

S.140; Contempt Remedy for Civil Arrest at a Court House

<p align="center">Civil contempt statute</p>	<p>Contempt proceedings may be brought “when a party violates an order made against him or her in a cause brought to or pending before a Superior judge or a Superior Court after service of the order upon that party.” 12 V.S.A. § 122.</p>	
<p align="center">Vt. Sup. Ct. Decisions</p>	<p>Civil contempt can only be imposed for violation of a court order, and sanctions may only be imposed to coerce the person into complying with the court order rather than to punish the person. <i>Sheehan v. Ryea</i>, 171 VT 511, 512 (2000); 12 V.S.A. sec. 122. The sanctions must be capable of being avoided by the defendant if the court order is complied with (so it is often said that “the defendant holds the keys to the jailhouse”). <i>Id.</i></p>	<p>Protection against being arrested at a court house does not depend upon the existence of a court order. “It grows out of the privilege which the law has established. It constitutes a continuing order.” So, serving a person with legal process at court is an act in contempt of court, whether regarded as an act in violation of a court order or an act interfering with administration of the court. <i>In re Healey</i>, 53 Vt. 694 (1881)</p>
<p align="center">Statutes from other states re: civil arrest at courthouse</p>		<p><u>New York</u>: “It is a contempt of the court” to willfully commit civil arrest at a courthouse.</p> <p><u>Colorado</u>: A person who knowingly violates the prohibition on civil arrest at courthouses “is subject to contempt of court”.</p>
<p align="center">Criminal Contempt</p>	<p>“In Vermont, criminal contempt is an act “committed directly against the authority of the court, tending to impede or interrupt its proceedings, or lessen its dignity. The power to punish for contempt is indispensable to secure both “the proper transaction and dispatch of business [and] the respect and obedience due to the court and necessary for the administration of justice.” <i>State v. Allen</i>, 145 Vt. 593, 600 (1985) (internal citations omitted)</p>	<p>“Proceedings for contempt are of two classes, criminal and civil. While an examination of the authorities shows that the line of demarcation between the two classes is often shadowy, and does not run true, and that the learning on the question abounds with fine and superfine distinctions, the distinction supported by the weight of authorities, and which we believe to be the correct one, is that a criminal contempt is one committed directly against the authority of the court, tending to impede or interrupt its proceedings or lessen its dignity, while a civil contempt is one which operates mainly to deprive another party to a suit of some right, benefit, or remedy to which he is entitled under an order of the court.” <i>In re Morse</i>, 98 Vt. 85, 90, 126 A. 550, 551 (1924)</p>