



## Vermont Judicial Branch Overview

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## 2018 Legislative Session

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## Courts, Judiciary Programs, and Performance Measures

## Vermont Judicial Branch Overview

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### Table of Contents

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

<b>Children and Families in the Court System .....</b>	<b>11</b>
<i>Attorneys for Children .....</i>	<i>11</i>
<i>Vermont Superior Court Family Mediation Program.....</i>	<i>12</i>
<i>How Much Did We Do? .....</i>	<i>13</i>
<i>How Well Did We Do It?.....</i>	<i>13</i>
<i>Is Anyone Better Off? .....</i>	<i>13</i>
<i>Parent Coordination .....</i>	<i>14</i>
<i>How Much Did We Do? .....</i>	<i>14</i>
<i>How Well Did We Do It?.....</i>	<i>14</i>
<i>Is Anyone Better Off? .....</i>	<i>15</i>
<i>Guardian ad Litem Program .....</i>	<i>15</i>
<i>How Much Did We Do? .....</i>	<i>16</i>
<i>How Well Did We Do It?.....</i>	<i>16</i>
<i>Is Anyone Better Off? .....</i>	<i>16</i>
<i>Court Improvement Program .....</i>	<i>16</i>
<i>How Much Did We Do? .....</i>	<i>17</i>
<i>How Well Did We Do It?.....</i>	<i>17</i>
<i>Is Anyone Better Off? .....</i>	<i>18</i>
<b>Court Interpreter Program .....</b>	<b>18</b>
<i>How Much Did We Do? .....</i>	<i>18</i>
<i>How Well Did We Do It?.....</i>	<i>18</i>
<i>Is Anyone Better Off?.....</i>	<i>18</i>
<b>Technology Initiatives .....</b>	<b>19</b>
<i>How Much Did We Do? .....</i>	<i>20</i>
<i>How Well Did We Do It?.....</i>	<i>20</i>
<i>Is Anyone Better Off?.....</i>	<i>20</i>

<b>Court Security .....</b>	<b>21</b>
<i>How Much Did We Do? .....</i>	<i>21</i>
<i>How Well Did We Do It?.....</i>	<i>21</i>
Is Anyone Better Off?.....	21
<b>Judicial Branch Education .....</b>	<b>22</b>
<i>Appointed Judicial Officer Education.....</i>	<i>22</i>
<i>How Much Did We Do? .....</i>	<i>22</i>
<i>How Well Did We Do It?.....</i>	<i>22</i>
Is Anyone Better Off?.....	22
<i>Assistant Judge Education .....</i>	<i>23</i>
<i>How Much Did We Do? .....</i>	<i>23</i>
<i>How Well Did We Do It?.....</i>	<i>23</i>
Is Anyone Better Off?.....	23
<i>Employee Education .....</i>	<i>24</i>
<i>New Hire Orientation.....</i>	<i>24</i>
<i>How Much Did We Do? .....</i>	<i>24</i>
<i>How Well Did We Do It?.....</i>	<i>24</i>
Is Anyone Better Off?.....	24
<i>Building Knowledge and Skills in Courts .....</i>	<i>24</i>
<i>How Much Did We Do? .....</i>	<i>24</i>
<i>How Well Did We Do It?.....</i>	<i>24</i>
Is Anyone Better Off?.....	25
<b>Public Education .....</b>	<b>25</b>
<i>Education for Self-Represented Litigants .....</i>	<i>25</i>
<i>How Much Did We Do? .....</i>	<i>26</i>
<i>How Well Did We Do It?.....</i>	<i>26</i>
Is Anyone Better Off?.....	26

<i>Relief from Abuse Education Program .....</i>	<i>26</i>
<i>How Much Did We Do? .....</i>	<i>27</i>
<i>How Well Did We Do It?.....</i>	<i>27</i>
<i>Is Anyone Better Off?.....</i>	<i>27</i>
<i>Judiciary Information Center .....</i>	<i>27</i>
<i>How Much Did We Do? .....</i>	<i>28</i>
<i>How Well Did We Do It?.....</i>	<i>28</i>
<i>Is Anyone Better Off?.....</i>	<i>28</i>
<i>Children Coping with Divorce .....</i>	<i>28</i>
<i>How Much Did We Do? .....</i>	<i>29</i>
<i>How Well Did We Do It?.....</i>	<i>29</i>
<i>Is Anyone Better Off?.....</i>	<i>29</i>
<b>Boards and Committees .....</b>	<b>29</b>
<i>Professional Responsibility Program .....</i>	<i>30</i>
<i>Judicial Conduct Board .....</i>	<i>30</i>
<i>Board of Bar Examiners and Character and Fitness Committee .....</i>	<i>30</i>
<i>Mandatory Continuing Legal Education Board .....</i>	<i>31</i>

**FY17**

## **Vermont Judicial Branch Overview**

### **Courts, Judiciary Programs, and Performance Measures**

The Vermont Judicial Branch is an important element in the constitutional balance of power among the Executive, Legislative, and Judicial Branches. This balance of power is essential to the vitality of our democracy. The courts provide a forum for resolution of disputes involving the range of human conflict, including cases that address the protection of individual rights, public safety, and business and commercial concerns. A fair and impartial court system is an important element in the preservation and maintenance of an orderly society.

#### **Vermont Constitution**

The ultimate measures of performance for the Judiciary are set forth in the Vermont Constitution, which provides as follows in Chapter I, Article 4:

Every person within the state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property, or character; every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay, conformably to the laws.

More specific performance measures and outcomes for the Vermont Judiciary are set forth in this overview.

#### **Mission and Vision**

The Judiciary's mission is to provide equal access to justice, protect individual rights, resolve legal disputes fairly and timely, and provide everyone their opportunity to have their day in court.

The Judiciary's vision is as follows: The people of Vermont will have trust and confidence in the Vermont state courts because the courts are fair, impartial, accessible, responsive, consistent, free of discrimination, independent, and well-managed.

## **Principles for Administration of the Vermont Judiciary**

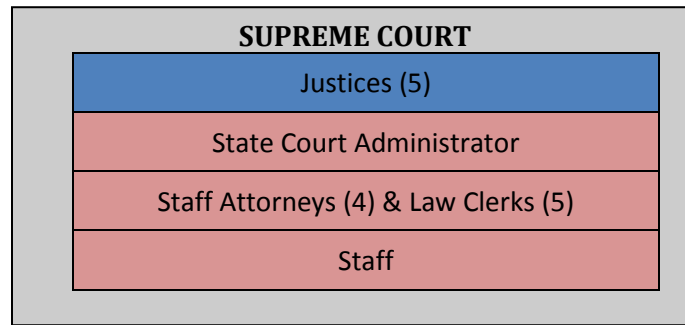
The Supreme Court has adopted the following principles for administration of the Vermont Judiciary:

1. Vermont judicial officers will be people of integrity who are fair, impartial, and competent.
2. The Supreme Court will operate the court system as a unified system, in accordance with the Vermont Constitution, Ch. II, Section 4, which provides that “the judicial power of the State shall be vested in a unified judicial system...”
3. The Vermont Supreme Court will deploy resources in a manner that is cost-efficient for the taxpayer, while providing access to court services that is cost-effective to litigants.
4. Court services will be provided through a system that is open, affordable, and understandable and that offers a level of service that is appropriate to the characteristics of the case.
5. Court services will be provided through a system that ensures access to justice and respect for all litigants and members of the bar.
6. Case decisions will be made by appropriately educated and well-trained judicial officers.
7. Trial court judges will be capable of working in any court, hearing any case that needs to be heard on a particular day.
8. Judicial officers will issue timely decisions that do justice for the litigants, establish clear and ascertainable law, and apply the law correctly to the facts.
9. The Judicial Branch will be organized to minimize redundancies in court structure, procedures, and personnel, and provide an efficient balance of workload among courts.
10. Funding authorities will provide resources that are appropriate to court structure and provide long-term stability in the budgeting, funding, and operations of the Judicial Branch.

