



# **THE VERMONT JUDICIARY**

## **A Guide for Legislators**

**January 2019**



January 16, 2019

I am pleased to present the January 2019 Guide for Legislators. This Guide outlines the role and structure of Vermont's Judicial Branch of state government. It also summarizes court programs and objectives.

The purpose of the Guide is to help legislators understand the Vermont court system so that they can better evaluate proposals that affect the Judiciary. The Guide includes descriptive summaries and charts that are organized as a quick reference document. A history of the Vermont Judiciary is included as Appendix A, and contact information for the Vermont Judiciary is included as Appendix B.

The Vermont Judicial Branch of government was created by the Vermont Constitution to protect the rights of all Vermonters by ruling on every case fairly, impartially, and in a timely way. The role of the courts is to protect individual rights and to ensure everyone a day in court.

As the State continues to face historic economic challenges, the Judicial Branch stands ready to work with the Legislature and the Executive branch of government to find the best solutions to these difficult problems.

We look forward to working with our colleagues in the other branches of government to meet these challenges.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul L. Reiber".

Paul L. Reiber  
Chief Justice of Vermont

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## **Part One: Judicial Branch Overview**

### **Introduction**

Fair and impartial courts are essential to provide access to justice for all Vermonters and to protect individual rights under the Constitution.

The Vermont Judiciary, as a co-equal branch of state government, is an important element in the constitutional balance of power among the Executive, the Legislative, and the 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. The Judiciary is an important element in the preservation and maintenance of an orderly society.

### **The Vermont Constitution**

Generally speaking, in the United States, the law is created by a combination of:

- Federal and state constitutions;
- Legislation passed by the Congress and by the applicable state legislature; and
- “Common law” [historical rules and precedents of the English legal system that evolved in the United States after the time of the American Revolution through court decisions; common law is applicable unless changed by a constitutional provision or statute.] This was adopted as the law of Vermont by Title 1, Section 271, of the Vermont Statutes Annotated.

The Vermont Constitution recognizes each separate branch of government as follows:

- The “Supreme Legislative power” shall be exercised by a Senate and House of Representatives [Chapter II, Section 2];
- The “Supreme Executive power” shall be exercised by a Governor; or in the Governor’s absence, a Lieutenant Governor [Chapter II, Section 1]; and
- “The judicial power of the State shall be vested in a unified judicial system which shall be composed of a Supreme Court, a Superior Court, and such other subordinate courts as the General Assembly may from time to time ordain and establish.” [Chapter II, Section 4]

Chapter I, Article 4 of the Vermont Constitution provides as follows:

“Every person within this 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.”

**Constitutional Allocation of Judiciary Responsibilities**

| Vermont Constitution | Vermont Supreme Court  |
|----------------------|--|
| Ch II, Section 29    | Consists of the Chief Justice and four Associate Justices  |
| Ch II, Section 30    | Has administrative control of all the courts of the state  |
| Ch II, Section 30    | Hears appeals from all lower courts and handles related writs in all cases   |
| Section 30           | Original jurisdiction [determining facts and law, as opposed to hearing appeals from lower courts] “only as provided by law”   |
| Section 30           | Has disciplinary authority concerning all judicial officers and attorneys in Vermont   |
| Section 31           | May not be divided into geographical or functional divisions   |
| Section 30           | Rulemaking authority “not inconsistent with law” re: appeals   |
| Section 31           | Rulemaking authority “not inconsistent with law” re: lower courts  |
| Section 31           | Rulemaking authority re: establishment of geographical and functional divisions of lower courts “not inconsistent with law”  |
| Section 37           | Rulemaking authority “governing the administration of all courts and governing practice and procedure in civil and criminal cases in all courts,” provided that “any rule adopted by the Supreme Court may be revised by the General Assembly” |

| <b>Vermont Constitution</b> |  | <b>Superior Court</b>  |  |
|-----------------------------|--|--|--|
| Ch II, Section 4            |  | Identified as one of the components of the unified judicial system [along with the Supreme Court and “such other subordinate courts as the General Assembly may from time ordain and establish”] |  |

| <b>Vermont Constitution</b> |  | <b>Other Lower Courts</b>  |  |
|-----------------------------|--|--|--|
| Ch II, Section 31           |  | All other lower courts of Vermont shall have original and appellate jurisdiction “as provided by law”. All courts except the Supreme Court may be divided into geographical and functional divisions as provided by law or by judicial rules adopted by the Supreme Court “not inconsistent with law.” |  |

| <b>Vermont Constitution</b> |  | <b>Assistant Judges</b>  |  |
|-----------------------------|--|--|--|
| Ch II, Section 50           |  | The Assistant Judges shall be elected by the voters of their respective districts “as established by law.” Their judicial functions shall be “established by law.” Their term of office shall be four years and shall commence on the first day of February next after their election. |  |
| Ch II, Section 53           |  | The manner and certification of election and filling of vacancies shall be “as established by law.”  |  |

| <b>Vermont Constitution</b> |  | <b>Judges of Probate</b>   |  |
|-----------------------------|--|--|--|
| Ch II, Section 51           |  | Judges of Probate shall be elected by the voters of their respective districts “as established by law.” The General Assembly may “establish by law” qualifications for the election to and holding of such office. Their term of office shall be four years and shall commence on the first day of February next after their election. |  |
| Ch II, Section 53           |  | The manner and certification of election and filling of vacancies shall be “as established by law.”  |  |



## **Mission and Vision of the Vermont Judiciary**

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.

## **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 450 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 to 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 (except the Judicial Bureau) 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 judges under the act.

### *Criminal Division*

Each unit of the Superior Court has a criminal division. This division of the Superior Court is responsible for the thousands of criminal 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 assigned to the criminal division in Superior Court 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 the arbitrary use of government power.

