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H.418

Introduced by Representatives Gonzalez of Winooski, Cina of Burlington, and  
Weed of Enosburgh

Referred to Committee on

Date:

Subject: Court procedure; judicial rotation; study committee

Statement of purpose of bill as introduced: This bill proposes to establish a  
committee to study the system of judicial rotation used in the Vermont courts.

An act relating to the Judicial Rotation System Study Committee

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. JUDICIAL ROTATION SYSTEM STUDY COMMITTEE

(a) Creation. There is created the Judicial Rotation System Study  
Committee to study Vermont's system of statewide judicial rotation and  
determine the advisability, feasibility, and impacts of implementing changes to  
the system that reduce the frequency of judicial rotation.

(b) Membership. The Committee shall be composed of the following eight  
members:

(1) two current members of the House of Representatives, not both from  
the same political party, who shall be appointed by the Speaker of the House;

1           (2) two current members of the Senate, not both from the same political  
2 party, who shall be appointed by the Committee on Committees;

3           (3) one member appointed by the Chief Justice of the Vermont Supreme  
4 Court;

5           (4) one trial judge appointed by the Chief Superior judge;

6           (5) one court operations manager appointed by the Chief Superior  
7 judge; and

8           (6) one member appointed by the Executive Director of the Vermont Bar  
9 Association.

10          (c) Powers and duties. The Committee shall study whether the State should  
11 reduce how often judges rotate between Vermont counties, and how such a  
12 reduction could be accomplished, including the following issues:

13           (1) the advisability as a policy matter of Vermont's system of  
14 periodically rotating judges to different State courts instead of assigning a  
15 judge to a particular court on a permanent basis;

16           (2) positive attributes of the judicial rotation system, including exposing  
17 judges, court staff, and litigants to different types of cases and populations, and  
18 decreasing the likelihood that repetition and stagnation adversely impact the  
19 delivery of justice;

20           (3) negative attributes of the judicial rotation system, including loss of  
21 experience and expertise when judges change from hearing one type of case to

1 another, adverse effects on litigants when judges who are unfamiliar with a  
2 case are rotated in and assigned to take it over, and administrative and financial  
3 inefficiencies involved with changing the presiding judge in a case before the  
4 case is completed;

5 (4) the most effective method of implementing any improvements to the  
6 rotation system that the Committee determines are appropriate; and

7 (5) enhancing the public's understanding of Vermont's judicial rotation  
8 system and any benefits of the system identified by the Committee.

9 (d) Assistance. The Committee shall have the administrative, technical,  
10 and legal assistance of the Office of Legislative Council and the Joint Fiscal  
11 Office.

12 (e) Report. On or before December 15, 2017, the Committee shall submit a  
13 written report to the House and Senate Committees on Judiciary with its  
14 findings and any recommendations for legislative action.

15 (f) Meetings.

16 (1) the Committee shall select a chair from among its members at the  
17 first meeting.

18 (2) A majority of the membership shall constitute a quorum.

19 (3) The Committee shall cease to exist on January 15, 2018.

1        (g) Reimbursement.

2            (1) For attendance at meetings during adjournment of the General  
3        Assembly, legislative members of the Committee shall be entitled to per diem  
4        compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

5            (2) Members of the Committee who are not employees of the State of  
6        Vermont and who are not otherwise compensated or reimbursed for their  
7        attendance shall be entitled to per diem compensation and reimbursement of  
8        expenses pursuant to 32 V.S.A. § 1010.

9        Sec. 2. EFFECTIVE DATE

10        This act shall take effect on passage.