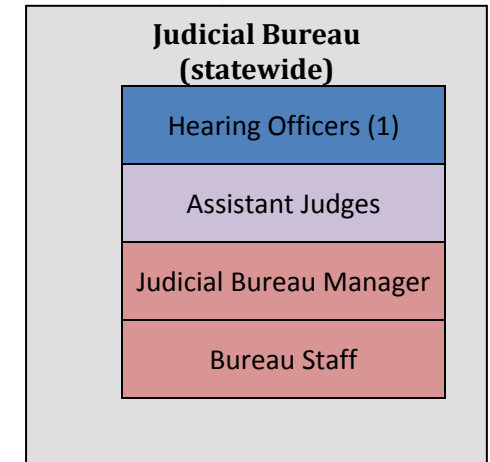
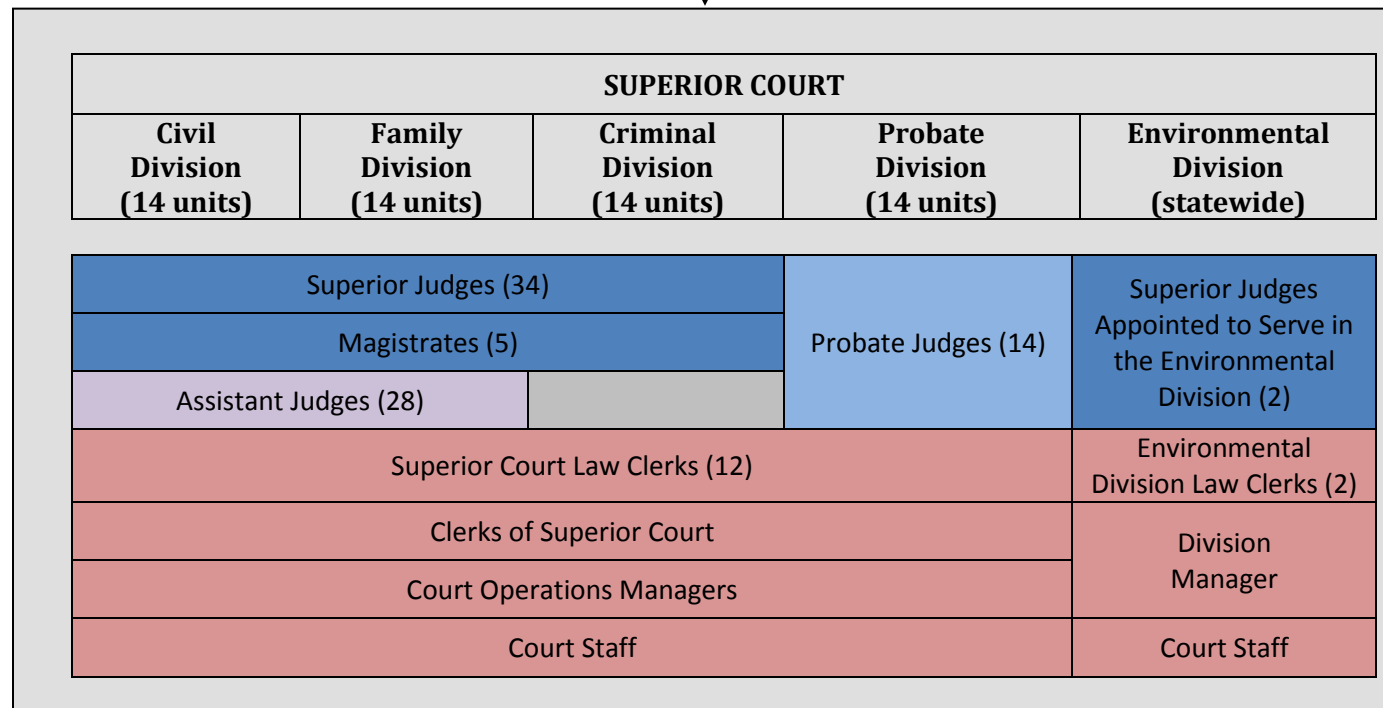
## **Case Management Principles**

1. Every case will receive individual attention.
2. Individual attention will be proportional to need.
3. Decisions and process will demonstrate procedural justice.
4. Judicial control will be exercised over the legal process.

# THE VERMONT UNIFIED COURT SYSTEM



- Appointed;  
Statutory Salary
- Elected;  
Statutory Salary
- State Employee; Hired by  
Supreme Court or Designee
- Elected;  
Paid by State when sitting alone  
Paid by County when sitting  
with judge





## **Vermont Unified Court System**

### The Supreme Court

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

The Supreme Court is the sole appellate level court in Vermont. It hears cases primarily in Montpelier. The Court hears appeals from the Civil, Family, Criminal, and Environmental Divisions of the Vermont Superior Court; from certain administrative agency proceedings; and from the Probate Division when a question of law is involved. In special types of cases, the Supreme Court has original or exclusive jurisdiction. In those cases, the matter is filed directly with the Supreme Court without the case needing to be heard first in a lower court.

The Supreme Court resolves approximately 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 work toward the development of uniform and improved procedures in the trial courts. They also collectively oversee the development and implementation of judicial education, orientation, and mentoring programs.

### Superior Court

The Vermont Superior Court was created by Act 154 of the 2010 session of the General Assembly. The Act reorganized the trial courts as divisions of the new Superior Court. There is a unit of the Superior Court in every county, comprised of a civil, criminal, family and probate division. The former environmental court became a statewide environmental division of the Superior Court. The former district court judges were re-designated superior judges under the act.

### *Criminal Division*

Each unit has a Criminal Division. The Division is responsible for the approximately 22,000 criminal and civil suspension cases that the State's Attorneys, Attorney General and Municipal Grand Jurors filed in 2017:

- Through jury trials, court trials and the acceptance of guilty pleas, the Superior Court Judges determine the guilt or innocence of persons charged with crimes;
- Through sentencing decisions, the Superior Court Judges: punish persons who engage in acts not tolerated by society, protect the public by separating violent persons from society, protect the public by deterring others from violating the law, and attempt to rehabilitate criminals so that they will be productive members of society;
- Through determinations of probable cause and decisions on requests for arrest warrants, search warrants, and motions to suppress evidence, the Superior Court Judges protect the public from arbitrary use of government power.

### *Family Division*

Each unit has a Family Division. The Division is responsible for the approximately 2,500 divorce and annulment actions; 1,000 other domestic actions (primarily parentage) and the 10,934 post-judgment actions filed each year. Most of the post-judgment actions involve attempts by parents to modify or enforce child support, visitation or custody orders.

The Family Division is also responsible for approximately 7,000 motions to establish, modify or enforce child support; 730 juvenile delinquency cases; 900 cases involving the abuse and neglect of children; 307 cases in which the state seeks to terminate parental rights; 230 cases involving children who may be beyond the control of their parents or truant; and 3,100 petitions for relief from domestic abuse and 1,104 other family matters including how the state should care for persons with mental illness and developmental disabilities.

The Chief Superior Judge assigns superior court judges, child support magistrates and assistant judges to the Family Division. These judicial officers and court staff attempt:

- To conduct timely hearings and issue timely decisions in order to resolve disputes, to provide support to distressed litigants and to provide protection to victims of family violence and emotional abuse; and
- To provide courteous, calming and helpful service to assist family members to make informed decisions about how to resolve their disputes on their own through mediation or other community services.

### *Civil Division*

Each unit has a Civil Division. The Division is responsible for the approximately 5,700 civil actions filed each year. Most of these actions involve businesses seeking the collection of unpaid debts, individuals seeking damages resulting from the negligence of others, or general lawsuits involving the failure to abide by the terms of a contract. State environmental, consumer protection and civil rights actions are filed in the Civil Division. People may go to the Civil Division to seek protection from those who have stalked or sexually assaulted them. The Division also hears appeals of some governmental actions.

Through jury trials, court trials and pretrial conferences, the Superior Court Judges resolve disputes such as whether:

- One person should have to reimburse another for that person's actions or inaction;
- Persons should start or stop acting in certain ways; and
- Persons should lose their homes or other property for failure to pay their debts.

The Civil Division also decides the approximately 3,100 small claims and 900 civil protection orders filed each year. Citizens and businesses seeking up to \$5,000 for unpaid debts, shoddy home improvement jobs and a return of their apartment security deposit, benefit from simplified procedural rules, and look to the superior court to resolve their disputes.

There are 28 Assistant Judges in the state's Judiciary, two in each of Vermont's 14 counties. They are elected to four-year terms. Their duties are not only judicial in scope, but also include administrative and legislative functions. In their judicial capacity, the assistant judges serve in non-jury trials as members of a unique three-person panel of judges that determine disputed facts. In some counties, assistant judges sit alone to hear and decide small claims matters and traffic violations. In their administrative capacity, the assistant judges are the chief executive officers of the state's county government. In their legislative capacity, the assistant judges levy a tax on the towns in their respective counties to fund county government. The county budgets include funding for the county sheriff's departments, maintenance of a county courthouse and provisions of some related expenses.

### *Environmental Division*

The Environmental Division has statewide jurisdiction and is responsible for hearing and deciding requests to enforce administrative orders issued by the Secretary of the Agency of Natural Resources and requests to review orders issued by the Secretary. The Division also hears appeals from municipal zoning boards and planning commissions and appeals from Act 250 district commissions. The Division is located in Chittenden County; however, cases are heard in the county where the action arises. Two Environmental Judges hear most matters filed with the Division. Approximately 200 cases are filed each year in the Environmental Division.

### *Probate Division*

The Probate Division is responsible for the approximately 4,500 guardianships, adoptions, decedent estates and testamentary trusts that are filed each year, and for other administrative actions, including change of names and safekeeping of wills.

The Probate Judges and staff work to:

- Assist persons and families to administer and settle estates and any resulting trusts, and if necessary, resolve any disputes over the distribution of the assets of the estates;
- Determine whether guardianships need to be established for incompetent persons;
- Assist persons wishing to relinquish parental rights for the purpose of placing a child up for adoption; and
- Monitor the processing of the cases in the court to insure fiduciaries meet their responsibilities to the estates and guardianships.

### *The Judicial Bureau*

The Judicial Bureau is responsible for the over 90,000 traffic tickets issued by state and local law enforcement agencies each year. Many of the violations are speeding tickets. The Bureau is also responsible for the processing of approximately 475 violations of underage drinking laws; 1,403 municipal ordinance violations and 632 fish and wildlife violations each year.

- Through court trials, the hearing officers and some assistant judges determine whether the 12,000 people who contest their tickets each year have violated the law and whether they must pay civil penalties to the state and municipalities.
- Through the assistance of court-developed computer programs, Bureau staff accepts \$12,434,082 in civil penalties and surcharges from those drivers who choose not to contest their traffic tickets or ordinance violations and those who receive default judgments for failure to respond to their tickets.

