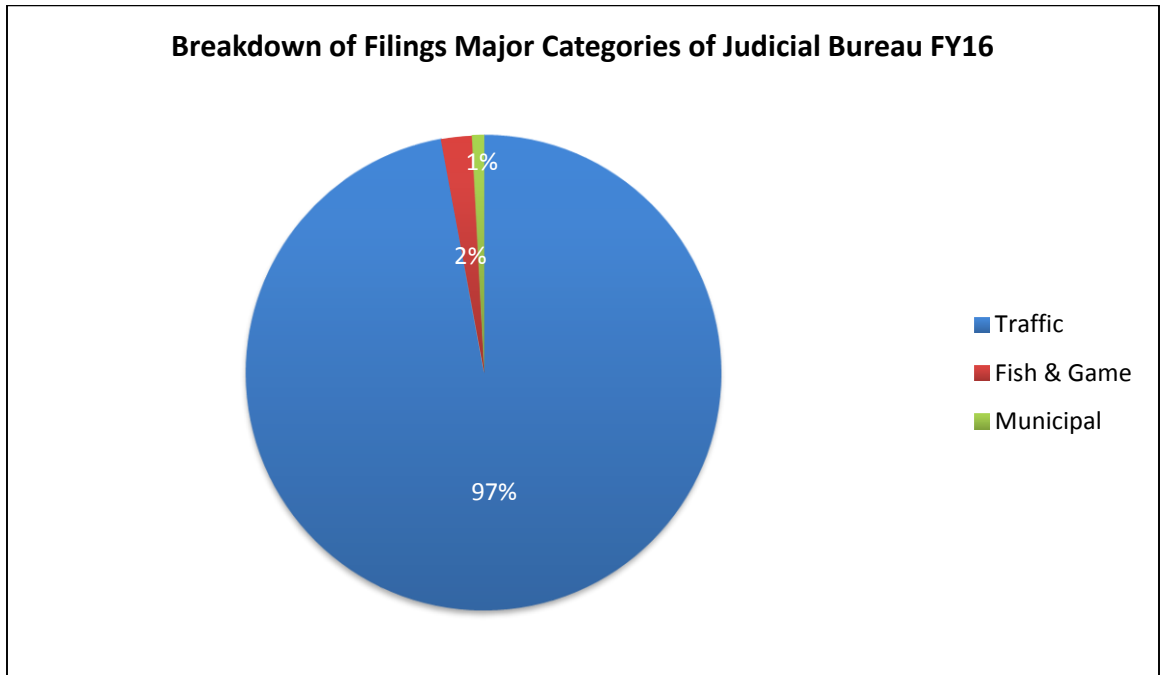


# Judicial Bureau

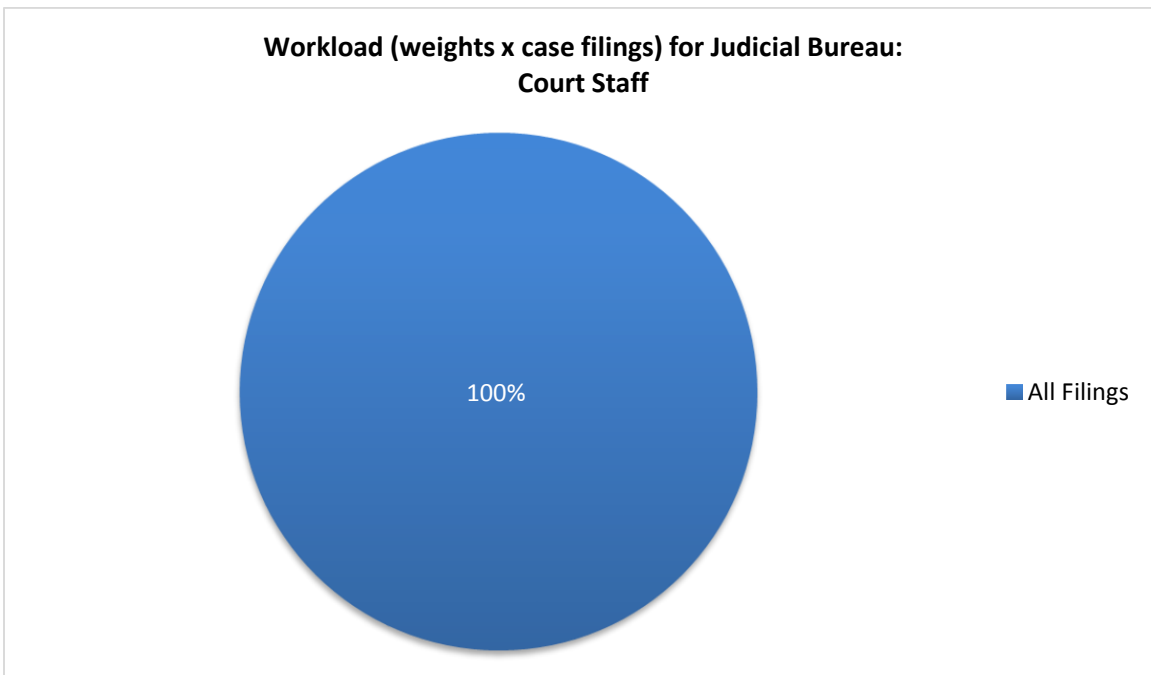
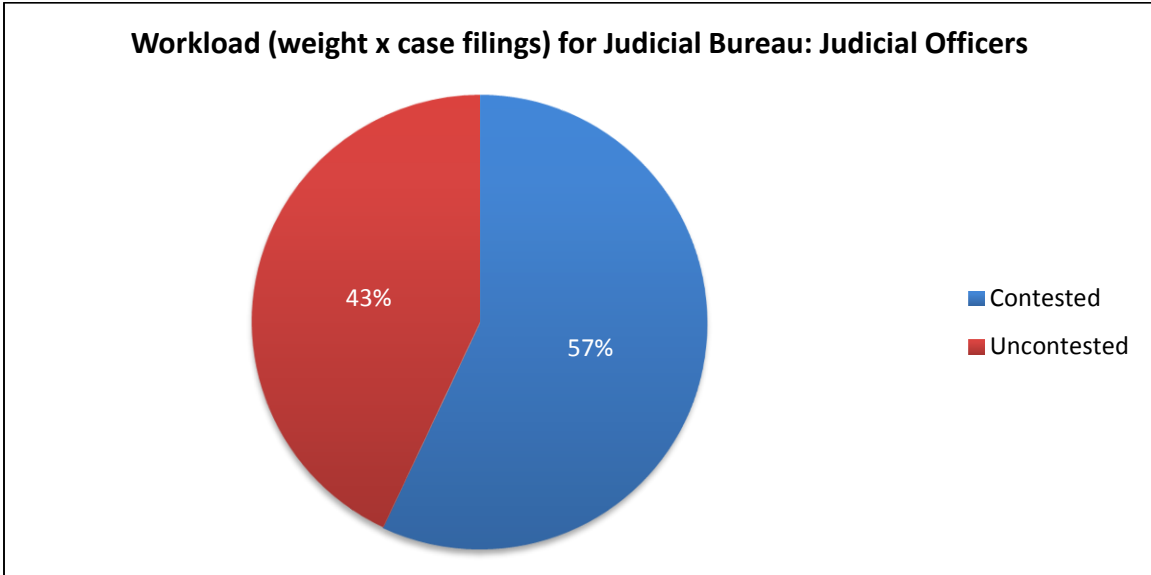
The Judicial Bureau has statewide jurisdiction over civil violations. Police and other government officials have authority to charge civil violations, including for example:

- Title 23
  - Traffic violations
- Municipal ordinance violations
- Title 10
  - Fish and wildlife violations
- Burning and waste disposal violations
- Environmental violations
- Lead hazard abatement violations
- Cruelty to animals violations
- Titles 2, 5, 7, 9, 10, 13, 16, 18, 19, 20, 21, 24 includes but not limited to:
  - violations for: Motor carrier, railroads, alcohol, tobacco, marijuana, scrap metal, water rules, waste transportation, humane treatment of animals, hazing, environmental mitigation, labor, littering and illegal dumping

The Judicial Bureau processes between 80,000-90,000 civil violation complaints per year. If a person denies the alleged violation, a court hearing is scheduled before a Hearing Officer.

