

Vermont

State Court Organization Profile

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State Court Organization Profile Series

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This report is one of a series of profiles of all non-federal court systems prepared by the Implementation of Standards of Judicial Administration Project. This project is an effort of the American Bar Association Judicial Administration Division with staff support provided by the National Center for State Courts.

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FOREWORD

This is one of a series of profiles of state court systems prepared by the National Center for State Courts. The preparation of profiles was prompted by a National Center project to assist courts to implement the A.B.A. Standards Relating to Court Organization. As a first step, a review of the state courts to determine the extent of their adherence to the Standards was necessary.

The profile is presented in four sections. The overview is a brief introduction summarizing the more detailed information found later and commenting on the relationship between each aspect of the state's court system and the A.B.A. Court Organization Standards. Next a series of charts presents a graphic summary of the organization and lines of responsibility of the court system. In the main body of the profile, a complete description of each aspect of the court organization will be found. Finally, a chart shows the degree of similarity between the state's court system and each of the Standards, with a cross-index for each Standard to the relevant information in the text.

The sources for all material in the body of the profile are indicated with citations which have been abbreviated in the interest of space economy. No citations are used in the overview or the charts because these are intended to give a quick description of the system and are based exclusively on material included in the body of the profile. A list of sources appears at the end of the profile.

The profiles are prepared by National Center staff on the basis of the state's constitution, statutes, court rules, the annual report of the courts, and administrative or personnel manuals. Information from other publications about the court system is also reviewed and utilized as appropriate. Each profile is reviewed by the respective state court administrator and any suggested revisions are incorporated prior to publication.

Because of limitations of time, it has not been possible to conduct an exhaustive search for operational information or to conduct on-site interviews. We hope, however, that the profiles will provide baseline data about the state court systems. An assertion that a court system is not consistent with a standard is a value judgment by staff and does not necessarily reflect a defect in the particular state court system.

ACKNOWLEDGMENTS

A number of individuals assisted in the development of this profile and we are grateful for the time and talent that they have contributed. We would like to thank Mr. Michael K. Krell, Esq., the Vermont State Court Administrator for his cooperation and assistance. We are also indebted to Mr. Lee Suskin, Director of Planning and Development, for the information and insight gained from his comments on the draft profile.

Particular note should be made of the guidance, support and critical advice that have been provided by the Committee on Implementation of Standards of Judicial Administration of the American Bar Association's Judicial Administration Division, which serves as Advisory Committee to this project. Also, we would like to thank Edward B. McConnell, Director of the National Center, who has been an invaluable source of encouragement and helpful suggestions. The National Center's Northeast Regional Office also reviewed a draft of the profile. Finally, we would like to express our gratitude to James C. Swain, Gregory C. Brady and Dennis Murphy of the Adjudication Division of the Law Enforcement Assistance Administration for their continuing interest in and support for the profile effort.

The preparation of this profile would not have been possible without the assistance of these people. However, responsibility for any errors of fact or judgment remains with the staff.

April, 1979

OVERVIEW OF VERMONT COURT ORGANIZATION

OVERVIEW OF VERMONT COURT ORGANIZATION

With Commentary Based on the American Bar Association
Standards Relating to Court Organization

I. INTRODUCTION

Vermont's existing court system consists of four courts. The Supreme Court, the state's court of last resort, and the Superior Court, the trial court of general jurisdiction, are authorized by the constitution, as are probate judges. The District Court, the trial court of limited jurisdiction, is a statutory tribunal. There is no intermediate appellate court.

The District Court was created by statute in 1967 from independent municipal courts. The judicial duties of the justice of the peace courts were transferred by statutes in 1972 and 1974 to the District Court. In 1974, a constitutional amendment renamed the county courts, which were presided over by superior judges, the Superior Court. In addition, this amendment gave the Supreme Court general administrative authority over the entire system.

II. COURT STRUCTURE

A. Appellate Courts

The Supreme Court of Vermont is the state's highest court. It has appellate jurisdiction over all cases and may issue necessary writs. The Court is composed of five justices, including the chief justice. Terms are generally held in Montpelier, but special terms may be held elsewhere as the justices may appoint.

Relation to Standards: Vermont's appellate court structure is consistent with Standard 1.13.

B. Trial Courts

The Superior Court, the trial court of general jurisdiction, sits in each of the 14 counties. Eight superior judges preside on a rotating basis. Three judges (one superior judge, who presides, and each county's two elected assistant judges) are prescribed to sit in Superior Court; two of the three form a quorum.

Each Superior Court has original and exclusive jurisdiction of all civil actions, in which the amount in controversy is greater than \$200, except those made cognizable by the District Court or the Supreme Court, and of all petitions brought before it. The court may issue necessary writs. It also has original jurisdiction of prosecutions for criminal offenses within the county. The Superior Court may try cases originating in the Probate Court on a de novo basis.

The District Court is Vermont's trial court of limited jurisdiction. It may hear and decide civil actions where the demand is not over \$5,000 and where title to real estate is not involved. It has criminal jurisdiction over felonies where the maximum penalty is less than life imprisonment, and over misdemeanors and violations of municipal ordinances. The District Court is organized into six multi-county units, each of which contains circuits equal to the number of counties within the unit. There are twelve judges, each of whom is assigned to one unit, except for two judges who serve a total of five smaller counties.

There are 19 Probate Courts in Vermont: one probate court district in each of nine counties and two probate court districts in each of the remaining five counties.

One probate judge is elected for each district. Probate Courts have jurisdiction of the probate of wills, the settlement of estates, the appointment of guardians, and the powers, duties and rights of guardians and wards.