## Court Response to Crime in the Community

### *Adult Drug/Treatment Docket Projects in Rutland, Chittenden and Washington Counties*

Treatment dockets operate in the criminal division and rely on the coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, mental health and treatment providers. Each team meets weekly prior to the treatment docket hearings to review the cases coming to Court. Treatment dockets best serve those high needs/high risk individuals who are likely to continue to engage in criminal behavior due to severe substance use and/or co-occurring disorders without a long term intensive intervention. Participants spend up to 18 months completing the 4-phase program. The three adult drug treatment dockets have recently been modified to include an additional 5<sup>th</sup> phase to comply with the best practice standards established by the National Association of Drug Court Professionals. Treatment dockets include early intervention and treatment, judicial monitoring, random mandatory drug testing, case management, community supervision, use of incentives and sanctions and other habilitation services such as housing, employment/job training, and health services, to increase a participant's likelihood of success.

Court Response to Crime in the Community	
How Much Did We Do?	How Well Did We Do It?
<p>There are adult treatment dockets in Chittenden, Rutland &amp; Washington Counties. These counties serve at least half of the criminal population coming through the Court system.</p> <p>The following data pertains to the <b>Rutland Adult Drug Treatment Program only</b>.</p> <p>Please note that data for the other dockets is <i>not</i> included due to lack of data or concerns about the accuracy of those data that do exist.</p> <p><i>Total number served since inception of the Rutland program: 341<sup>1</sup></i></p>	<p><u>Participants are identified quickly and enter the program early:</u></p> <p>Best practice indicates time from arraignment to referral should be within 90 days. The FY17 average time from arraignment to referral in the Rutland Treatment Docket is more than triple best practice recommendations at 188 days.</p> <p>Time from referral to program entry should be 30 days or less. The average time from referral to orientation entry in the Rutland Program depends largely on the length of time it takes the legal parties to reach a plea agreement and ranges from 7 days to 3 months or more, seriously delaying treatment and outcomes for those participants.</p>

<sup>1</sup> Due to plea negotiation issues between the Rutland states attorney's office and defense attorneys there were only 6 referrals to the program from Jan 1 – June 30, 2017. Of the six referrals only 3 entered the program.

*Number of participants who received services during 2017 in the Rutland program: 41*

Examples of community services made available

- Housing and Transportation
- Employment/Vocational Rehabilitation
- Health Services
- Recovery Coaching/Making Recovery Easier

Retention rate\*:

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

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

The FY17 average retention rate in the Rutland program is 46% down from 47% in 2016 and 60% in 2015.

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

The treatment dockets use:

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

## Is Anyone Better Off?

### Graduation:

Completion of all five phases of the treatment docket program resulting in a reduced or dismissed sentence.

The national average graduation rate is positive at 45%. In 2017 the graduation rate for the Rutland Treatment Docket remained at 42%.

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

As reported in the *Rutland County Adult Drug Court Process, Outcome, and Cost Evaluation Final Report* by NPC Research in 2009, recidivism rates were significantly lower for drug court participants. After 3 years, 23% of the graduates and 61% of all drug court participants were re-arrested following entrance into the drug court program, while 84% of comparison group members were rearrested.

In addition, compared to offenders who experienced traditional court processes, the RCADC participants (regardless of whether they graduated from the program):

- Had 3 times fewer drug charges in the 3 years after drug court entry,
- Had 3 times fewer violent charges in the 3 years after drug court entry,
- Had nearly half as many re-arrests 3 years from program entry, and
- Had significantly reduced drug use over time in the program.

Most recidivism occurs in year 1 after graduation and decreases in later years. In 2013, the Rutland Treatment Docket graduates had approximately half the recidivism rate of the control group. *Vermont Criminal Justice Research Study of 2013*.

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

### ***Rutland Treatment Docket***

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

## *Juvenile Treatment Docket Project – Franklin County*

The Juvenile Treatment Docket takes place within the juvenile docket and serves youth ages 13-17 found delinquent where drugs and/or alcohol use are an issue. The process is similar to the adult treatment court with the exception that the services provided are developmentally appropriate. The Juvenile Treatment Docket is a coordinated effort of the judiciary, prosecution, defense bar, probation, law enforcement, treatment providers, social services, and child protective services to actively intervene and break the cycle of substance abuse and crime. Juvenile Treatment dockets provide an intense regimen of substance abuse, mental health and related health services, wrap-around case management, drug testing, regularly scheduled status hearings before a judge, linkages with job skills training/employment, educational services, housing, mentors and other needed support.

### *Mental Health Docket Project – Chittenden County*

The mental health docket serves individuals with severe and persistent mental illness and co-occurring disorders. Modeled after drug court dockets and developed in response to the high numbers of people with mental illnesses in the criminal justice system, mental health courts divert defendants whose crimes are related to their mental illness into judicially supervised, community-based treatment.

### *The Windsor DUI Docket*

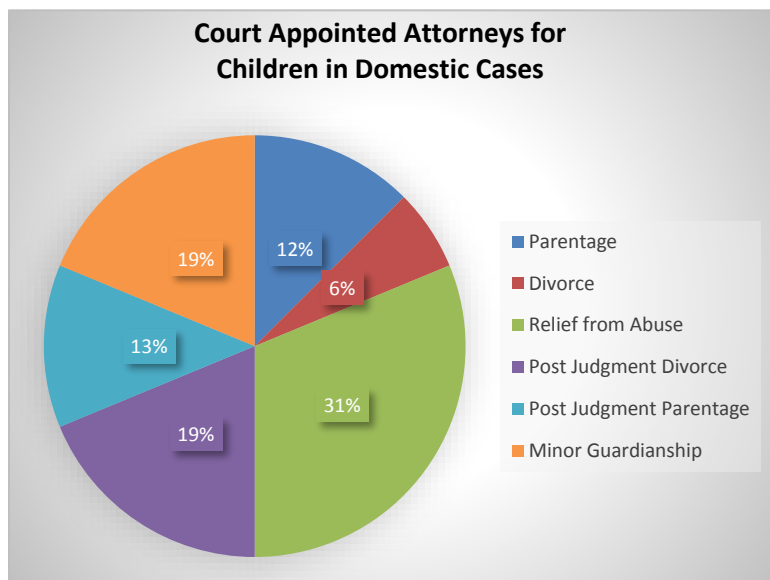
The DUI docket is a post-sentence docket that serves individuals who have been convicted of DUI 2 with a high Blood Alcohol Concentration (BAC), DUI 3 and DUI 4. It is two-year probation program that relies on the coordinated efforts of the Judge, court coordinator, case manager, treatment provider, probation department, law enforcement, defense attorney and State's Attorney. The individual is offered intensive treatment and supervision, risk reduction strategies, and a behavior modification program that uses sanctions and incentives. The program is modeled after the *10 Guiding Principles of DWI Courts* created by the National Center for DWI Courts (NCDC).

## **Children and Families in the Court System**

### *Attorneys for Children*

The Vermont Superior Court appoints attorneys to represent the interests of minor children in newly filed Parentage, Divorce, and Relief From Abuse (RFA) cases, as well as in post-judgment filings in Divorce, Parentage, and RFA cases. Attorneys who participate in the program are given the option to receive court subsidized payment up to \$750 per case at \$50 per hour. Each county/unit is provided with a budget amount for the fiscal year by the Chief Superior Judge. Local judges set the number of hours expected to be needed per case, and based on financial information received from parties, judges determine how much of the payment is to be made by the parties and how much will be paid from court funds. In some instances, the parties pay the full amount as set by the court. Attorneys also have an opportunity to provide their services pro bono. In these latter two instances attorneys do not submit a bill to the judiciary for their services. For FY17 the statewide amount budgeted was \$15,500, and Courts encumbered a total of \$11,938. For FY17, \$11,938 was encumbered, and a total of \$5401 was billed and paid to attorneys during the fiscal year for a total of 194 hours of attorney services. Attorneys who represent children provide a service to both the children and the court in giving the court more information to determine the best interests of children in these difficult cases.





The breakdown of case types served by this program in FY17 was: 2 new parentage cases, 3 minor guardianship cases, 1 new divorce case and 5 new RFA cases; 2 post-judgment parentage cases and 3 post-judgment divorce cases

### *Vermont Superior Court Family Mediation Program*

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

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

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

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

## Family Court Mediation Program

### How Much Did We Do?

The number of subsidized cases and the cost of the program are shown in the chart below.