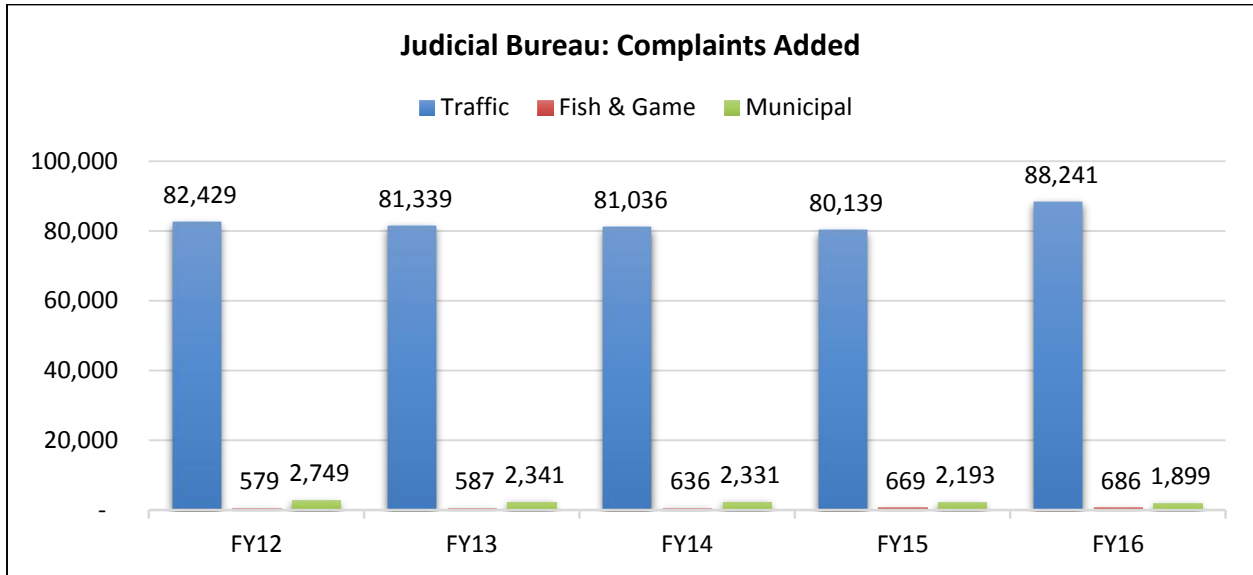


**WEIGHTED CASELOAD WORKLOAD WITH FY16 FILINGS**



## Trends

As indicated by the chart below, filings in the Judicial Bureau in FY16 were the highest in five years, with the exception of Municipal violations, which have decreased slightly in the last year. Overall, Judicial Bureau filings have decreased 9% since FY12.



**Vermont Supreme Court  
July 1, 2015 - June 30, 2016**

**TYPES OF APPEALS FILED AND CLOSED**

<u>Types of Appeals</u>	<u>Filed Appeals</u>	<u>Closed Appeals</u>	<u>Manner of Disposition</u>	<u>Appeals</u>	<u>Original Proceedings</u>
Bail	19	19	Written Opinions	122	1
Civil	178	226	Full Court Mem. (5 Justices)	5	6
Criminal	114	125	Panel Mem. (3 Justices)	155	0
Habeas	0	0	Lack of Progress	43	0
Juvenile	59	53	Stipulation/Withdrawal	53	1
Post Convictions	27	15	Misc. Mem.	60	38
Small Claims	0	0			
			<b>Total Closed</b>	<b>438</b>	<b>46</b>
<b>Totals</b>	<b>397</b>	<b>438</b>			

			<u>Presentation of Cases Considered</u>		
Board of Bar Examiners	1	0	Oral Argument	165	
Disciplinary Matters	9	5	Submitted on Briefs	104	
Extraordinary	14	13			
Habeas	0	0	Total	269	
Other	0	0			
5(b)	17	16	<u>Original Proceedings</u>		
5.1	0	3	Oral Argument	2	
6(b)	10	9	Submitted on Pleadings	37	