Relation to Standards: Vermont's trial court structure is not consistent with Standard 1.12, which recommends a single unified trial court.

III. JUDICIARY

A. Qualifications, Selection and Term

Supreme Court justices, Superior Court judges and District Court judges, who must be attorneys, are all appointed for six-year terms by the Governor with the advice and consent of the Senate. When the Senate is not in session, the justice and/or judge takes office immediately and holds office until the Senate convenes and acts upon the Governor's appointments. The appointments are made from a list of candidates certified by the Judicial Nominating Board. The board consists of eleven members appointed by the Governor, the legislature and individuals admitted to practice before the Vermont Bar. After completing a term, a judge or justice may choose to give notice of desire to continue in office. If so, the person's name is submitted to both houses of the legislature. If a majority of each house approves, the judge is continued in office for another term. If not approved, the appointment procedure is used to fill the vacancy. Probate judges and assistant judges serving the Superior Court are not required to be attorneys and are elected by the voters of their respective districts to four-year terms.

Relation to Standards: Provisions for qualifications, selection and term of Supreme Court justices and superior and district judges is generally consistent with Standard 1.21. The Standard recommends that the judicial selection board be composed of the chief justice as ex officio chairman, four attorneys and four non-lawyer citizens. It further suggests that retention in office be determined by confirmation or rejection by the electorate rather than the legislature. Qualifications, selection and term of probate judges and assistant judges are not consistent with the Standard.

B. Discipline and Removal

The Vermont Supreme Court has substantially adopted the ABA Code of Judicial Conduct. Exclusive power of removal is conferred by the constitution on the General Assembly in the form of impeachment. The Supreme Court has constitutionally authorized general disciplinary power over all judges, which includes the power of suspension.

A Judicial Responsibility Board has been established by rules of the Supreme Court. The Board consists of three attorneys and two laymen who serve five year terms. The Board, after investigation and hearing, may recommend to the Supreme Court further hearing, public reprimand, suspension or retirement of a justice or judge for cause. The Supreme Court may take any action or impose any sanction consistent with its constitutional and statutory authority.

Relation to Standards: Discipline and removal procedures are generally consistent with Standard 1.22. That Standard suggests that a judge should be subject to discipline or removal from office by the Supreme Court for misconduct, disability or gross incompetence amounting to disability, based upon findings of a standing board of judicial inquiry which should be composed of judges, lawyers and laymen. Vermont is consistent with a provision of the Standard recommending adoption of the ABA Code of Judicial Conduct.

C. Compensation

Vermont ranks 49th of the 50 states in terms of salaries paid to Supreme Court justices and 44th for general trial court judges' salaries. It ranks 44th in per capita personal income. The salaries paid are:

Supreme Court	
Chief Justice	\$35,245
Associate Justice	33,655
Superior Court	
Superior Judge	31,800
Assistant Judge	\$37 per day
District Court	30,740
Probate Court	24,730-6,530

Judges are eligible for retirement benefits (1) upon reaching the age of 65, or (2) at 62 if they have completed 30 years of credited service or (3) at 55 if they are eligible for reduced benefits upon having completed ten years of service, or (4) at any age if they have completed 20 years of service. Judges who retire after fewer than 12 years of service receive the sum of the contributions of the judge and the state.

After 12 years of service, judges receive two-fifths of their salary at retirement. For each year in excess of 12 years, judges receive an additional 3 1/3% of their salary at retirement (not to exceed their salary at retirement). Judges are also entitled to disability and death benefits and medical insurance. Judges may be reimbursed for expenses while away from home or office on official duties.

Relation to Standards: Compensation of Vermont judges is not consistent with Standard 1.23, which recommends that judges receive salaries appropriate to their official responsibilities. The Standard further recommends that judicial pension be equal to 3/4 of the judge's salary.

D. Retirement Age and Active Service

Vermont judges are required to retire at the end of the calendar year in which they reach the age of 70. Probate judges and assistant judges, both of whom are elected, may complete the term to which they are elected when they reach age 70. The chief justice may appoint consenting retired justices and judges to special assignments. In performance of these duties, justices and judges receive a per diem equal to the daily compensation authorized for the judicial position to which they are assigned and necessary expenses.

Relation to Standards: Provisions for mandatory retirement and active service after retirement are generally consistent with Standard 1.24, which recommends that all judges be required to retire at age 70.

E. Continuing Education

Three trial court judges serve on an Advisory Committee on Judicial Education to plan for and carry out training for Vermont judges. This Committee oversees a program of out-of-state training at national judicial education organizations. It also plans training at regularly scheduled judges' meetings, consisting of discussions led by Vermont judges or outsiders with expertise in a particular area or viewings of videotapes of leading authorities in areas of the law.

Relation to Standards: Vermont's continuing education programs are consistent with Standard 1.25.

F. Parajudicial Officers

There are no parajudicial officers in Vermont state courts, as described in Standard 1.26.

IV. ADMINISTRATATION AND PROCEDURE

A. Administrative or Superintending Authority

The constitution provides that the Supreme Court shall have administrative control of all courts of the state. The chief justice is appointed by the Governor, with the advice and consent of the Senate, from a list of nominees presented to him by a judicial nominating body. He has some statutory administrative authority over the court system, with respect to assignment of judges and other matters.

Relation to Standards: Administrative authority over the Vermont court system is partially consistent with Standard 1.33(a), which suggests that the chief justice of the Supreme Court should exercise the power of general supervision over the court system.