Family Court Mediation Program: FY17 <sup>2</sup>	
Number of Intakes	474
Number of Mediated Cases	256
Total Mediation Hours	812
Average Cost per Case	\$140
Total Program Cost	<b>\$35,929</b>

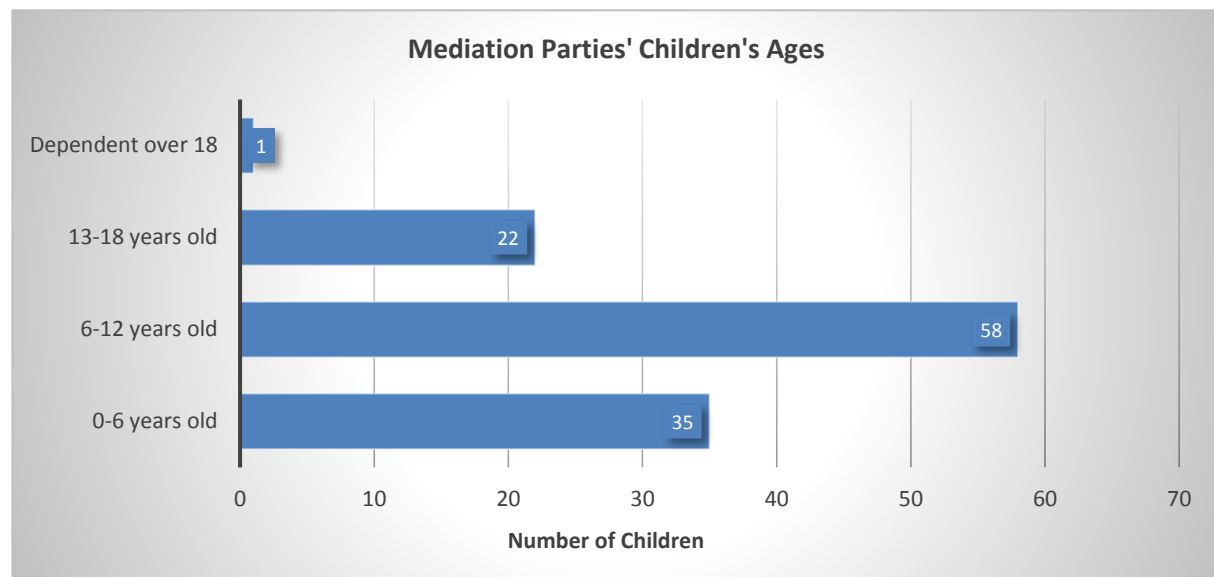
### How Well Did We Do It?

During FY17 and based on information supplied by the mediators, parties reached:

- **full agreement** in approximately 66% of the issues they mediated
- **partial agreement** in approximately 16% of the issues they mediated.

### Is Anyone Better Off?

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



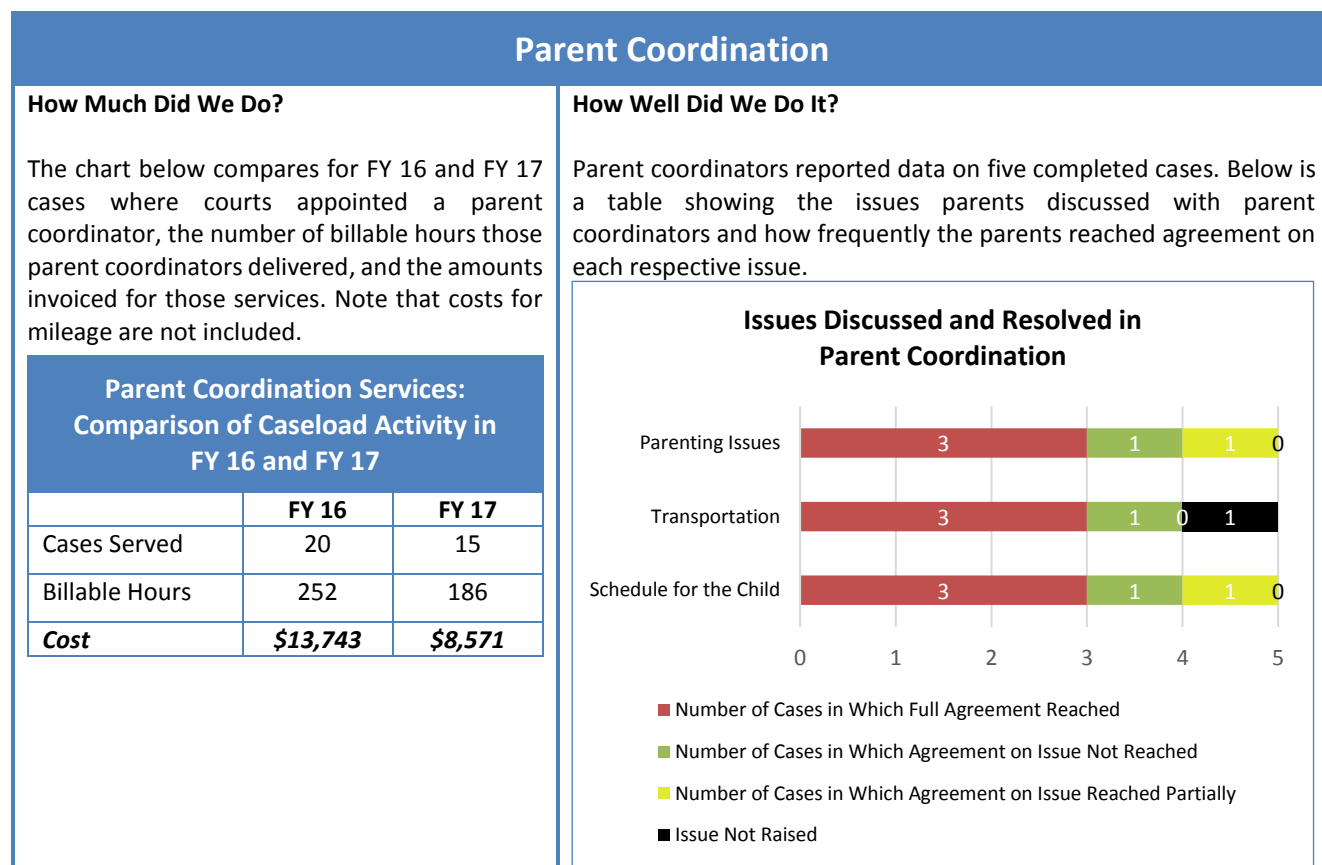
<sup>2</sup> The **number of intakes** indicates cases where the mediator met with at least one party during the fiscal year to discuss whether the case was appropriate for mediation. The **number of mediated cases** includes cases where the mediator held a session after intake with both parties. The **total program cost** includes costs for intakes and subsidies paid for mediated sessions, but it does not include \$5,393 paid to a mediator serving as the case supervisor. The **average cost per case** divides the total program cost by the number of mediated cases.

## Parent Coordination

Parent coordination is a child-focused alternative dispute resolution process in which a third party—the parent coordinator—helps parents in high-conflict cases develop safe, appropriate parent/child contact plans based on existing court orders (including any existing relief from abuse orders), suggestions by the parents, and recommendations of the professionals involved with the children. These parenting plans are designed to meet the needs of the children. If parents can reach agreement, the parent coordinator will draft that agreement for the court’s review. The Judiciary subsidizes parent coordination services for eligible parents who are divorcing or separating.

Parenting plans discourage and diminish abusive behavior between family members by setting clear boundaries and guidelines for who will do what, where, when and how – and establish penalties for non-compliance. For some families, this means blocking and scripting visitation exchanges, telephone calls and answering machine messages.

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



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

As mentioned above, parent coordinators reported data on five completed cases. The data show that parent coordinators served families with a total of ten children. Two children were less than six years old, four children were between six and twelve years old, and one child was between 13 and 18 years old; data were not reported on three children.

<b><i>Milestone</i></b>	<b><i>Number of Cases in Which Milestone Reached</i></b>
<b><i>Partial Stipulation Signed</i></b>	<b><i>2</i></b>
<b><i>Final Stipulation Signed</i></b>	<b><i>2</i></b>
<b><i>Recommendation Filed</i></b>	<b><i>2</i></b>
<b><i>Recommendation Accepted</i></b>	<b><i>3</i></b>

### ***Guardian ad Litem Program***

The Vermont Guardian ad Litem Program (VTGAL) recruits, trains, and supports qualified volunteers to serve as child advocates in Family divisions proceedings. Vermont statutes and rules require that a guardian ad litem (GAL) be appointed for every child in child protection proceedings (CHINS), delinquency cases, and when a child is a witness. In FY17 there were 292 volunteers who advocated for approximately 2000 children in Juvenile cases alone. VTGAL is focused on recruiting and training volunteers in every county to serve children and youth in the CHINS docket and in delinquency cases when a conflict prevents a parent from doing so. However, volunteer GALs are frequently appointed in certain other cases including domestic, probate, and mental health cases.

Every volunteer GAL must complete a 3-day pre-service training that focuses on Vermont's child protection system and is based on a national curriculum developed by the National Court Appointed Special Advocates Association (NCASA). In FY17 VTGAL offered 10 trainings for 72 new applicants which is the highest number of trained GALs in the program's history. In addition, VTGAL provided numerous statewide training opportunities including working with transgendered and non-binary youth, promoting resiliency in traumatized youth, youth justice, and related topics.

The Guardian ad Litem Program (VTGAL) is primarily funded through general funds, but with additional funding made available through the Court Improvement Program. In FY17, the GAL Program received the largest grant in the program's history from NCASA to develop recruitment and awareness materials. The general fund pays for 4 part-time Regional Coordinators each of whom supports volunteers in one or more counties. These part-time coordinators combine to the equivalent of 1.7 FTE, and are assigned to Bennington, Rutland, Addison, Chittenden, Franklin/Grand Isle, Windsor, Orange, and Caledonia/Essex counties. Grant funding allows VTGAL to provide up to 7 hours of support per week to Washington County, and the Windham County case manager provides approximately 8 hours of support in Windham County. These Regional Coordinators average of 8.2 hours per county for all counties where one is assigned. NCASA best practice standards call for 1 FTE supervisor per 30 volunteers to allow for the recruitment, training, and support needed for an effective program. Vermont's current general funded staffing results 1 FTE supervisor for every 159 volunteers. In FY17 the personnel cost for GAL Regional Coordinators was approximately \$125,766 from the general fund.