The criminal division also has jurisdiction over the most serious fish and game violations and traffic violations, as well as Judicial Bureau appeals, civil suspension cases, civil contempt for non-payment of municipal ordinance cases, fugitives from justice, forfeitures, and DNA testing. The criminal division is also the site of various treatment court dockets that involve offenders with substance use disorders and individuals with severe and persistent mental illness.

### *Family Division*

Each unit of the Superior Court has a family division. The family division is responsible for the divorce, legal separation, civil union dissolution, and annulment actions, other domestic actions (primarily parentage) and post-judgment actions. 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 motions to establish, modify or enforce child support, juvenile delinquency cases, cases involving the abuse and neglect of children, cases in which the state seeks to terminate parental rights, petitions for relief from domestic abuse and other family matters including how the state should care for persons with mental illness and developmental disabilities.

### *Civil Division*

Each unit of the Superior Court has a civil division. The civil division has jurisdiction over all civil actions. Many of these actions involve businesses seeking the collection of unpaid debts, individuals seeking damages resulting from the negligence of others, general lawsuits involving the failure to abide by the terms of a contract, landlord/tenant disputes and mortgage foreclosures. State 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 civil division also hears appeals of some governmental actions.

The civil division also has jurisdiction over small claims matters. Citizens and businesses seeking up to \$5,000 for various kinds of claims, such as unpaid debts, shoddy home improvement jobs, and returns of apartment security deposits, may look to the civil division to resolve their disputes.

### *Environmental Division*

The environmental division is responsible for hearing and deciding cases that fall into four 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; and (4) appeals from land use determinations made by the various Act 250 district commissions and jurisdictional determinations by the Act 250 district coordinators. The main office and courtroom of the environmental division is located in Chittenden County, although the two superior

judges assigned to hear environmental division proceedings travel throughout the state to conduct site visits and trials in the county where the project is located, as is directed by state law.

### *Probate Division*

The probate division is responsible for guardianships, adoptions, decedent estates and testamentary trusts. The probate division works 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 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 over 90,000 civil violation complaints per year. If a person denies the alleged violation, a court hearing will be scheduled before a Hearing Officer.

The Judicial Bureau has one Hearing Officer who is appointed by the Chief Superior Judge. An elected Assistant Judge may also be assigned to act as a Hearing Officer. The Judicial Bureau Manager and staff are responsible for the daily operations of the court. The Judicial Bureau Manager's Office is located in the courthouse at White River Junction.

### *Judicial Officers*

- Chief Justice (1)
- Associate Justices of the Supreme Court (4)
- Superior Judges (34)
- Superior Judges appointed to hear environmental cases (2)
- Magistrates (5)
- Judicial Bureau Hearing Officers (1)
- Probate Judges (14)
- Assistant Judges (28)

**Appointment:** The Governor, with the advice and consent of the Senate, fills vacancies for the offices of Chief Justice, Associate Justices, Superior Judge, and Magistrate from a list of nominees presented by the Judicial Nominating Board as determined to be qualified. Probate Judges and Assistant Judges are elected. Judicial Bureau hearing officers are appointed by the Chief Superior Judge. The Supreme Court appoints one superior judge to serve as the Chief Superior Judge for the Vermont trial courts.

**Qualifications:** With the exception of Probate Judges who were sitting at the time the new judicial restructuring law was passed in 2010 and Assistant Judges, all judicial officers must be attorneys licensed to practice law in Vermont.

**Term of Service:** Supreme Court justices, superior judges, and magistrates hold office for a six-year term. At the end of each six-year term, the question of their continuance in office is submitted to the General Assembly in a process known as retention. The justice, judge, or magistrate going through the retention process continues in office for another term of six years unless a majority of the members of the General Assembly voting on the question vote against continuation in office.

Assistant Judges and Probate Judges are elected. In each case, the term of office is four years.

### **Jurisdiction:**

**Superior Judges** hear cases in the civil, criminal, and family divisions of the Vermont Superior Court. Superior Judges appointed to hear environmental cases (also known as "environmental judges") preside in the environmental division. They may also be specially assigned by the Chief Superior Judge to hear other matters in the civil, criminal, and family divisions.

**Magistrates** sit in the Family Division and are authorized to hear cases involving the establishment, enforcement or modification of child support, as well as certain other issues that arise in domestic (divorce and parentage) cases. They may also be specially appointed by the Chief Superior Judge to hear cases as an acting Superior Judge.

**Judicial Bureau Hearing Officers** hear cases in filed in the Judicial Bureau. They may also be specially appointed by the Chief Superior Judge to hear cases as an acting Superior Judge.

**Probate Judges** hear cases in the probate division but may be specifically assigned by the Chief Superior Judge to hear cases as an acting Superior Judge in other divisions.

**Assistant Judges** may choose to sit as side judges [next to the Superior Judge] as triers of fact on cases in the civil division and on cases in the family division in the domestic and abuse protection dockets. Assistant judges do not sit as triers of fact on juvenile cases.

Assistant Judges who meet training requirements established by the State Court Administrator's Office are authorized by statute to hear and decide civil ordinance and traffic violations in the Judicial Bureau and uncontested divorces in the Family Division.

Assistant Judges in Caledonia, Rutland, and Bennington counties who were authorized to hear small claims cases prior to the new judicial restructuring law, may continue to sit on small claims cases filed in their respective counties. They have an annual continuing education requirement.

#### *Court Management*

Each unit of the Vermont Superior Court is managed by a Superior Court Clerk appointed by the Court Administrator, and a Presiding Judge [chosen from among the Superior Judges] appointed by the Chief Superior Judge. Court Operations Managers in each unit, who report to the Superior Court Clerk, manage court staff.

The Vermont Supreme Court has directed that the Presiding Judge and the Superior Court Clerk work collaboratively on issues related to case management, scheduling, and calendaring; court programs (e.g., litigant education, treatment court dockets, *Guardians ad Litem* etc.); the use of court facilities; the relationship with the local bar; the relationship with the community; and other issues related to the effective and efficient operation of all divisions in the county unit.