B. State Administration

The court administrator, whose office is created by statute, is appointed by and serves at the pleasure of the Supreme Court, which fixes his salary and prescribes his duties. He is responsible for the budget and fiscal operation of the courts and may employ necessary personnel and fix their compensation. He has responsibility for judicial statistics, may assign judges in the event of emergency or illness, and may exercise approval power over the original appointment of District Court clerks, assistant clerks and stenographic reporters. He also serves as secretariat to various court related boards and councils. His salary is \$31,800, equal to that of a superior judge, and he is a member of the Vermont Employees Retirement System.

Relation to Standards: The court administrator's position is generally consistent with Standard 1.41(a).

C. Court Administration

The superior judge with the longest period of service is the chief superior judge and is responsible for the administration of the Superior Court. The county clerk, who is appointed by the judges of the Superior Court, with the concurrence of the presiding Superior Court judge, is clerk of the Superior Court for the county. The chief district judge, who is appointed by the Governor, has administrative authority over the District Courts; and a district court clerk may be appointed by the court administrator with the advice of the district judge concerned. There is no chief judge of the Probate Court. The register of probate, who is appointed by the probate judge concerned, performs the duties of the clerk of court. There are no trial court administrators in Vermont's courts.

Relation to Standards: Provisions for chief judges are generally consistent with Standard 1.33(b), although the Standard recommends that chief judges be elected by their peers. Vermont's court administration is not consistent with Standard 1.41(b) which recommends that all trial courts be supervised by a trial court administrator.

D. Policy-Making Authority

The Supreme Court has policy-making authority over the court system. The Judicial Council is an advisory body consisting of the chief justice or a designated associate justice, the court administrator, two attorneys and two laymen appointed by the Governor.

Relation to Standards: Policy-making for courts is generally consistent with Standard 1.32, which suggests that policy-making authority be vested in the Supreme Court, or a judicial council chaired by the chief justice and including judges of the trial courts.

E. Rule-Making Authority

The constitution provides that the Supreme Court make and promulgate rules governing the administration of all courts, rules governing the admission and discipline of attorneys, rules pertaining to the discipline of judge, and rules governing practice and procedure in civil and criminal cases in all courts. Some Supreme Court rules may be revised by the General Assembly.

Relation to Standards: Rule-making authority is partially consistent with Standard 1.31, which recommends that the court system should have final rule-making authority.

F. Non-Judicial Personnel System

There is no unified non-judicial personnel system for the Vermont courts. As a matter of practice, however, most rules and regulations of the state merit system are followed for state-funded court employees. A written compilation of personnel rules and regulations has been developed in draft and is under review by the court administrator.

Relation to Standards: Vermont is not yet fully consistent with Standards 1.42, 1.43 and 1.44 which suggest a unified, statewide personnel system.

V. FINANCE AND BUDGET

A. Funding

The Supreme Court and District Court are funded by the state, and the state pays some operating costs for the Superior Court in addition to salaries of court officers, superior judges, county clerks, court reporters and sheriffs. The counties are primarily responsible for maintaining the Superior Court's courthouse, but the state pays for fuel and utilities in these facilities. The county also pays all assistants to the Superior Court clerks. All personnel in the Probate Courts are paid from state funds. The facilities for Probate Courts are county-funded.

Relation to Standards: Funding of the Vermont courts is generally consistent with Standard 1.50, which recommends state funding of the entire system.

B. Fines and Fees

Revenues from fees, fines and costs from all courts are remitted to the state treasury for the general fund.

Relation to Standards: Disposition of fees, fines and costs is consistent with Standard 1.53.

C. Budget

A centralized budget is prepared by the court administrator's office with revision and final approval by the Supreme Court. It is submitted to the legislature through the executive branch. Though the executive branch may suggest revisions in the judicial branch budget, it is submitted to the legislature without change.

Relation to Standards: Budget procedures are substantially consistent with Standards 1.51 and 1.52 which recommend that a centralized budget be prepared by the court administrative office under the supervision of the chief justice, who should present it directly to the legislature.

VI. INFORMATION SYSTEMS

A. Record Keeping

Court clerks are responsible for keeping all court records. At this time, identical forms are often completed and used in dissimilar ways depending on the courthouse, as methods of assembling data are not standardized.

Relation to Standards: Vermont's record-keeping system is not consistent with Standard 1.61 which recommends uniform record-keeping procedures in all courts.

B. Statistics and Data Processing

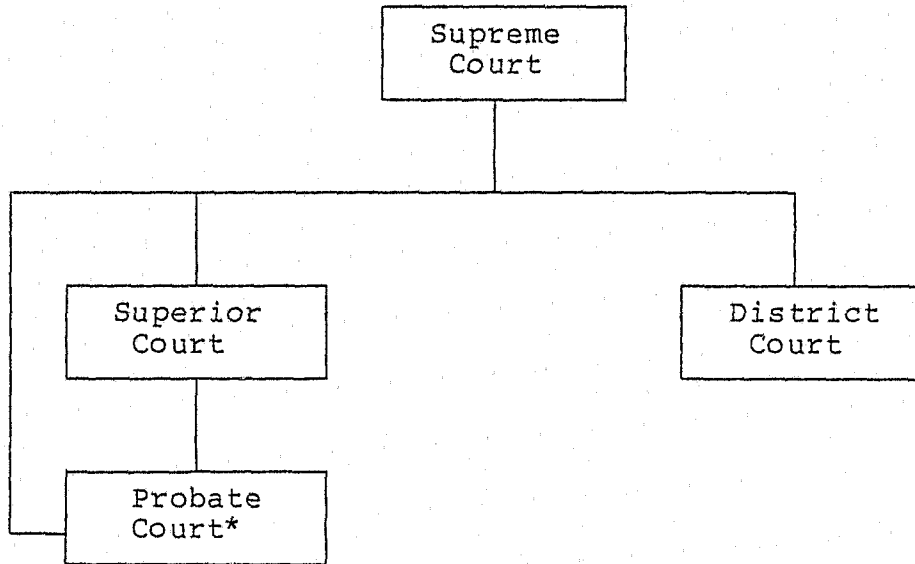
The court administrator's office prepares and publishes quarterly and annual statistical reports for the entire judicial branch.