VTGAL also developed a pilot program with Prevent Child Abuse Vermont (PCAVT) to support GALs as a “local program” in Franklin and Grand Isle Counties. PCAVT hired a full-time pilot coordinator, and responsibility for recruiting, training, and supporting GALs in these counties was to transition to the Pilot Coordinator during the Pilot. This Pilot allowed VTGAL and the Judiciary to examine the opportunities and challenges of partnering with community-based non-profits, and those lessons were incorporated into a Request for Proposal to find committed, connected and stable community-based nonprofit partners interested in administering a local GAL program in one or more counties of Vermont.

Guardian ad Litem Program	
<b>How Much Did We Do?</b> <ul style="list-style-type: none"> <li>Regional coordinators support GALs in every county other than Lamoille and Orleans.</li> <li>72 GALs were trained in FY17.</li> <li>53 GALs were activated in FY17.</li> </ul>	<b>How Well Did We Do it?</b> <ul style="list-style-type: none"> <li>GALs serve an average of 6.85 children in Juvenile cases alone.</li> <li>A trained GAL served every child involved in the CHINS process despite the continued increase in demand.</li> <li>90% of volunteers who complete training become active.</li> <li>Grant funding allowed us to increase staff time to support GALs by 41%.</li> </ul>
<b>Is Anyone Better Off?</b> <ul style="list-style-type: none"> <li>Every Vermont child or youth involved in the CHINS process was served by a volunteer GAL.</li> <li>VTGAL offered local or statewide training opportunities for experienced GALs on topics including developmental trauma, promoting resiliency, youth justice, and county specific resources.</li> <li>At least 20% of all volunteer GALs serve children and youth in dockets other than CHINS and Delinquency.</li> </ul>	

### The Juvenile Court Improvement Program

Children and families struggling with addiction, mental illness, poverty, unemployment, homelessness, disabilities, and other complex needs may become involved in juvenile court proceedings. When petitions are filed alleging abuse, neglect, unmanageability, truancy, or delinquency, the courts need to make timely decisions to ensure children’s safety, well-being, and permanency. Courts must do so while protecting the legal rights of all parties.

In 2005, the Vermont Supreme Court created the Justice for Children Task Force as a collaborative, interdisciplinary effort to improve outcomes for children in foster care by identifying systemic barriers which contribute to children remaining in foster care longer than necessary, and developing solutions designed to reduce the impact of such barriers. The Justice for Children Task Force works closely with the Vermont Court Improvement Program to develop and implement strategies that promote safety, permanency, and well-being for court-involved children, with a particular emphasis on children placed in DCF custody.

The Court Improvement Program is a federally funded grant focused on improving the court system's work in child welfare cases.<sup>3</sup> The overall goal of the Vermont Court Improvement Program is quality court proceedings that promote children's safety, well-being, and permanency. (Legal permanence is defined as reunification, or if that cannot occur, adoption or permanent guardianship.) The Program supports activities that promote the timeliness and quality of juvenile court proceedings; education of judges, attorneys, and volunteer guardians ad litem (GALs) assigned to these cases; and data collection. It accomplishes much of its work through collaboration with DCF, prosecutors, defense attorneys, and others.

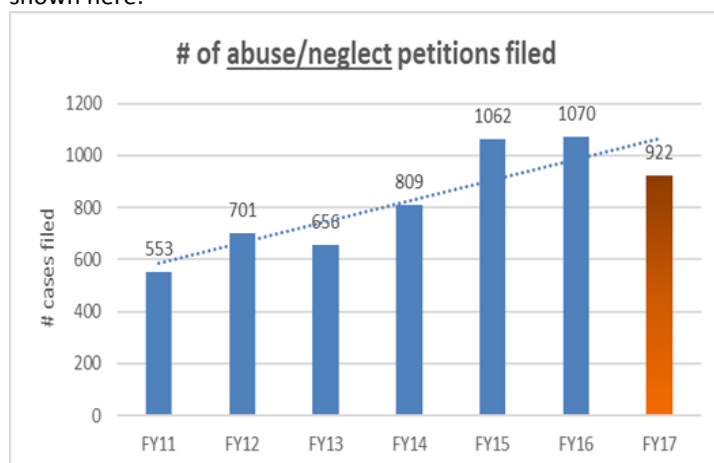
## Juvenile Court Improvement Program

### How Much Did We Do?

1,885 new juvenile petitions were filed in FY17, an 8% decrease from the prior year

FY11	FY12	FY13	FY14	FY15	FY16	FY17
1,653	1,883	1,771	1,746	2,004	2,069	1,885

*Juvenile* petitions include CHINS (abuse/neglect, beyond parent control, truancy) and delinquency/youthful offender case types. The total number of new juvenile petitions filed (all case types) peaked in FY16. The increase in recent years was driven by a dramatic increase in new *abuse/neglect* cases starting in FY14, as shown here:



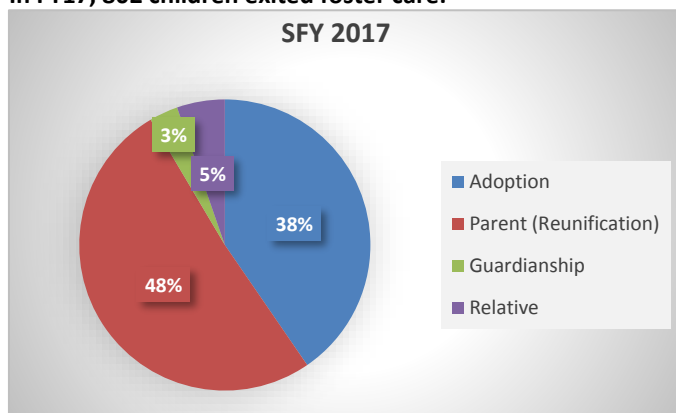
In recent years, abuse/neglect cases accounted for a growing portion of all *new* juvenile petitions filed: 52% in FY16, compared to 37% in FY12 and FY13. This decreased to 48% in FY17. Abuse/neglect cases are more likely to involve DCF custody and multiple court hearings, sometimes highly contested. In the past two years, the number of children under age 6 in DCF custody decreased by 11%. Parent opioid addiction continues to be a contributing factor, particularly in cases with children under age 3 who came into DCF custody. The number of abuse/neglect cases still poses a challenge for the courts, attorneys, DCF social workers, and volunteer Guardians ad Litem because of the time these cases take to go through the court system.

### How Well Did We Do?

During FYs14-16, abuse/neglect cases increased 63% statewide, yet some courts experienced a doubling in the number of abuse/neglect filings. Not surprisingly, the courts continue to struggle with a backlog of cases, despite the lower volume of new cases filed in FY17. Many courts had to add more time for juvenile hearings, at the expense of other dockets. This surge in cases has had a ripple effect through the entire judicial system.

When court intervention is necessary, the courts oversee the process of safe, permanent placements of children. As expected, the timeliness of court proceedings has suffered. The courts had a record number of Termination of Parental Rights (TPR) proceedings filed in FY16.

### In FY17, 802 children exited foster care:



### Time to permanency lengthened (DCF data):

Exits from foster care	FY15 (Avg. Yrs)	FY16 (Avg. Yrs)	FY17 (Avg. Yrs)
Adoption	2.3 yrs	2.01 yrs	2.2 yrs
Guardianship	.95 yrs	1.68 yrs	1.58 yrs
Return to parent(s)	.73 yrs	.84 yrs	.84 yrs
Relative caregiver	.49 yrs	.52 yrs	.78 yrs
<b>COMBINED</b>	<b>1.12 yrs</b>	<b>1.26 yrs</b>	<b>1.35 yrs</b>

<sup>3</sup> The grant is administered by the [Children's Bureau](#) of the U.S. Department of Health and Human Services.

### Is Anyone Better Off?

**Children in Foster Care:** The Juvenile Proceedings law allows a parent or relative to have legal custody of a child under court-ordered conditions. This has resulted in fewer children entering DCF custody. Despite this “conditional custody” option, the number of children in foster care remains high. We are beginning to see a decrease in the number of children under age 6 in care. Compared to two years ago, there are currently 11% fewer children in this age group who are in care.