## **Part Two: Court System Funding**

The courts are primarily financed by the state general fund (approximately 88%) to fund general court system operations.

In addition, the Judiciary receives approximately \$3.1M in specialized funding from federal grants and other state entities to support targeted court activities. Examples of federal grants include: the Stop Violence Against Women Act (STOP VAWA); the HHS State Court Improvement grants, including Basic, Training and Data; and the Washington County Adult Treatment Drug Court Expansion (SAMHSA).

Examples of interdepartmental transfers from other state agencies include: aspects of treatment court dockets from Alcohol and Drug Abuse Programs (ADAP); NCHIP grant from the Department of Public Safety; determination and collection of child support from Office of Child Support (OCS); on a sub-recipient basis, certain federal formula grants, such as the STOP VAWA formula grant from the Vermont Center for Crime Victim Services (supporting court programs, education and trainings around the issue of domestic violence), and the Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grant as a sub-recipient from the Department of Public Safety.

The fees users pay are generally credited to the state general fund and not dedicated to the courts. Attorney licensing fees are used to fund the boards that oversee licensing, oversight of judicial officers and attorneys, and bar examinations. Many fines may have administrative fees or surcharges attached that the legislature has specifically identified for use on specific projects.



## **Part Three: Meeting the Challenges of the Future**

### Technology in the Vermont Judiciary

The Judiciary continues to make significant progress in its Next Generation Case Management System (NG-CMS) initiative. After announcing in June 2017 that we had contracted with Tyler Technologies to implement its Odyssey® unified case management system in Vermont, we kicked-off the initiative in September with a presentation held in the Supreme Court that was attended by many of our stakeholders and partners in State Government. Project execution is underway, with configuration and customization continuing throughout 2018 and training for Court staff to begin early 2019. We have developed a regional rollout plan, with the Judicial Bureau implementation leading in Spring 2019 and the first Trial Courts following several months later. These rollouts will continue through early 2021, when we will be fully transitioned to the new system.

Initial funding for the early phases of the Judiciary's NG-CMS project was appropriated by the Legislature in 2015. Additional funding for the project was included in Capital Bill appropriations in 2017 and 2018, with an anticipated final appropriation for completion requested in 2019. The Video Arraignment rollout is another crucial project that is underway at the Judiciary. This project enables the court rooms and the correctional facilities to interact remotely. Cisco telepresence units have been successfully installed and tested in Chittenden, Bennington, Franklin, Windham, and Windsor court rooms. These devices have also been successfully rolled out to the following correctional facilities across the state; CRCF, MVRFCF, NWSCF, and SSCF. The addition of this new technology will allow the courts to be much more efficient, safe, flexible, and cost effective while supporting remote video appearances.

In addition to these important initiatives, the ongoing technology needs of the Judiciary are constantly maintained and supported. We continue to work with the Agency of Digital Services (ADS) to ensure that the Judiciary has a solid and reliable technical foundation for current and future operations. This year, the Judiciary successfully converted its entire desktop infrastructure from a virtual solution to a local HP laptop/desktop installation. In collaboration with ADS, we rolled out 310 desktops and 180 laptops across all our locations state wide. This substantial change allowed us to modernize our PC fleet to support the arrival of NG-CMS and better enable ongoing productivity improvements such as Office 365, OneDrive and Skype for Business.

We also are required to actively maintain and enhance 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. This year, major improvements were made in the automation of the process of sending hearing notices, eliminating upwards of eight hours of staff time a week, and in the automation of sending names to the FBI NICS database, a requirement established by Act 12 of 2015 that previously needed manual intervention by staff seven days a week.

## **Part Four: Public Education and Access to the Courts**

### **Education for Self-Represented Litigants**

All parties representing themselves (*pro se*) in a Divorce, Separation or Civil Union dissolution case handled by 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 (EXCEPT attendance is not a prerequisite for hearings on Relief from Abuse Petitions or child support hearings). One-hour programs are held each month and are conducted by an attorney who regularly practices in the Family Court. The purpose is to educate litigants about the following: their responsibilities while representing themselves, courtroom etiquette and general procedures affecting family cases, and services available through outside agencies to help with problems affecting families. Anyone may attend, whether or not they are party to a pending case.

Cost: Free

### **Relief from Abuse Education Program**

This is an education program for parties to a Relief from Abuse case. It is conducted in two separate group sessions, one for Plaintiffs and one for Defendants, immediately prior to the court hearings. Many parties are not represented by attorneys and need information about what to expect. It includes an orientation to the court process and the kinds of questions parties may be asked, information about the legal standards to be applied and 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.

Cost: Free

## **Part Five: Children and Families in the Court System**

### Attorneys for Children

In some divorce or parentage cases, including post judgment filings, the court appoints an attorney to represent the interests of a minor child. Examples include cases in which the parents have significant factual disagreements over whether a child has been physically or sexually abused by a party or household member, or when there are indications that a child has substantial physical or psychological problems that the parents do not appear to be addressing in a responsible manner, or when parents appear focused on their own needs and not those of the children.

Cost: The court determines the contribution of each party. The parties may apply for court subsidy for this program. In subsidized cases, attorneys are compensated at the rate of fifty dollars (\$50.00) per hour, with a limit of \$750 set by the court. There is presently limited statewide funding for subsidy available through the Chief Superior Judge's office.

### Family Mediation

The court may order parties, or the parties may choose to participate in mediation to attempt to work out agreements. Mediation is usually ordered in cases in which parties have agreed to seek solutions through an alternative dispute resolution, also known as mediation. In post judgment situations, usually a final divorce decree will require that mediation be attempted prior to any court filing, particularly in cases where the parents previously have shared parental rights and responsibilities. The mediator provides a comprehensive screening of parties to determine if they and their issues are appropriate for mediation. If the parties are appropriate, then the mediator and the parties make independent arrangements for services. Mediation is not used in cases of abusive relationships. Mediation is available in certain civil cases as well as the environmental court.