Relation to Standards: Based on available information, Vermont's procedures are partially consistent with Standards 1.62 and 1.63.

CHARTS OF VERMONT COURT SYSTEM

VERMONT STATE COURT SYSTEM

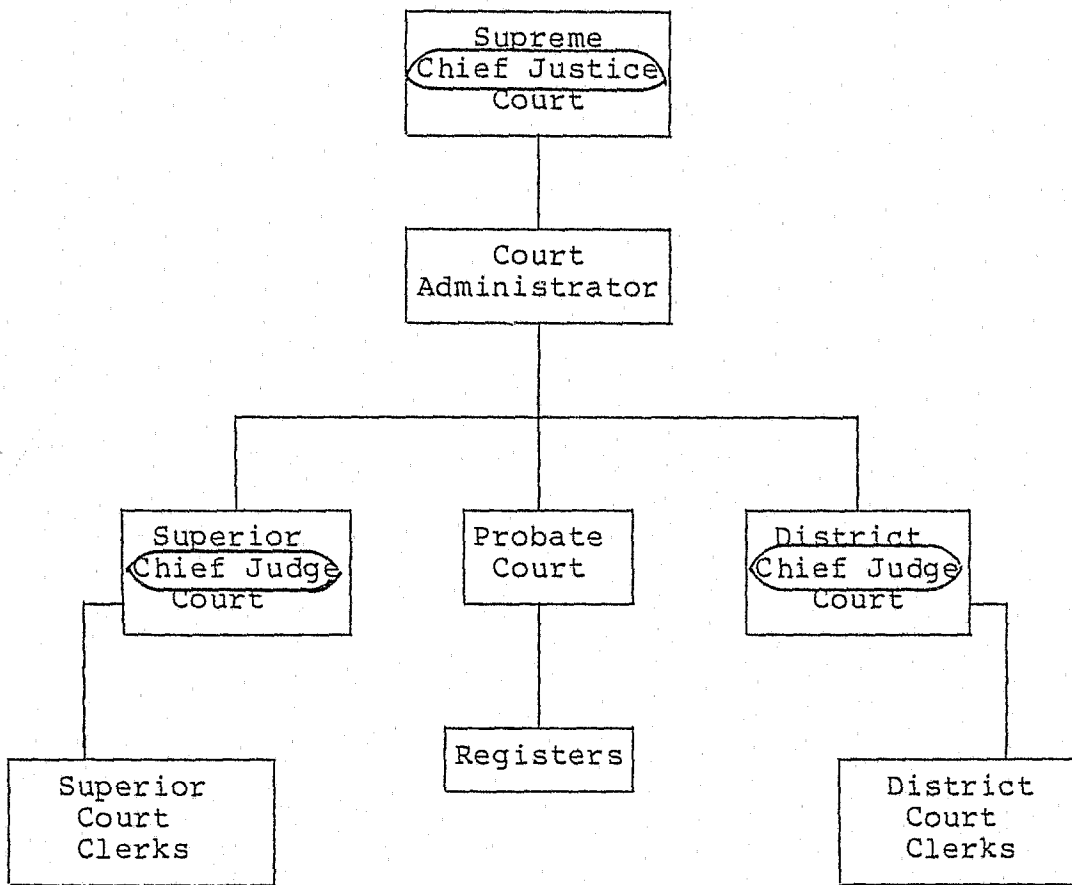
Routes of Appeal



*Appeals from Probate Court to Superior Court are trials de novo on questions raised by the appellant. The Supreme Court can hear appeals from the Probate Court on questions of law.

VERMONT STATE COURT SYSTEM

Administrative Structure



VERMONT STATE COURT SYSTEM

Courts Having Appellate Jurisdiction

No. Judges	Nature of Jurisdiction	Court
5 ¹	All cases.	Supreme Court
8 ²	a) Cases originating in the Probate Court may be tried on a de novo basis. b) Appellate jurisdiction of certain matters relating to the highway department, zoning and tax appeals.	Superior Court

¹Vermont Constitution, Article II, Section 29.

²Vermont Statutes Annotated, Title 4, Section 71.

VERMONT STATE COURT SYSTEM

Courts Having Trial/Hearing Jurisdiction

<u>No. Judges</u>	<u>Nature of Jurisdiction</u>	<u>Court</u>
8	a) All civil actions in which the amount in controversy is greater than \$200, except those made cognizable by the District Court or the Supreme Court. b) All petitions brought before it. c) Prosecutions for criminal offenses within their respective counties.	Superior Court
12 ³	a) Civil actions where the demand is not over \$5,000 and title to real estate is not involved. b) Felonies where the maximum penalty is less than life imprisonment, and misdemeanors. c) Violations of municipal ordinances.	District Court
19 ⁴	Probate of wills, settlement of estates, appointment of guardians, and powers, duties and rights of guardians and awards.	Probate Court

³Vermont Statutes Annotated, Title 4, Section 444.