<b>Totals</b>	<b>51</b>	<b>46</b>	<b>Total</b>	<b>39</b>	
<b>Grand Total of Appeals</b>	<b>448</b>	<b>484</b>			

<u>Origin of Appeals</u>					
Boards, etc.	40	37			
Civil Division	113	135			
Criminal Division	117	147			
Environmental Division	12	13			
Family Division	115	106			
Probate Division	0	0			
<b>Totals</b>	<b>397</b>	<b>438</b>			



**Vermont Supreme Court  
July 1, 2015 - June 30, 2016**

**REARGUMENTS**

**Motions Requesting Reargument Pending**

**July 1, 2015**

**3**

Motions Requesting Reargument Added During Reporting Period	Motions Requesting Reargument Denied Without Hearing	Motions Requesting Reargument Denied After Hearing	Motions Withdrawn	Motions Requesting Reargument Granted
37	37	0	0	0

**Rearguments**

**Motions Requesting Reargument Pending**

**July 1, 2016**

**3**

**Effect of Motions Requesting Reargument**

Original Result Changed	Original Result Unchanged	Pending
0	37	0

**Vermont Supreme Court  
July 1, 2015 - June 30, 2016**

**OPINIONS**

**Number of Opinions Written**

Chief Justice Reiber	21	Also wrote three dissenting opinions.
Associate Justice Dooley	30	Also wrote four dissenting opinions, two concurring and dissenting opinions, and six concurring opinions.
Associate Justice Skoglund	18	Also wrote five dissenting opinions, which includes one case consolidated with three docket numbers and one concurring opinion.
Associate Justice Robinson	24	Also wrote five dissenting, two concurring and dissenting opinions, and four concurring opinions.
Associate Justice Eaton	29	Also wrote one concurring opinion.
Associate Justice Morse (Ret.)	1	
Per Curiam	<u>1</u>	*
<b>Total:</b>	<b>124</b>	

\* Motion (2015-181) - Did not close out case.

<u>Results in Appeals Closed by Written Opinions</u>	<u>Results in Original Proceedings Closed by Written Opinions</u>	
Affirmed	81	<u>1</u>
Affirmed in part; modified in part	1	
Affirmed in part; remanded in part	2	
Affirmed in part; reversed in part	7	
Affirmed in part; stricken in part and remanded	1	
Affirmed in part; vacated in part	1	
Reversed	5	
Reversed and remanded	21	
Conditions affirmed in part and stricken in part	1	
Vacated and reversed	1	
Vacated in part; reversed in part	<u>1</u>	
<b>Total:</b>	<b>122</b>	<b>1</b>

**Vermont Supreme Court  
July 1, 2015 - June 30, 2016**

**CASES PENDING AS OF JULY 1, 2016**

**180 Appeals**

**33 Original Proceedings**

**213 Total Number of Cases Pending**

<b>Age of Appeals Pending</b>		<b>Age of Original Appeals Pending</b>	
100	Less than 6 months	30	Less than 6 months
60	6 to 12 months	1	6 to 12 months
12	1 to 1 ½ years	0	1 to 1 ½ years
4	1 ½ to 2 years	0	1 ½ to 2 years
2	2 to 2 ½ years	1	2 to 2 ½ years
1	2 ½ to 3 years	0	2 ½ to 3 years
<u>1</u>	Over 3 years	<u>1</u>	Over 3 years
<b>180</b>	<b>Total</b>	<b>33</b>	<b>Total</b>

**CASES PENDING AS OF JULY 1, 2015**

**221 Appeals**

**28 Original Proceedings**

**249 Total Number of Cases Pending**

**RECONCILIATION**

	Pending as of July 1, 2015	Added during Period	Closed during Period	Pending as of July 1, 2016
Appeals	221	397	438	180
Original Proceedings	<u>28</u>	<u>51</u>	<u>46</u>	<u>33</u>
<b>TOTAL</b>	<b>249</b>	<b>448</b>	<b>484</b>	<b>213</b>