Cost: The Judiciary subsidizes the cost of mediation for litigants with limited financial means through a sliding fee scale.

### Parent Coordination

An alternative dispute resolution process, parent coordination is designed to assist high conflict, separated or divorced parents and the court to develop safe, appropriate parent/child contact plans. Unlike mediation, which seeks agreement based on face-to-face, respectful discussion, the protocols for parent coordination are more concerned with safety issues and their impact on the children. Parenting plans developed in parent coordination work as tools to 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.

Parent Coordination takes place when there has been a determination on Parental Rights & Responsibilities, but it is unclear how visits can take place without parental conflict that will be emotionally or physically damaging to the child. Parent Coordinators work separately with each parent to develop a

Parenting Plan which will work for that particular family. If parents are unable to agree on a plan, the Parent Coordinator will make a recommendation for a plan to the court.

Cost: The Judiciary subsidizes the cost of parent coordination for families with limited financial means through a sliding fee scale.

### Home Studies

Home Studies are offered through the Vermont Superior Court Family Mediation Program using contracted Parent Coordinators. The purpose of a Home Study is to develop information helpful to the parents and the court in making decisions about children in divorce, post-divorce and parentage cases. Its emphasis is on learning about each parent by studying his or her social history, home environment, and network of relationships with other persons connected with that home. It is a useful approach when the child(ren)'s relationship with others in the parents' lives (for example, step-parents, half-siblings, parents' significant others) may be an important factor. One of the ways that Home Studies are offered is through the Vermont Superior Court Parent Coordination Program using contracted Parent Coordinators. It is not intended to be a psychological study of family members.

Cost: The Judiciary subsidizes the cost of home studies for qualifying litigants with limited financial means through a sliding fee scale. Parties not qualifying for the subsidy pay at the Parent Coordinator's private rate.

### Guardian ad Litem Program

Under Vermont statutes and rules, Guardians ad Litem must be appointed for children in Juvenile cases (Abuse, Neglect, (CHINS)), or when a child is a witness. Guardians ad Litem are also appointed in some Divorce, Parentage, RFA, Mental Health and Probate cases. Guardians ad Litem are volunteers except for parents who serve as Guardians ad Litem in delinquency cases. Training is presently provided for Guardians ad Litem who are appointed for children in abuse and neglect cases (in partnership with the National Court Appointed Special Advocates organization) and in Delinquency cases (in participation with the Public Defender's Office).

### Children Coping with Divorce

COPE is a joint program of UVM Extension and the Vermont Superior Court Family Division and is designed for parents of minor children who are separating/divorcing and filing a motion with the court. The four-hour program is required by the Vermont Superior Court's Family Division unless excused by the court for good cause shown.

The workshop is designed to equip parents with insights, information, practical tips and tools to ensure their children's adjustment to the changes in their family is successful. Classes are held in courthouses around the state. Registration is required.

Cost: \$75.00 per participant, unless the court determines otherwise. Course is open to the public.

## Justice for Children Task Force

The Justice of Children Task Force identifies barriers in the judicial system that may keep foster children in foster care for longer than necessary. The Task Force works to remove these barriers, to increase the likelihood of children finding safe, permanent homes as quickly as possible. The Justice for Children Task Force brings together leaders from groups working to improve the lives of children in foster care. Together, the Task Force finds barriers in the judicial system that may keep children in foster care for a longer than is best for them. They create solutions to remove these barriers, getting the children into permanent, safe homes as quickly as possible. These solutions must also safeguard the legal rights of everyone involved.

The Task Force measures, examines and reports on their work. Their recommendations are submitted to the Vermont Supreme Court when appropriate.

## **Part Six: Court Response to Crime in the Community**

### State of Vermont Treatment Dockets

The Judiciary operates six treatment court programs in the criminal and family units; three adult drug dockets in Chittenden, Rutland, and Washington counties; one DUI docket in Windsor that serves Windsor, Orange and Windham counties, one juvenile docket in Franklin County and one mental health docket in Chittenden County. These dockets serve defendants who are most likely to continue to engage in criminal behavior without an intensive long-term substance and/or mental health intervention. All programs include; early treatment intervention, judicial monitoring, mandatory random drug testing, case management, community supervision, and other services to help participants succeed.

#### Adult Drug Treatment Dockets – Chittenden, Rutland, and Washington Counties

Vermont Adult Drug Treatment Dockets are voluntary, post-plea programs for defendants over age 18 that divert non-violent offenders with substance use problems from incarceration into supervised treatment programs with rigorous standards of accountability. They are a coordinated effort of the courts, states attorney, defense attorney, law enforcement, probation, and treatment communities and include comprehensive case management to address participants other needs, such as education, housing, and job training. Treatment dockets help participants recover from addiction and prevent future criminal activity while also reducing the burden and cost to the criminal justice system. They offer participants who complete the program the chance to have criminal charges dismissed or reduced.

#### Juvenile Treatment 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 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, substance abuse treatment, mental health, social services, and child protective services to actively intervene and break the cycle of substance abuse, addiction, and crime. Juvenile Treatment The docket provides an intense regimen of substance abuse, mental health and related health services, wraparound case management, drug testing, regularly scheduled status hearings before a judge, linkages with job skills training/employment, educational services, housing, and other needed support.

#### Mental Health Treatment 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 with mental illness into judicially supervised, community-based treatment.