⁴Vermont Constitution, Article II, Section 51;
Vermont Statutes Annotated, Title 4, Sections 273-277.

VERMONT STATE COURT SYSTEM

Funding Sources for Courts

<u>State Budget</u>	<u>County Budget</u>	<u>City Budget</u>	
X			Supreme Court
X*	X*		Superior Court
X			District Court
X*	X*		Probate Court

*See Sections X.A. and X.B. for breakdown of state and county funding of the courts.

PROFILE

I. COURT OF LAST RESORT

A. Name, Seat, Term

The Supreme Court is the highest court in Vermont. [Vermont Constitution Chapter II, section 4 (hereinafter Const. Ch. II, §4); Vermont Statutes Annotated, Title 4, section 1 (hereinafter 4 V.S.A. §1)] General terms of the Supreme Court are held in Montpelier on the first Tuesday in February, April, June, October and December of each year. Special terms may also be held at such other times and places as the justices may appoint. [4 V.S.A. §8]

B. Jurisdiction

1. Original

The Supreme Court may issue necessary writs in aid of its appellate jurisdiction. [Const. Ch. II, §30; 4 V.S.A. §2]

2. Appellate

The court exercises appellate jurisdiction in all cases, civil and criminal. Const. Ch. II, §30]

3. Lodging of Appeals

A notice of appeal must be filed with the trial court within 30 days from the date of the entry of any appealable judgment, order, ruling, decree or sentence of any court or agency. The Supreme Court may by rule provide for extension of the time for appeal for cause or to allow a cross appeal. [12 V.S.A. §2383; Vermont Rules of Appellate Procedure (hereinafter V.R.A.P.) 3, 4,]

C. Panels

There are no constitutional or statutory provisions regarding panels of the Supreme Court.

D. Rule-Making

The Supreme Court makes and promulgates rules governing practice and procedure in civil and criminal cases in all courts, rules governing the admission and discipline of attorneys, rules pertaining to the discipline of judges, and rules governing the administration of all courts. Some rules adopted by the Supreme Court may be revised by the General Assembly. [Const. Ch. II, §37]

E. Personnel

Information on specific court personnel is provided in the following Sections: V, Judges; VI, Parajudicial Officers; and IX, Administration of the Courts. General information on Vermont's non-judicial personnel system is contained in Section VII, Non-judicial Personnel System.

II. INTERMEDIATE APPELLATE COURT

There is no intermediate appellate court in Vermont.

III. TRIAL COURT OF GENERAL JURISDICTION

A. Name of Court

Superior Court. [Const. Ch. II, §4]

1. Jurisdiction

Each Superior Court has original and exclusive jurisdiction of all civil actions, in which the amount in controversy is greater than \$200, except those made cognizable the the District Court or the Supreme Court, and of all petitions brought before it. The court may issue necessary writs. [4 V.S.A. §113] Each Superior Court has original jurisdiction of prosecutions for criminal offenses within their respective counties and may impose sentence according to law. [4 V.S.A. §114] The court may also try cases originating in the Probate Court on a de novo basis. [12 V.S.A. §2553]

2. Divisions

a. Geographical Divisions

A Superior Court sits in each county. Each court consists of three judges: one superior judge who presides, and each county's two assistant judges. [4 V.S.A. §111] Terms are set by administrative order of the Supreme Court. [4 V.S.A. 115] Terms of the Superior Court and assignment of superior judges are promulgated by Supreme Court administrative order. The superior judges as a group recommend the schedule

of terms to the Supreme Court for promulgation. [A Unified Court System for Vermont, p. 12]

b. Specialized Divisions

There are no statutory provisions for specialized divisions of the Superior Court.

3. Rule-Making

The Supreme Court makes and promulgates rules governing the administration, practice and procedure in all courts. [Const. Ch. II, §37]

4. Personnel

Information on specific court personnel is provided in the following Sections: V, Judges; VI, Parajudicial Officers; and IX, Administration of the Courts. General information on Vermont's non-judicial personnel system is contained in Section VII, Non-judicial Personnel System.

IV. TRIAL COURTS OF LIMITED JURISDICTION

A. Name of Court

District Court [4 V.S.A. §436]

1. Jurisdiction

The District Court has jurisdiction of civil actions where the demand is not over \$5,000 and title to real estate is not involved. [4 V.S.A. §437] It has criminal jurisdiction of felonies where the maximum penalty is less than life imprisonment [4 V.S.A. §439], misdemeanors [4 V.S.A. §446], and violations of municipal ordinances. [4 V.S.A. §441] The District Court also has jurisdiction of juvenile matters, small claims (not to exceed \$500), traffic cases, mental health matters and U.R.E.S.A. cases.

2. Divisions

a. Geographical Divisions

The Supreme Court is authorized to organize the District Court into territorial units. [4 V.S.A. §436] The court has been divided into six multi-county units, each of which contains circuits equal to the number of counties within the unit. [A Unified Court System for Vermont, p. 12] The court administrator assigns one or more judges to each territorial unit of the court on a rotating basis. [4 V.S.A. §444(a)]

b. Specialized Divisions

There is a special unit of the District Court which holds sessions in the town of Waterbury for the sole purpose of exercising mental health jurisdiction. The special unit may not exercise other civil and criminal jurisdiction otherwise exercised by the District Court. A district judge is assigned by the court administrator to the special unit. [4 V.S.A. §436a]

There is another special unit of the District Court which holds sessions in the town of Brandon for the purpose of exercising jurisdiction over applications for admissions to, and for judicial reviews concerning, persons admitted to the Brandon Training School. This special unit may not exercise other civil and criminal jurisdiction. [4 V.S.A. §436b]

3. Rule-Making

The Supreme Court makes and promulgates rules governing administration, practice and procedure in all courts. [Const. Ch. II, §37]

4. Personnel

Information on specific court personnel is provided in the following Sections: V, Judges; VI, Parajudicial Officers; and IX,

Administration of the Courts.
General information on Vermont's
non-judicial personnel system is
contained in Section VII,
Non-judicial Personnel System.