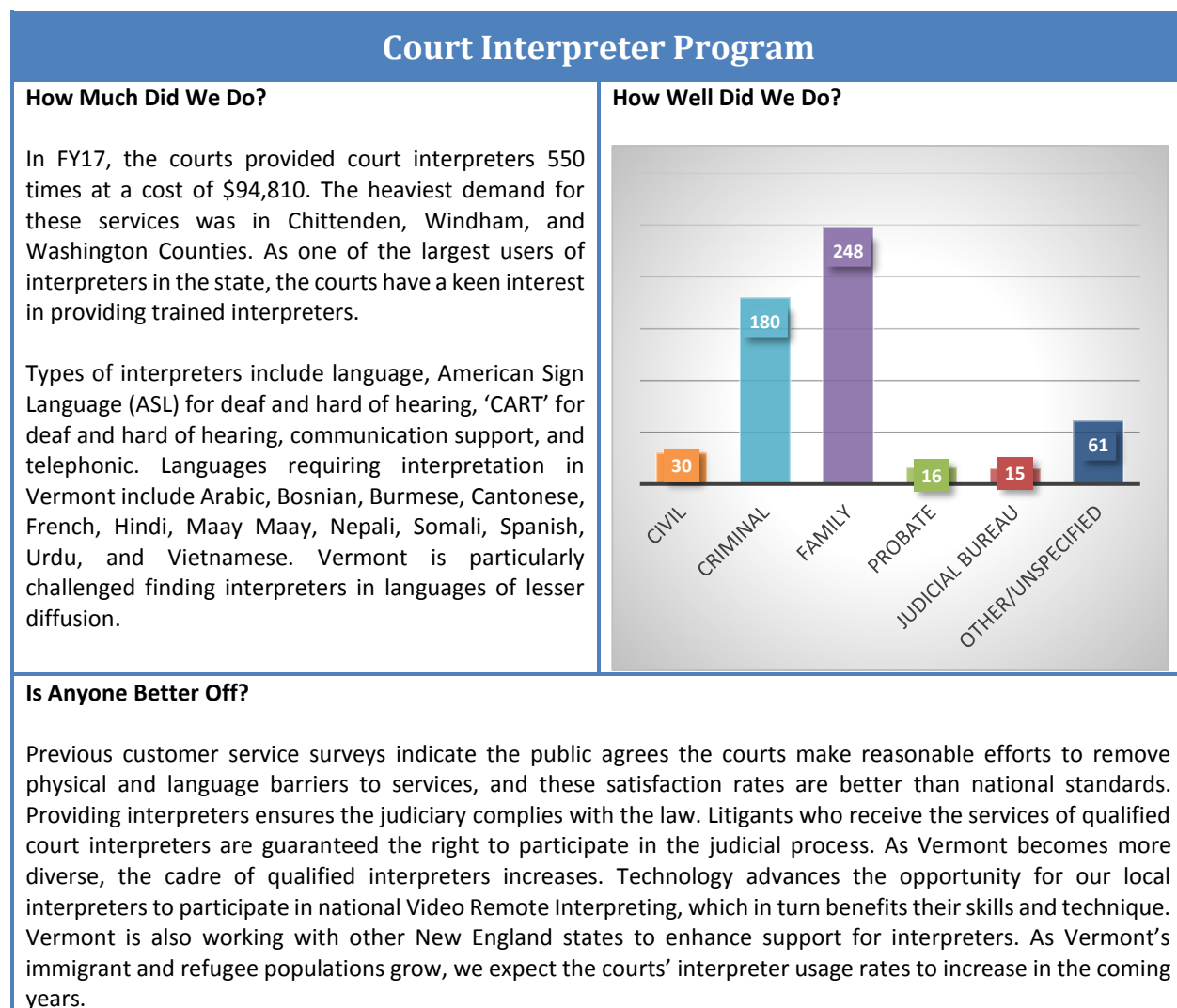
**Safety:** Since 2013, 98% of Vermont children have remained safe from re-abuse and neglect. Vermont exceeds the national standard for repeat maltreatment.

**Kinship Care:** When placed with relatives or close family friends (rather than in foster care with strangers), children have better outcomes with respect to placement stability, behavior, and contact with siblings. The rate of Kinship Care in recent years is: 28% in CY 2013, 34% in CY 2014, 35% in CY 2015, 35% in CY16, and 29% first half of CY 2017.

**Placement Stability:** Multiple placement changes have a negative impact on a child’s development. In FY17, 70% of the children in Vermont’s foster care experienced stable placements within the first 12 months of out-of-home care.

## Court Interpreter Program

It is the policy of the Vermont Judiciary to pay for interpreter services for all litigants and witnesses who have limited proficiency in the English language or who are deaf or hard of hearing in all court proceedings and court-ordered programs.



## **Technology and the Court System**

The Vermont Judiciary uses technology to support both daily operations and court case management. This support is divided among several key disciplines: Applications, which includes our case management systems, business systems analysis, forms, statistics and reporting; and Infrastructure and Support, including our help desk, which supports Judiciary users of technology and our development and support of Internet and Intranet websites.

The Judiciary has made significant progress in its Next Generation Case Management System (NG-CMS) initiative, announcing in late June that we have contracted with Tyler Technologies to implement their Odyssey® unified case management system in Vermont. Tyler, which was selected following an extensive Request for Proposal (RFP) process, is the most widely adopted commercial case management system nationwide, being used in twelve statewide implementations and installed and operational in over 400 trial courts.

The NG-CMS will improve efficiency, eliminate tedious paper-based processes and streamline the Judiciary's delivery of services to the public. Implementation of the system will include the Supreme Court, all 14 county units of the statewide Superior Court, and the Judicial Bureau.

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 the Capital Bill that was signed by the Governor on June 16, 2017. The Judiciary has begun project execution and will implement and roll-out the system regionally through 2021.

The Judiciary's website has become increasingly important both as a portal for information about and as a method to conduct business with the Courts. This year [vermontjudiciary.org](http://vermontjudiciary.org) was redesigned and launched on a new, modern content management platform. The new site employs responsive design so it can be viewed on any device and has been well received. Content was reviewed and updated by subject matter experts prior to the launch and hosting has been moved to the Amazon Web Services cloud.

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 to ensure that the Judiciary has a solid and reliable technical foundation for current and future operations. This has been challenging as our virtual desktop systems and infrastructure have been difficult to configure to coexist optimally with statewide initiatives such as the Office 365 rollout. 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.



How Much Have We Done?		How Well Did We Do it?		Is Anyone Better Off?
Supporting Current Operations and Ongoing Improvements in Existing Technology				
●	Public website redesign	The Judiciary’s public website (vermontjudiciary.org) was redesigned and launched on a new, modern content management system. The new site employs responsive design so it can be viewed on any device. Content was reviewed and updated by subject matter experts. Hosting has been moved to the Amazon Web Services cloud.	Information on the website is now current and more helpful for website visitors. The responsive design makes browsing the site a consistent, high-quality experience whether visitors are using a laptop, mobile phone, tablet, or other device. Coordination with the website vendor ensured a smooth transfer from SharePoint to the Drupal content management system.	The new website is a better experience for many of the audiences we serve, including the public, self-represented litigants, and attorneys. Website content is now reviewed and updated on a consistent basis, ensuring that the information we are providing is accurate and easy to understand.
●	Video Appearances Pilot (2 <sup>nd</sup> phase)	Pilot program to design and implement improved, more efficient business processes that leverage technology to provide video arraignments for lodged parties. The second phase begins the equipment and process rollout in Southwest VT.	This pilot is currently active five days per week in Chittenden County. A Steering Committee, chaired by Chief Superior Judge Grearson and including representatives from the Office of the Defender General, Department of State’s Attorneys and Sheriffs, Department of Corrections, and the Judiciary, has been formed and is currently planning the next rollout. We have conducted over 1200 appearances since the start of the pilot. Equipment is functional in Bennington.	This pilot has worked to remove the inefficiencies in the existing process in the justice system and facilitate proceedings and case flow. Outcomes include the reduction of the costs and risks associated with transporting alleged offenders and inmates between correctional facilities and the courts. Transport costs are expected to be the main benefit of the southwest rollout.
●	Vermont Automated Docketing System (VTADS)	Ongoing support for legacy case management system.	Released VTADS functionality modifications, problem fixes and new reports in response to 25 Help Desk tickets between January – September 2017.	Improvements/Changes per docket: Judicial Bureau - 8 Probate - 7 All Docket Types – 4 Juvenile - 2 Relief from Abuse - 1 Environmental - 1 Family - 1 Civil - 1

## Court Security and Safety

The Vermont Judiciary Safety and Security Program continuously strives to provide safe and secure courthouse environments for the public, employees, and judicial officers. Since all Vermonters deserve an equal opportunity to access the justice system, the mission of the Safety and Security program seeks to guarantee Courts that are free from threats, intimidation, and obstruction. As part of that effort, a court security workforce provides protection, screening, and courtroom security at all Vermont Courts. These officers are comprised of contracted Deputy Sheriffs (70%), private court security officers (10%) and State employed court officers (20%). Judicial staff are additionally supported through all-hazards emergency response training and exercises that include topics such as de-escalation, evacuation, shelter-in-place, active shooter, hazardous materials, and medical situations. Equipment used to support this program includes walk-thru metal detectors, x-ray screening units, closed circuit video surveillance and recording devices, access control technology, duress alarms, and mass notification systems.

Safety and Security Program	
How Much Did We Do?	How Well Did We Do it?
<ul style="list-style-type: none"><li>• Continuous Safety and Security administration for all Vermont Courts.</li><li>• Statewide threat and incident reporting and incident mitigation.</li><li>• Judicial staff hostile scenario training.</li><li>• Statewide security camera and duress alarm replacement initiative.</li><li>• Initiated the routine use of the Judicial Emergency Notification System (JENS) utilizing the state’s VTALERT.GOV system</li></ul>	<ul style="list-style-type: none"><li>• During fiscal year 2017 there were no significant injuries or loss of life due to violence in Vermont courts.</li><li>• Automated external defibrillators (AEDs) are now in place at all Vermont court locations.</li><li>• Due to threat and incident reporting, security staff’s situational awareness is enhanced resulting in fewer citizen conflicts.</li><li>• Judicial staff have become better trained to mitigate escalated behaviors within Vermont Courts.</li><li>• Camera assessment and design phases were conducted in FY17, with the installation phase occurring in FY 18.</li><li>• Judicial staff now receive safety notifications.</li></ul>
Is Anyone Better Off?	
<ul style="list-style-type: none"><li>• Security and Safety threat mitigation and investigation has resulted in enhanced security measures and a greater level of protection for Judicial officials and staff.</li><li>• AED units have provided a greater level of employee and citizen preparedness.</li><li>• Statewide threat and incident identification and mitigation has deterred plaintiff and defendant altercations.</li><li>• Over 90% of all court staff has received hostile intruder awareness training and corresponding safety measures.</li><li>• All state courts are receiving redesigned and enhanced camera system that significantly increases surveillance and overall building security.</li><li>• With the initiation of the JENS/VTALERT system, state employees within the Vermont Judiciary are notified faster than ever before.</li></ul>	

## Judicial Branch Education

The Vermont Judicial Branch has offered a comprehensive program of Judicial Education for many years. The Division of Planning and Court Services works in collaboration with the Chief Superior Judge for Trial Courts to improve the administration of justice through comprehensive and quality education and training for judicial officers that enhance the quality of judicial decisions, execute legislative mandates, and/or implement uniform policies throughout the courts.