### South East Regional DUI Docket

In 2018, the Windsor DUI docket was expanded to encompass Orange and Windham counties. The DUI docket is post sentence and serves hardcore Driving Under the Influence (DUI) offenders. This includes both DUI-Alcohol (DUI-A) and DUI-Drug (DUI-D) offenders, as well as those engaging polysubstance abuse. Legally eligible cases include; a third or subsequent DUI-A/D, a second DUI-A with a BAC of .15 or higher, a second DUI-D involving an illicit substance, or a first DUI-A/D when accompanied by two or more violations of court orders pertaining to alcohol or drugs, DUI 2 with a high Blood Alcohol Concentration (BAC), DUI 3 and DUI 4. It is a two-year probation program that relies on the coordinated efforts of the Judge, court coordinator, case manager, treatment provider, probation department, defense attorney and State's Attorney. The individual is offered intensive treatment and supervision, risk reduction strategies, the possibility of using a Secure Continuous Random Alcohol Monitor (SCRAM), and a behavior modification program that uses sanctions and incentives.

### Vermont Judicial Commission on Family Treatment Dockets

In response to the dramatic upsurge in child protection cases fueled by the opioid crisis, the Supreme Court of Vermont has established the Vermont Judicial Commission on Family Treatment Dockets. Members of the Commission include representatives from all three branches of state government, as well as representatives from the private sector. The mission of the Commission will be to work across the justice system to identify the most efficient and effective ways to deliver necessary services, including the involvement of the court, to families with children impacted by the opioid crisis.

## **Part Seven: Ongoing Programs**

### Judicial 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.

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 Chief of Trial Court Operations and the Human Resources department work 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, effective customer relations 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.

### Personnel Policies

Our Human Resource Department endeavors to provide clear, consistent, rational and fair policies to govern the rights and responsibilities of the employees of the Judicial Branch.

### Court Security

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. 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 maintains a Manager for its Security and Safety Program. 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.

### Judicial Ethics Committee

In 1995, the Supreme Court established this committee of lawyers and judges to research and provide independent guidance to judges on issues that may violate the Code of Judicial Conduct. The Judicial Ethics Committee helps ensure that judges operate in accordance with the very high standards of ethical behavior that the public has a right to expect. The committee maintains and publishes compilations of its redacted opinions which are available to the courts, the Judicial Conduct Board, individual judges, and members of the public. The committee makes recommendations to the Supreme Court regarding amendments to the Vermont Code of Judicial Conduct.

### Bench/Bar Committees

Judges, lawyers, and court staff in many counties meet to identify ways of working together to improve court and attorney services to litigants. Through these routine, informal contacts, new approaches to scheduling practices, jury management, and litigant education are developed.

### Boards, Committees and Interagency Task Forces

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 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 have also been established to 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 Supreme Court has the constitutional authority to structure and administer the State's lawyer discipline program. *Vt. Const., Ch. II, § 30*. 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." *A.O.9, Purpose*.

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 and one part-time attorney. 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 for 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.

*The Supreme Court also oversees the following on-going activities conducted by the Court Administrator's Office staff that enable all members of the Judiciary to achieve their goals:*

#### Adoption, Modification and Documentation of Procedures, Policies and Protocols; Creation, Maintenance and Distribution of Forms

Office of the Court Administrator staff continuously review, identify and finalize policies, procedures and forms needed to achieve the goals and objectives of the Judiciary. Policies and forms are developed at the appropriate organizational level with maximum input from stakeholders and are continuously reviewed for opportunities to make them more effective and efficient. Forms are maintained by Office of Court Administrative staff and distributed in a timely manner.

#### Creation, Maintenance and Distribution of Records

The Office of the Court Administrator, with the assistance of a Records Management Committee, provides direction and assistance to court staff by creating procedures and public access policies that address the creation, storage, retrieval, dissemination and destruction of all judicial records. These policies are in compliance with state and federal record-keeping requirements and developed in collaboration with the Judiciary's oversight committees, the Vermont State Archives and Records Administration (VSARA), and other appropriate stakeholders.

## Compilation of Management and Statistical Information

Office of the Court Administrator staff compile monthly, quarterly and annual statistical caseflow reports for all courts and does special studies such as:

- caseload projections;
- public defender reimbursements;
- legislative initiative impact assessments (pre and post);
- workload studies; and
- caseflow studies.

Staff also work with judges and managers to develop outcome measures for programs and projects and then to develop information systems to accomplish and measure those outcomes.

## Maintenance and Control of Equipment

The Court Administrator contracts with numerous vendors for the purchase and maintenance of electronic equipment such as court recording equipment, telephone systems, copiers and fax machines. Staff continually look to improve those systems to provide greater functionality with higher reliability at lower cost. Office staff maintain an inventory of equipment required for insurance purposes.

Judiciary technical staff operates, supports and maintains a server, virtual desktop, and networking infrastructure that has been implemented in the State of Vermont Private Cloud. This virtual infrastructure provides the Judiciary with a scalable, solid and reliable technical foundation for current and future operations.

## Audits of Financial Transactions and Recordkeeping

Office of the Court Administrator staff process financial transactions for all programs within the Judiciary. Staff monitor and reconcile the funds appropriated to finance the operations of the court system on a continuous basis. Routine audit findings ensure the integrity of financial information. Through a collaborative effort with judicial managers, financial records are centrally maintained with comprehensive support documents to aid in identifying deficiencies that warrant adjustments and to provide historical information for making decisions.

## Payments of Bills and Expenses

Office of the Court Administrator staff review, edit and process expenditures generated by activities throughout the Judiciary. Staff work with trial court staff and program managers to ensure bills for goods and services are paid accurately and timely and charged to the appropriate court/program budget. Financial reports are routinely provided to management as both a communication and planning tool for tracking and allocating financial resources.

## Creation and Maintenance of Personnel Records

The Office of the Court Administrator maintains personnel records for all Judiciary employees throughout the state. All recruitment of personnel and personnel actions are performed centrally, consistent with equal employment opportunity laws. Payroll and benefits are administered within the Office of the Court Administrator and the records are held and later stored as public records. Classification and compensation plans are maintained to insure uniform and consistent practices throughout the Judiciary. All mandatory sexual harassment and ADA trainings are administered through the Office of the Court Administrator. A comprehensive personnel policy was created and is maintained with recommendations to the Court Administrator.