B. Name of Court

Probate Court [Const. Ch. II, §§32-34;
V.S.A. Chapter 7]

1. Jurisdiction

Probate Courts have jurisdiction of
the probate of wills, the settlement
of estates, the appointment of
guardians, and the powers, duties
and rights of guardians and wards.
[4 V.S.A. §311]

2. Divisions

a. Geographical Divisions

There are 19 Probate Courts in
Vermont: nine counties each
constitute probate court
districts themselves, and the
five southern counties are
each divided into two
districts. [4 V.S.A. §§271,
273-277]

b. Specialized Divisions

There are no specialized
divisions of the Probate
Court.

3. Rule-Making

The Supreme Court makes and
promulgates rules governing the
administration, practice and
procedure in all courts. [Const.
Ch. II, §37]

4. Personnel

Information on specific court personnel is provided in the following Sections: V, Judges; VI, Parajudicial Officers; and IX, Administration of the Courts. General information on Vermont's non-judicial personnel system is contained in Section VII, Non-judicial Personnel System.

V.

JUDGES

A. Supreme Court

The constitution provides that the Supreme Court is composed of a chief justice and four associate justices. [Const. Ch. II, §29]

1. Qualifications

a. Justices

A justice must be an attorney engaged in the practice of law or a judge in Vermont for at least five out of the ten years preceding appointment. [4 V.S.A. §602]

b. Chief Justice

Same as justices above.

2. Selection

a. Method

(1) Justices

The Governor, with the advice and consent of the Senate, fills vacancies in the offices of Supreme Court justice and superior and district judge, from a list of nominees certified by the judicial nominating board. [Const. Ch. II, §32; 4 V.S.A. §§4, 603]

(2) Chief Justice

The chief justice is appointed by the Governor by the same procedure used to appoint the associate justices and judges. [Const. Ch. II, §32; 4 V.S.A. §4]

b. Judicial Nominating Board

(1) Membership/Selection/
Term

The board consists of eleven members selected as follows: the Governor appoints two non-attorneys; the Senate elects three of its members, not all of whom may be members of the same party and only one of whom may be an attorney; the House elects three of its members as described above; the state bar elects three of its members as regulated by the Supreme Court. Members elected by the state bar serve a six-year term and may not be re-elected. All other members serve two-year terms. Those appointed by the Governor may serve for no more than three terms; those elected by the Senate or House may serve for no more than three consecutive terms.

Members elect their own
chairman. [4 V.S.A.
§601]

(2) Procedure

Prior to submission to
the Governor of names of
candidates for judicial
office, the board
submits to the court
administrator a list of
all candidates. The
court administrator
advises the board of any
professional
disciplinary action
taken or pending
concerning the
candidate. This
information is kept
confidential by the
board. From the list of
candidates presented,
the board selects at
least three qualified
candidates to submit to
the Governor. [4 V.S.A.
§602]

(3) Staff Assistance

There are no statutory
provisions regarding
staff assistance to the
judicial nominating
board.

c. Vacancies of Unexpired Terms

All vacancies are filled in
the manner described above.

3. Term

Justices serve a six-year term. [4 V.S.A. §5] If a justice wishes to succeed himself, he must file a declaration to be submitted to the General Assembly for a vote on his retention. If the majority vote to retain him in office, he may remain for another term. If the majority vote against his retention, the office is vacant upon expiration of his term. [Const. Ch. II, §34, 4 V.S.A. §4]

4. Retirement

a. Age

All justices must be retired at the end of the calendar year in which they attain age 70. [Const. Ch. II, §35]

b. Active Service After Retirement

The chief justice may appoint retired justices and judges to special assignments. [Const. Ch. II, §35] Consenting retired justices may perform judicial service in any state court. [4 V.S.A. §22] In performance of these judicial duties, the retired justice is entitled to a per diem equal to the daily compensation authorized for the judicial position to which he is assigned and necessary expenses.

5. Compensation

a. Salaries

(1) Justices

Supreme Court justices
receive \$33,655. [32
V.S.A. §1003]

(2) Chief Justice

The chief justice
receives \$35,245. [32
V.S.A. §1003]

b. Fringe Benefits

All justices and judges are members of the Vermont Employees Retirement System. [3 V.S.A. §§455-477] They are eligible for retirement benefits at age 65, at age 62 if they have completed 20 years of service, at age 55 after ten years of service, or at any age after 30 years of service. Supreme Court justices and superior and district judges who retire with fewer than twelve years of service receive the sum of the contributions of the judge and the state. After 12 years of service, judges receive a retirement allowance equal to two-fifths salary at the time of retirement. For each year after 12 years they receive an additional $3\frac{1}{3}\%$ of salary per year. Total retirement benefits may not exceed the judge's salary. [3 V.S.A.]