We are known nationally for the high quality of the programs we produce in-state and for the commitment of our judges to participate as skilled faculty presenting well-developed education programs, both in Vermont and, in the case of a number of our judges, at national venues such as National Judicial College.

We also support and manage an out-of-state education program whereby attendance at national programs is supported by grant and scholarship funds. A small budget of general funds supplements costs not covered by grants or scholarships.

### *Appointed Judicial Officer Education*

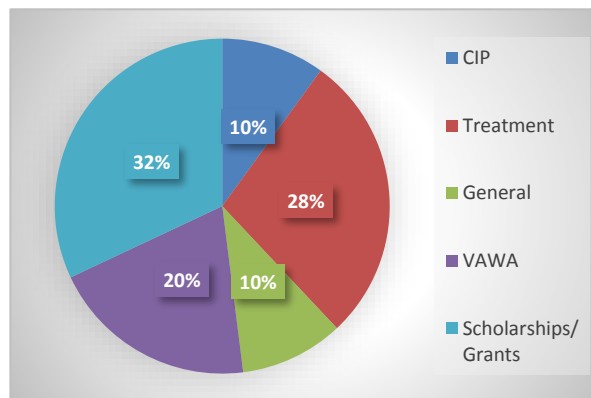
## Appointed Judicial Officer Education

### How Much Did We Do?

- 17 judicial officers attended 9 out of state educational programs.
- 69% of these programs were funded with grant funds and/or scholarships
- Issues addressed in these programs include those dealing with sex trafficking of minors; family violence; drug courts; psychotropic medications; children testifying in court; and substance abuse. Strategies were discussed on conducting jury and non-jury trials more effectively; managing the courtroom; applying developments in family law; judicial discretion and ethics; enhancing skills in handling domestic violence cases; trauma; custody and visitation; assessing the validity of financial statements, LGBTQ Families in Court, a greater ability to identify children who are being trafficked or are at risk for victimization; and address the opiate epidemic.
- 6 newly elected judicial officers received “General Jurisdiction” training at the National Judicial College. The two-week course is designed to provide a solid foundation for newly appointed judges.

### How Well Did We Do?

The chart below shows how judicial officer training was funded to date:



### Is Anyone Better Off?

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

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

### *Assistant Judge Education*

A comprehensive training program is provided to Assistant Judges who seek to qualify to hear judicial bureau and uncontested domestic matters. Continuing education programs are provided to those Assistant Judges who preside over judicial bureau and small claims hearings.

## Assistant Judge Education

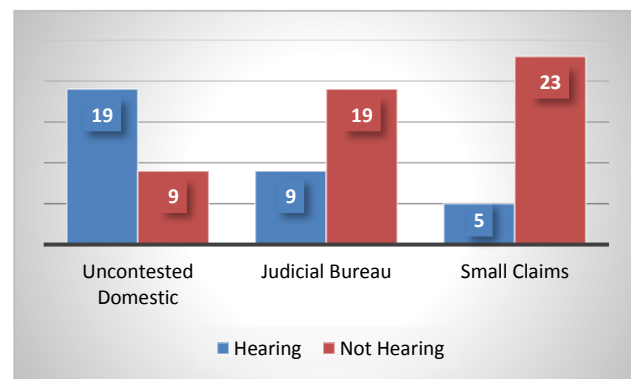
### How Much Did We Do?

- Provided the required 8 hours of continuing education for Assistant Judges currently hearing Judicial Bureau cases.
- Provided the required 16 hours of continuing education for Assistant Judges who hear small claims cases
- All Assistant Judges were invited to attend a training on Ethics and Professionalism (presented by a Supreme Court Justice and a Vermont Superior Judge)
- All Assistant Judges were invited to attend Judicial College

### How Well Did We Do It?

- Successfully completed 100% of the legislative mandates around the Assistant Judge continuing education requirements in the Judicial Bureau

The chart below shows how many Assistant Judges are currently hearing the three different case types:



### Is Anyone Better Off?

These trainings lead to improved proficiencies which in turn increases the quality of justice in Vermont. Having more Assistant Judges hearing judicial bureau matters frees up the hearing officers to handle other matters in addition to their case load and provides speedier resolution to cases for the public

## 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, de-escalation training, and instruction on compliance with sexual harassment and ADA policies. Additional programs focus on the implementation of new legislation and rules, court policy and procedure and the use of the Judiciary's automated docketing system.

New Hire Orientation	
<b>What Did We Do?</b> <ul style="list-style-type: none"><li>• Six-day new hire orientation in Montpelier</li><li>• Thirteen modules offered on-line</li></ul>	<b>How Well Did We Do It?</b> <ul style="list-style-type: none"><li>• 90% of employees completed the post-course evaluation</li><li>• 82% like the on-line, self-paced training format</li><li>• 86% agree the content was well organized and easy to follow.</li><li>• 85% agreed the training was <i>Instructive, Important/Relevant to my work, and Meaningful</i></li><li>• 78% agree the training seemed complete and comprehensive</li></ul>
<b>Is Anyone Better Off?</b> <p><u>Delivery of the courses in this way offers many benefits such as:</u></p> <ul style="list-style-type: none"><li>• Offering convenient and consistent training that begins within days of the employee start.</li><li>• One in-house staff member to maintain and manage courses.</li><li>• Saving money on mileage, and in some cases overtime hours.</li><li>• Saving money by eliminating the need for packets of printed training materials.</li></ul> <p><b>Moving forward</b></p> <ul style="list-style-type: none"><li>• Continue refining course materials</li><li>• Add 30-day and 60-day follow up exercises</li></ul>	

Building Knowledge and Skills in Courts	
<b>What Did We Do?</b> <ul style="list-style-type: none"><li>• Increase the amount to training delivered to court employees</li><li>• Selected content based on employee and organizational needs</li></ul>	<b>How Well Did We Do It?</b> <ul style="list-style-type: none"><li>• Trial Courts in every county set aside at least 4 hours each month to communicate with and train employees</li><li>• Each court employee received approximately 4.5 days cumulative during the year</li><li>• Original content delivered including: Employee security; VOIP phone system; Work Station Ergonomics; Records Management; Domestic Violence</li></ul>

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

Increased training for Court employee offers many benefits such as:

- Better trained employees are better able to deliver customer excellence
- Content developed once and then delivered at multiple locations increases operational standardization
- Local delivery saves money on mileage

### **Moving forward**

- Expand training with new content based on feedback from managers and employees

## **Public Education**

### *Pro Se Education Program*

Parties representing themselves in a divorce, separation or civil union dissolution case in the family division are ordered by the court to attend a Pro Se Litigant Education Program before they appear in court to pursue their claims. One-hour programs are held each month and are conducted by an attorney who regularly practices in the family division. The purpose is to educate litigants about the following: their responsibilities while representing themselves, courtroom etiquette, general procedures affecting family cases, and services available through outside agencies to help with problems affecting families. Anyone may attend, even if they are not a party to a pending case. The cost is free.

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

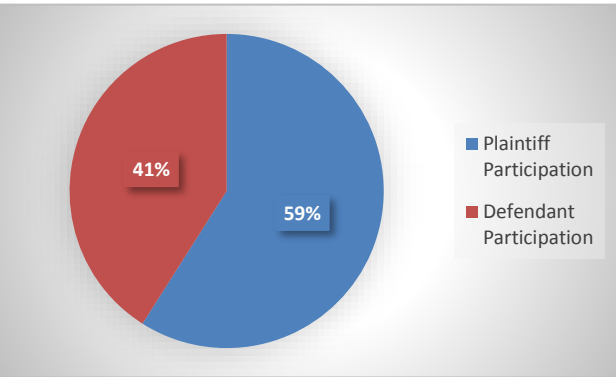
## Pro Se Education Program

### How Much Did We Do?

- In fiscal year 2017, out of 3,221 litigants eligible to attend the education class, 1,100 completed the program
- Plaintiffs are more likely to attend the program, at 43% participation, compared to defendant participation of 26%
- 12 out of 14 counties in the State offered the program on a monthly basis
- Family members or persons offering support are also welcome to attend

### How Well Did We Do?

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



### Is Anyone Better Off?

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

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

### *Relief from Abuse Education Program*

Since 2007, the Vermont Judiciary has offered an education program for parties to a Relief from Abuse case due to the high volume of self-represented litigants. Informational handouts describing how to prepare for a relief from abuse hearing are distributed to both plaintiff and defendant at the time a Temporary Order is issued. On the day of the hearing, parties attend an educational video in two separate group sessions, one for Plaintiffs and one for Defendants, immediately prior to the court hearing. It includes an orientation to the court process, the kinds of requests that parties can make, and information about services that may be helpful to some parties involved in such cases. This is available in all counties. The cost is free.

Parties represented by attorneys may instead receive information from counsel.

Currently, attendance to the education program is not captured with any formal data point.