## Facilities Management

The Court Administrator works closely with the Department of Buildings and General Services (BGS) to meet the needs of the Judicial Branch. Court operations are located in 27 facilities, which are a mix of both State and County owned buildings. This makes standardization and efficiency a challenge. Our courts are experiencing growing case loads and demands in aging facilities where the security program is difficult to administer. The Court Administrator engages with BGS and County Assistant Judges to address facility design, construction, renovation, and maintenance. The use of standard physical security systems is essential. General issues for the Judicial Branch include space assignment, audio systems, automated recording systems for hearings, furniture and equipment. This specialty area is the responsibility of the Security and Safety Program Manager under the direct supervision of the Chief of Administration and Finance.

## Continuity of Operations

The Governor and his administration have emphasized the need for robust Continuity of Operations Plans (COOP) within Vermont state government. COOP is essential to providing uninterrupted justice services during a time of significant emergency. Hurricane Irene provided reinforcement that Vermont is not immune to emergency or crisis situations and we must all be prepared. The Court Administrator maintains a viable COOP contingency to address emergencies through use of an “all hazards” approach. The Judicial Branch is led in this effort through its Security and Safety Program, which maintains a collaborative relationship with the Vermont Department of Public Safety (DPS), Division of Emergency Management and Homeland Security (DEMHS).

## Appendix A: History of the Vermont Court System

The Judiciary was first organized in 1778. Special courts were created with jurisdiction over civil and criminal matters – with the exception of the banishment of Tories for which a superior court was established. These courts were quickly discontinued and that same year the Legislature established a Superior Court consisting of five judges, with Moses Robinson as the chief judge. It convened four times a year at different locations around the state for no longer than one week at each sitting. Justices of the Peace tried disputes of small monetary amount, issued warrants, and heard less serious criminal matters.

The concept of the separation of powers among the three branches of government was not strictly maintained. The Superior Court had jurisdiction over causes in which the matter in dispute did not exceed "four thousand pounds lawful money"; matters involving more than that were heard by the Governor, the Governor's Council and the Legislature. Furthermore, appeals from the Superior Court were heard by the Governor's Council and the Legislature. Members of the Governor's Council sat in for absent judges and, in the 1780's, two people served simultaneously as judge of the Supreme Court and as lieutenant governor.

Although the creation of a Supreme Court and county courts was authorized in Vermont's first Constitution, it was not until 1781 that the Legislature directed that there should be five judges of the county court. The distinction between the county courts and the Superior Court, however, was so confused and the jurisdiction so overlapping that in 1782 the Superior Court was restyled the Supreme Court. At the same time, the powers of the courts were defined and the times and places of their sessions were regulated. In 1781, the first probate courts were organized in the Bennington and Manchester probate districts.

The Supreme Court sat annually in each county and had jurisdiction, as did the county court, over "all matters of litigation of a general character, including the prosecution of crimes and divorce." Some areas of jurisdiction were reserved for the Supreme Court such as title disputes, which was a politically sensitive issue. The Supreme Court also had appellate jurisdiction over matters heard in the county court. A litigant in county court could have four trials; two in county court and, on appeal, two in the Supreme Court, a review being permitted in both courts.

In 1786, the Vermont Constitution was amended to mandate greater attention to the separation of powers. Members of the Governor's Council and others in the executive or legislative branches could no longer serve, at the same time, as members of the Supreme Court.

Vermont became a state in 1791.

In 1797, for the first time, judges were required to write out their decisions and the clerk was required to file them.

In 1825, a major reform of the state judicial system took place. In an effort to create greater uniformity and equal justice throughout the state, individual Supreme Court justices, on circuit, began to preside over the county courts. The number of Supreme Court justices was increased, and the number of county court judges decreased. The county court judges became "assistant judges" to the presiding Supreme

Court justices who served as chief county court judges. At the same time, a reporter of decisions recorded and published decisions so that they were available to all of the judges and precedent took on new importance. Until that time, justice was roughly equivalent to common sense, and earlier pronouncements of courts about similar or identical issues were not particularly relevant.

Now, with the reforms of 1825, one can begin to recognize the Supreme Court as an appellate court. Appeals from the county courts, presided over by individual Supreme Court justices, came to the full Supreme Court.

In 1850, the Legislature created a circuit court. The state was divided into four judicial circuits with a judge appointed to preside over the courts in the counties within that circuit. A Supreme Court of three justices was authorized; those justices had no duties to perform in the county courts. The Supreme Court continued to serve as a court of appeals.

Then in 1857, the Legislature restored the earlier system. A Supreme Court of six members was established with a Supreme Court justice required to preside in each of the county courts. The number of Supreme Court justices was increased to seven in 1870. This system remained in effect until 1906.

Beginning with the larger cities, the Legislature created municipal courts to hear less serious criminal matters and civil matters. These courts were intended to be superior to the justice of the peace courts but not to compete with the county courts. The first proposal for this type of court was found in the first charter of the city of Vergennes in 1788, although the charter was not accepted by the people of that proposed city. Eventually, one or more municipal courts were founded in each county.

In 1906, the Vermont Legislature went back to the system created in 1850 by establishing a six -person Superior Court bench. The act also provided for a Supreme Court consisting of a chief justice and three associate justices (two years later increased to four). Five terms of the Superior Court were to be held in Montpelier with special annual sessions in St. Johnsbury, Rutland and Brattleboro.