§459] Judges are also entitled to disability and death benefits and medical insurance. [3 V.S.A. §§460-461, 631] No provisions were located regarding payment of travel and per diem expenses.

c. Compensation Advisory Board

A compensation advisory board composed of three public members appointed by the Governor and serving at his pleasure advises the Governor and commission of personnel in matters of state employee classification. The judicial branch has attempted to make its compensation plan equivalent to the plan for the executive branch. [3 V.S.A. §324]

B. Trial Court of General Jurisdiction--
Superior Court

Statutes provide for eight superior judges who preside on a rotating basis in the 14 counties. [4 V.S.A. §§71, 111a] The superior judge with the longest period of service is the chief superior judge. [4 V.S.A. §71] Statutes also provide for two assistant judges per county. [4 V.S.A. §111]

1. Qualifications

a. Superior Judge

Same as Supreme Court justice; see subsection A.1.a. of this Section.

b. Assistant Judge

There are no statutory qualifications for the position of assistant judge.

2. Selection

a. Method

(1) Superior Judge

Same as Supreme Court justices; see subsection A.2.a. of this Section.

(2) Assistant Judge

Assistant judges are chosen by the voters of the county at partisan elections. [Const. Ch. II, §50; 4 V.S.A. §111]

b. Judicial Nominating Board

Same as Supreme Court; see subsection A.2.b. of this Section.

c. Vacancies of Unexpired Terms

(1) Superior Judge

All vacancies in the office of superior judge are filled in the manner described above.

(2) Assistant Judge

Vacancies are filled by the Governor. The Governor may request a recommendation of the county committee of the political party of the assistant judge whose death or resignation created the vacancy. [Letter from Lee Suskin, Office of the Court Administrator, Montpelier, 16 April 1979 (hereinafter Suskin)]

3. Term

a. Superior Judge

Same as Supreme Court; see subsection A.3.a. of this Section. [Const. Ch. II, §34; 4 V.S.A. §71]

b. Assistant Judge

Assistant judges are elected to four-year terms. [Const. Ch. II, §50]

4. Retirement

a. Age

Same as Supreme Court; see subsection A.4.a. of this Section.

b. Active Service After Retirement

The chief justice may appoint retired judges to special assignment as permitted under rules of the Supreme Court. [Const. Ch. II, §35]

5. Compensation

a. Salaries

(1) Superior Judge

Superior judges, including the chief superior judge, receive \$31,800. [32 V.S.A. §1003]

(2) Assistant Judge

Assistant judges receive \$37 per day for time spent in the performance of official duties as assistant judge of the Superior Court. [32 V.S.A. §1141] Assistant judges receive county money for the performance of county duties.

b. Fringe Benefits

(1) Superior Judge

Same as Supreme Court; see subsection A.5.b. of this Section.

(2) Assistant Judge

Assistant judges receive necessary expenses under the rules and regulations pertaining to classified state employees. [32 V.S.A. §1141]

c. Compensation Advisory Board

Same as Supreme Court; see subsection A.5.c. of this Section.

C. Trial Court of Limited Jurisdiction--
District Court

Statutes provide for twelve district judges. [4 V.S.A. §444]

1. Qualifications

Same as Supreme Court; see subsection A.1. of this Section.

2. Selection

a. Method

(1) Judges

Same as Supreme Court; see subsection A.2.a. of this Section.

(2) Chief Judge

The Governor appoints a district judge to serve as chief district judge. [4 V.S.A. §603]

b. Judicial Nominating Board

Same as Supreme Court; see subsection A.2.b. of this Section.

c. Vacancies of Unexpired Term

All vacancies are filled in the manner described above.

3. Term

Same as Supreme Court; see subsection A.3. of this Section. [Const. Ch. II, §35; 4 V.S.A. §604]

4. Retirement

a. Age

Same as Supreme Court; see subsection A.4.a. of this Section.

b. Active Service After Retirement

Same as Superior Court; see subsection B.4.b. of this Section.

5. Compensation

a. Salaries

All district judges including the chief district judge receive \$30,740. [4 V.S.A. §1003]

b. Fringe Benefits

Same as Supreme Court; see subsection A.5.b. of this Section.

c. Compensation Advisory Board

Same as Supreme Court; see subsection A.5.c. of this Section.

D. Trial Court of Limited Jurisdiction--
Probate Court

The constitution provides that probate judges be elected for each district. [Const. Ch. II, §51] There is no chief probate judge as all the judges are part-time. [A Unified Court System for Vermont, p. 16]

1. Qualifications

There are no constitutional or statutory requirements that probate judges be attorneys.

2. Selection

a. Method

Probate judges are elected at partisan election by the voters of their respective districts. [Const. Ch. II, §5]

b. Judicial Nominating Board

No such board is used for probate judges.

c. Vacancies in Unexpired Terms

If a probate judge is unable to serve by reason of his absence, removal from the district, resignation, sickness, death or otherwise, his duties will be performed by the register of probate, if not disqualified, or a judge of another district, or an assistant judge of another district, or an assistant

judge of the Superior Court of the county in which the district is situated. [4 V.S.A. §355]

3. Term

Probate judges are elected to four-year terms. [Const. Ch. II, §51]

4. Retirement

a. Age

The constitution provides that Probate judges must retire at the end of the term of election during which they attain 70 years of age. [Const. Ch. II, §35]

b. Active Service After Retirement

Same as Superior Court; see subsection B.4.b. of this Section.

5. Compensation

a. Salary

Probate judges' salaries range from \$6,530 to \$24,730 depending on the district. [32 V.S.A. §1142]

b. Fringe Benefits

Pension, disability and death benefits and medical insurance provisions are the same as for Supreme Court justices; see

subsection A.5.b. of this Section. Probate judges are paid necessary expenses by the state under the rules and regulations pertaining to classified state employees. [32 V.S.A. §1142]

c. Compensation Advisory Board

Same as Supreme Court; see subsection A.5.c. of this Section.