## Relief from Abuse Education Program

### How Much Did We Do?

- In fiscal year 2017, 3,185 RFA cases were filed
- It is estimated that 90% of parties who appeared for their hearing watched the educational video
- Every family court in the state offers this educational opportunity
- Family members or persons offering support are also welcome to attend

### How Well Did We Do?

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



### Is Anyone Better Off?

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

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

### Judiciary Information Center

In January of 2015, the Service Center was established as a pilot program for a statewide call center. The implementation started with the Chittenden Unit to include the Civil, Criminal, Probate, and Family Divisions. All incoming calls to the Chittenden Divisions go through the Service Center, with the exception of calls from attorneys who chose to by-pass the Service Center.

When the pilot officially ended in April of 2016, the oversight of the Service Center became part of Trial Court Operations and continued to take all calls for the Chittenden Unit. As of 2017, what used to be the Service Center is now known as the Judiciary Information Center. The Information Center provides in-service coverage for the following counties: Washington, Lamoille, Judicial Bureau, and Caledonia. It also provides ad hoc coverage on an as-needed basis to the following: Judicial Bureau and Washington Criminal & Family Divisions.



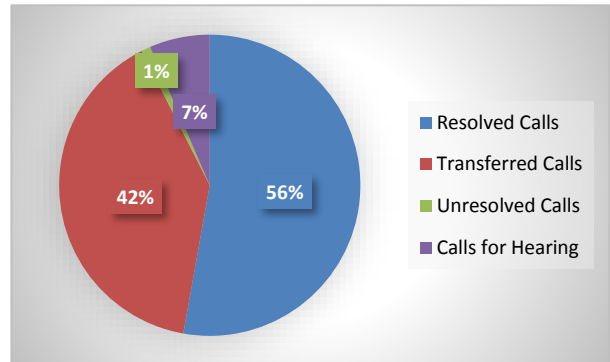
## Judiciary Information Center

### How Much Did We Do? (time frame-7/3/16 – 7/1/17)

- Total call volume = 39,972 calls
- Answered 38,930 calls (97%)
- Fully resolved 21,985 calls (56%)
- Transferred 16,527 (42%) calls to court clerk
- Number of calls unresolved: 418 (1%)
- Number of calls for hearing: 2,697 (7%)

### How Well Did We Do?

The ability to resolve calls without having to send them onto the courts has steadily improved over time. Since July 2017, the total percentage of calls resolved has consistently risen.



### Is Anyone Better Off?

The Information Center has expanded over the last year and the knowledge bank of the operators has also increased. As a result, customers are benefitting from more consistent availability of court staff and assistance with their court needs all with one phone call. If necessary, a customer with a more complex question is transferred directly to the appropriate division. People calling in to participate in hearings by phone are directed to the proper division and courtroom.

Feedback from court personnel is that assistance from the Information Center provides improved productivity, allowing them to focus on docketing, case-flow management, and other daily tasks.

### *Children Coping with Divorce*

COPE is an educational program for parents going through divorce or other family changes involving the court process, which can be difficult for children. This program focuses on children's needs and teaches parenting skills to support parents in lessening the impact of changes on their children. To ease these changes to the family unit, Vermont judges require parents of minors who are involved in divorce, establishment of parentage, legal separation, dissolution of civil unions, and changes in parental rights and responsibilities to attend the four-hour COPE Seminar. Topics include information about how families experience divorce and other family transitions, typical reactions of children, development needs of children, skills that help children cope, and pitfalls to avoid. Cost: \$75.00 per participant, unless the court determines otherwise. Course is open to the public.

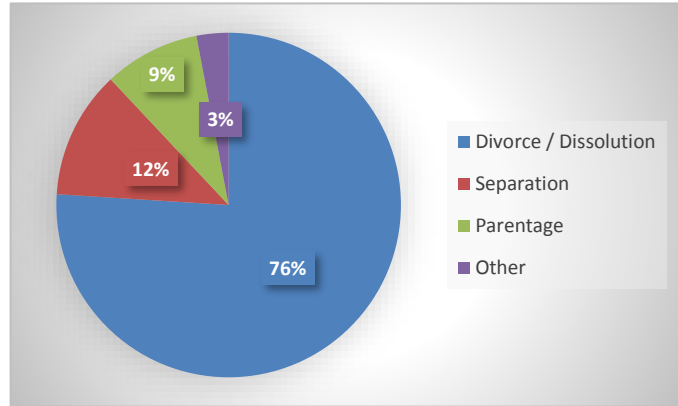
## Children Coping with Divorce

### How Much Did We Do?

- 85 classes were held in FY17
- 1,303 participants attended

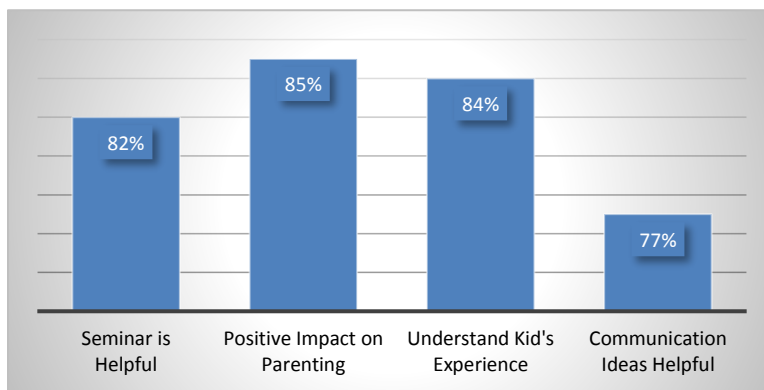
### How Well Did We Do It?

Of the 1,303 participants who attended classes, the majority were there for Divorce/Dissolution cases.



### Is Anyone Better Off?

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



## Boards and Committees

The Supreme Court has established a number of boards and committees to help it to fulfill its constitutional mandate to exercise disciplinary authority concerning all judicial officers and attorneys at law in the state and to make rules governing practice and procedure in the courts. A large number of judges, attorneys and lay persons meet routinely to advise the court on actions to be taken.

Several Committees advise the court on issues such as access to court records, whether to add or amend the rules that regulate the introduction of evidence, and the procedures to be applied in civil, criminal, family and probate proceedings.

Quasi-judicial boards and committees help the Supreme Court to fulfill its constitutional mandate to exercise regulatory or disciplinary authority over the state's judicial officers and attorneys:

### *Professional Responsibility Program*

The Vermont Constitution authorizes the Supreme Court to structure and administer a lawyer discipline system. Pursuant to that authority, the Court promulgated Administrative Order 9: *“Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program.”* In so doing, the Court’s purpose was to establish a Professional Responsibility Program that would “provide a comprehensive system of regulation of the legal profession.” A.O. 9, *Purpose*. The Court listed three objectives for the PRP. Those objectives are (1) to resolve complaints against attorneys through fair and prompt dispute resolution procedures; (2) to investigate and discipline attorney misconduct; and (3) to assist attorneys and the public by providing education, advice, referrals, and other information designed to maintain and enhance the standards of professional responsibility.

In addition, the Court adopted the Vermont Rules of Professional Conduct. The rules, which are often referred to as “the ethics rules,” govern attorney conduct.

The Professional Responsibility Board oversees the Program. The Board consists of seven members: 3 lawyers, 3 non-lawyers, and a judge. Each member is appointed by the Supreme Court.

The Program employs two full-time attorneys. Disciplinary Counsel investigates and prosecutes violations of the Rules of Professional Conduct. Bar Counsel administers the dispute resolution program and responds to inquiries regarding ethics and the practice of law.

### *Judicial Conduct Board*

Judges must follow high ethical standards established by the Supreme Court in the Code of Judicial Conduct. The Judicial Conduct Board investigates complaints of judicial misconduct or disability and recommends any necessary action to the Vermont Supreme Court. Possible disciplinary actions include public reprimand of the judge, suspension for a part or the remainder of the judge's term of office, or retirement of the judge. The Court does not impeach judges. Only the General Assembly has the power to impeach.

The Supreme Court appoints the nine members of the board, and designates the chair and vice-chair. Three members are lawyers, three members are lay citizens and three members are judges.

### *Board of Bar Examiners and Character and Fitness Committee*

The Board of Bar Examiners examines the professional competence of applicants for admission to the practice of law in Vermont, pursuant to the Rules of Admission to the Bar of the Vermont Supreme Court.

Twice a year (in February and July), the Board administers a two-day admissions 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.

Applicants for admission who have practiced law for at least five of the last ten years in another state can also be admitted to practice in Vermont, without taking the bar examination.

The Supreme Court appoints nine examiners to the Board of Bar Examiners. Seven of the examiners are Vermont lawyers and two are non-lawyers. The Supreme Court designates the chair and vice-chair of the Board.

The Supreme Court also appoints seven associate examiners, all of whom are lawyers. The chair of the Board of Bar Examiners assigns one associate examiner to assist each examiner in the grading of the essay parts of the semi-annual bar examination.

The Character and Fitness Committee determines the moral character and fitness of every applicant to carry out the responsibilities of a lawyer as part of the admission process.

The Supreme Court appoints the 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.

#### *Board of Mandatory Continuing Legal Education*

The Board of Mandatory Continuing Legal Education monitors the continuing legal competence of members of the Bar and evaluates policy and procedures to maintain and improve that competence. The MCLE Board ensures that the Rules for Mandatory Continuing Legal Education are followed by all practicing attorneys in Vermont. The MCLE Board is authorized to accredit courses and activities for CLE credit, to oversee compliance with its Rules among attorneys, and to report non-complying attorneys to the Supreme Court. The Board makes 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 of the Board. 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 Board.