The structure of the court system remained substantially the same until the mid-1960's. Six superior judges continued to preside over the courts in the 14 counties, along with the assistant judges in each county. Over time, most Judicial duties of the justices of the peace were transferred to municipal judges, who by 1967, heard many of the kinds of cases heard in District Court today. Most municipal judges and the probate judges served on a part-time basis. But by the mid-1960's, the litigation explosion had begun and it was clear that inadequacies of the court system had to be addressed. In 1967 the District Court was created to take the place of the municipal courts. This important legislation provided for 10 full-time judges and created an administrative framework, supervised by the Supreme Court, with sufficient authority and flexibility to operate the District Court effectively and efficiently in the face of the rapidly growing caseload. A formal judicial selection process was instituted with certain objective standards required of applicants to the bench. For the first time, the law required that a judge be legally trained.

The movement to improve, integrate and modernize the Judiciary did not stop with the creation of the District Court. In 1974, Vermonters ratified amendments to the Vermont Constitution which gave to the Vermont Supreme Court administrative authority over all the State courts.

In 1980, in an effort to coordinate the activities of the District and Superior Courts, the Supreme Court and the Legislature created the position of Chief Superior Judge for Trial Courts. Today, the Chief Superior Judge assigns judges to the courts and works with the Court Administrator to administer the courts.

By the end of the 1980's, the Legislature recognized that the court structure did not enable the Judiciary to meet the changing needs of Vermonters for judicial services. It created three new trial courts.

In 1989, the Legislature created what is now called the Environmental Court. It gave to the court the authority to review orders issued by the Agency of Natural Resources. It subsequently added appeals from town zoning boards and planning commissions. In 2005, the Legislature expanded the Court's jurisdiction, enabling it to hear appeals from Act 250 district commissions.

In 1990, the Legislature recognized that the District Court, while struggling to find time to hear and decide the growing number of serious felony and misdemeanor filed, was unable to give due attention to the thousands of traffic violations. The Legislature decriminalized these violations and created a new Bureau to resolve them. Since then, the Legislature has increased the Judicial Bureau's jurisdiction to include fish and wildlife, municipal ordinance and other civil violations.

In 1990, the Vermont Legislature saw a need to create a new court in order to ensure that needs of children and families for judicial services receive the attention and priority they deserve. It created the Vermont Family Court and transferred the jurisdiction of all family matters from the superior, district and probate courts into the newly created court.

During the 2008 legislative session, the Vermont legislature, by statute, requested the Vermont Supreme Court to appoint and convene a Commission on Judicial Operation and recommend statutory changes that would be required to enable the judicial branch of state government to operate more efficiently and efficiently in a climate of drastically reduced state revenues.

After extensive debate and deliberation, the Vermont legislature passed historic legislation in May 2010 that restructured the judicial branch. On July 1, 2010, the new Vermont Superior Court, with five divisions, came into existence. This reform brought the court structure within Vermont's constitutional requirements for a unified, judicial system, reduced the public tax burden by reducing the appropriation for the court system, and set the stage for the court system to achieve efficiencies while increasing access to justice for all Vermonters.



**APPENDIX B: DIRECTORY OF THE VERMONT JUDICIARY**

**SUPREME COURT**

**Supreme Court Justices**

Hon. Paul L. Reiber, Chief Justice  
Hon. Marilyn S. Skoglund, Associate Justice  
Hon. Beth Robinson, Associate Justice  
Hon. Harold E. Eaton, Jr. Associate Justice  
Hon. Karen Carroll, Associate Justice

**Clerk's Office, 109 State Street, Montpelier, Vermont 05609-0801**

Emily Wetherell, Deputy Clerk  
Larry Abbott, Reporter of Decisions  
Supreme Court Docket Clerk **828-3278**

**Chief Superior Judge for Trial Courts**

**109 State Street, Montpelier, Vermont 05609-0701**  
Brian Grearson, Chief Superior Judge  
Vicki Harty, Administrative Assistant **828-3278**

**State Court Administrator and Clerk**

**109 State Street, Montpelier, Vermont 05609-0701**  
Patricia Gabel, Esq., State Court Administrator **828-3278**

**TRIAL COURTS**

**Superior Court Judges**

|                         |                               |
|-------------------------|-------------------------------|
| Hon. Alison Arms        | Hon. Martin Maley             |
| Hon. David Barra        | Hon. Elizabeth Mann           |
| Hon. Robert Bent        | Hon. Robert Mello             |
| Hon. Thomas Carlson     | Hon. Mary Morrissey           |
| Hon. William D. Cohen   | Hon. John Pacht               |
| Hon. Cortland Corsones  | Hon. Gregory Rainville        |
| Hon. Thomas J. Devine   | Hon. Kirstin Schoonover       |
| Hon. Thomas Durkin      | Hon. Megan Shafritz           |
| Hon. David Fenster      | Hon. Mary Miles Teachout      |
| Hon. Robert Gerety      | Hon. Timothy Tomasi           |
| Hon. Brian Grearson*    | Hon. Helen M. Toor            |
| Hon. Kevin Griffin      | Hon. John Treadwell           |
| Hon. Michael Harris     | Hon. John Valente             |
| Hon. Katherine A. Hayes | Hon. Howard E. VanBenthuyssen |
| Hon. Samuel Hoar        | Hon. Thomas Walsh             |
| Hon. Michael Kainen     | Hon. Nancy Waples             |
| Hon. Scot Kline         | Hon. Thomas Zonay             |

\*Chief Superior Judge for Trial Courts

### **Probate Judges**

Hon. Karl Anderson  
Hon. Robert Chimileski  
Hon. William Cobb  
Hon. Vaughn Comeau  
Hon. Jodi French  
Hon. Gregory Glennon  
Hon. Fred Glover

Hon. Allen Hodgdon  
Hon. Kathryn Kennedy  
Hon. Jeffrey Kilgore  
Hon. James Mahoney  
Hon. Justice Scanlon  
Hon. Eleanor Smith  
Hon. George Spear

### **Magistrates**

Hon. Christine Hoyt  
Hon. Alicia Humbert  
Hon. Joseph Lorman

Hon. Thomas Peterson  
Hon. Brian Valentine

### **Hearing Officer**

Hon. Howard Kalfus

### **Assistant Judges**

Hon. Jack Anderson  
Hon. Lamont Barnett  
Hon. Benjamin Batchelder  
Hon. Joanne Batchelder  
Hon. Suzanne Brown  
Hon. Calvin Colby  
Hon. Jean Coloutti  
Hon. James Colvin  
Hon. Miriam Conlon  
Hon. Patricia Duff  
Hon. Kelly Gosselin  
Hon. John Hall  
Hon. Curtis Hardy  
Hon. Allen Hodgdon

Hon. Robert Johnson  
Hon. David Lewis  
Hon. Joyce McKeeman  
Hon. Jacqueline McLean  
Hon. Wesley Mook  
Hon. Madeline Motta  
Hon. Joel Page  
Hon. Sherri Potvin  
Hon. Connie Ramsey  
Hon. Ellen Terie  
Hon. Otto Trautz  
Hon. Roy Vance  
Hon. Victoria Weiss

**SUPERIOR COURTS AND CLERKS**

**Addison Unit** –Clerk: Laurie Canty

**Civil, Criminal, Family and Probate Divisions**

7 Mahady Court  
Middlebury, Vermont 05753  
802-388-7741

**Bennington Unit** –Clerk: Laurie Canty

**Bennington Civil and Probate Divisions**

207 South Street  
Bennington, Vermont 05201  
802-447-2700

**Bennington Criminal and Family Divisions**

200 Veterans Memorial Drive, Suite 4  
Bennington, Vermont 05201  
802-447-2727

**Caledonia Unit** - Clerk: Margaret Villeneuve

**Caledonia Civil, Criminal, Family and Probate Divisions**

1126 Main Street, Suite 1  
St. Johnsbury, Vermont 05819  
802-748-6600

**Chittenden Unit** - Clerk: Christine Brock

**Chittenden Civil and Probate Divisions**

175 Main Street, P.O. Box 187  
Burlington, Vermont 05402-0187  
Civil: 802-651-1950 / Probate 802-651-1518

**Chittenden Criminal and Family Divisions**

32 Cherry Street  
Burlington, Vermont 05401  
Criminal: 802-651-1950 / Family: 802-651-1709

**Essex Unit** - Clerk: Margaret Villeneuve

**Essex Civil, Criminal, and Probate Divisions**

Rt. 102, 75 Courthouse Drive, PO Box 75  
Guildhall, Vermont 05905  
802-676-3901

**Franklin Unit** – Clerk: Gaye Paquette

**Franklin Civil and Probate Divisions**

17 Church Street  
St. Albans, Vermont 05478  
Civil: 802-524-7993 / Probate: 802-524-7948

**Franklin Criminal and Family Divisions**

36 Lake Street  
St. Albans, Vermont 05478  
802-524-7997

**Grand Isle Unit** – Clerk: Gaye Paquette

**Grand Isle Civil, Criminal, Family and Probate Divisions**

Courthouse, PO Box 7  
North Hero, Vermont 05474-0007  
Civil and Criminal: 802-372-8530  
Family and Probate: 802-372-8350

**Lamoille Unit** – Clerk: Gaye Paquette

**Lamoille Civil, Criminal, Family and Probate Divisions**

PO Box 570, 154 Main Street  
Hyde Park, Vermont 05655  
Civil: 802-888-2207  
Criminal and Probate: 802-888-3887  
Probate: 802-888-3306

**Orange Unit** – Clerk: Anne Damone

**Orange Civil, Criminal, Family and Probate Divisions**

5 Court Street  
Chelsea, Vermont 05038  
802-685-4610

**Orleans Unit** - Clerk: Margaret Villeneuve

**Orleans Civil, Family and Probate Divisions**

Courthouse, 247 Main Street, Suite 1  
Newport, Vermont 05855-5099  
802-334-3305

**Orleans Criminal Division**

217 Main Street  
Newport, Vermont 05855  
802-334-3325

**Rutland Unit** - Clerk: Laurie Canty

**Rutland Civil and Probate Divisions**

83 Center Street  
Rutland, Vermont 05701-4039  
Civil: 802-775-4394 / Probate: 802-775-0114

**Rutland Criminal and Family Divisions**

9 Merchants Row  
Rutland, Vermont 05701  
Criminal: 802-786-5880 / Family: 802-786-5856

**Washington Unit** – Clerk: Margaret Villeneuve

**Washington Civil and Probate Divisions**

65 State Street  
Montpelier, Vermont 05602  
802-828-2091

**Washington Criminal and Family Divisions**

255 North Main Street  
Barre, Vermont 05641  
802-479-4205

**Windham Unit** – Clerk: Anne Damone

**Windham Civil Division**

P.O. Box 207  
7 Court Street  
Newfane, Vermont 05345-0207  
802-365-7979

**Windham Criminal, Family and Probate Divisions**

30 Putney Road  
Brattleboro, Vermont 05301  
802-257-2800

**Windsor Unit** – Clerk: Anne Damone

**Windsor Civil and Probate Divisions**

12 The Green  
Woodstock, Vermont 05091-0458  
802-457-2121

**Windsor Criminal and Family Divisions**

82 Railroad Row  
White River Junction, Vermont 05001  
802-295-8865

**Environmental Court** – Clerk of the Statewide Courts: Joanne Charbonneau

Vermont Environmental Court  
32 Cherry Street, 2<sup>nd</sup> Floor, Suite 303  
Burlington, Vermont 05401  
802-951-1740

**Judicial Bureau** – Clerk of the Statewide Courts: Joanne Charbonneau

Vermont Judicial Bureau  
82 Railroad Row, PO Box 607  
White River Junction, Vermont 05001  
802-295-8869

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