E. Code of Judicial Conduct

The Vermont Supreme Court has substantially adopted the ABA Code of Judicial Conduct. [Supreme Court Administrative Order No. 10 (hereinafter A.O. 10)]

F. Discipline and Removal

1. Method

Exclusive power of removal is conferred by the constitution on the General Assembly in the form of impeachment. [Const. Ch. II, §§57, 58] The Supreme Court has general disciplinary power over all judges, which includes power of suspension. [Const. Ch. II, §36]

The Supreme Court promulgated Rules for Disciplinary Control in 1978 superceding such rules of December 1965. The rules are applicable to any complaint charging a judge with:

- a. violation of the Code of Judicial conduct;
- b. violation of the Code of Professional Responsibility;

- c. offenses involving moral turpitude;
- d. conviction of a felony;
- e. misfeasance or malfeasance in office;
- f. willful misconduct or conduct prejudicial to the administration of justice although not related to official duties nor constituting conduct in office which nevertheless brings the office into disrepute or disrespect or renders the judge unfit to command public confidence;
- g. willful and persistent failure to perform judicial duties;
- h. habitual intemperance; or
- i. physical or mental disability that seriously interferes with the performance of judicial duties, and is likely to be permanent and will continue to interfere with the performance of judicial duties. [Rules of the Supreme Court for Disciplinary Control, Rule 2 (hereinafter cited by rule number only)]

The Judicial Responsibility Board has authority to receive information, investigate, conduct hearings, and make recommendations to the Supreme Court concerning allegations of judicial misconduct

and disability. It may recommend suspension pending final disposition of the complaint, public reprimand, suspension for a portion or all of the remainder of the respondent's term in office, or retirement.
[Rule 6]

2. Judicial Disciplinary Board

a. Membership/Selection/Term

The board consists of three attorneys and two lay citizens appointed by the Supreme Court for five year terms. [Rule 4]

b. Procedure

The board investigates any complaint submitted to it and may investigate conduct or disability on its own motion. All matters before the board before the filing of a formal charge are confidential. After the service of a formal charge upon the respondent, the proceedings are public. Any action, proceeding or recommendation of the board must be concurred in by three members to be valid. [Rule 6]

If a preliminary investigation reveals to the satisfaction of the majority of the board that probable cause exists for a formal charge, it orders a formal complaint to be filed and the matter is brought to a hearing. [Rule 7] The respondent may file an answer to the charges and has a right to appear personally and by attorney and to answer the charge, to present evidence in his defense, to examine and

cross-examine witnesses, to secure subpoenas, to the appointment of a guardian ad litem when indicated, and to secure a transcript of the evidence, findings, conclusions and recommendations.

[Rule 8]

The board issues its final order of recommendation to the Supreme Court. [Rule 9] The Supreme Court reviews all final orders and may take any action or impose any sanction consistent with its constitutional and statutory authority. [Rule 11] The respondent may appeal to the Supreme Court from the final order of recommendation of the Board. [Rule 12]

c. Staff Assistance

The board may employ investigators, medical experts, stenographic reporters and other employees as necessary. [Rule 6]

G. Continuing Education

Three trial judges serve on an Advisory Committee on Judicial Education to plan for and carry out training for Vermont judges. This Committee oversees a program of out-of-state training at national judicial education organizations. It also plans training at regularly scheduled judges' meetings, consisting of discussions led by Vermont judges or outsiders with expertise in a particular area or viewings of videotapes of leading authorities in areas of the law. [Suskin]

VI. PARAJUDICIAL OFFICERS

There are no provisions for parajudicial officers in Vermont courts.

VII. NON-JUDICIAL PERSONNEL SYSTEM

A. General Statement

There is no unified, written, non-judicial personnel system in the Vermont courts. The court administrator acts as clerk of the Supreme Court, and county clerks act as clerks of the Superior Court. [4 V.S.A. §§651, 7] The court administrator, with the advice of the district judge concerned, may appoint and remove clerks, assistant clerks, and stenographic reporters for the District Court, and fix their compensation. These appointees are state employees. [4 V.S.A. §691] In the Probate Court, registers are appointed in each district by the probate judge. [4 V.S.A. §357]

B. Regulations

As a matter of practice, most rules and regulations of the state merit system are followed for state-funded court employees. A written compilation of personnel rules and regulations has been developed in draft and is under review by the court administrator. [Suskin]

C. Other Non-Judicial Personnel

Proposed rules and regulations currently in draft form would cover certain professional employees, such as court reporters. [Suskin]

VIII. JUDICIAL POLICY-MAKING/ADVISORY BODIES

A. Policy-Making Body

The Supreme Court is the policy-making body for the Vermont court system. [Const. Ch. II, §§30, 37]

B. Advisory Bodies

The Judicial Council is created by statute for the continuous study of the organization, rules, and method of procedure and practice of the judicial system of Vermont. The council consists of the chief justice of the Supreme Court or an associate justice designated by him, the court administrator, two practicing attorneys and two laymen appointed by the Governor. All members serve two-year terms. The representative of the Supreme Court is the president. [4 V.S.A. §561] The council reports biennially to the General Assembly on the work of the various branches of the judicial system with recommendations. It may also submit suggestions for the consideration of the judges of the various courts regarding rules, practice and procedure. [4 V.S.A. §562]

The Advisory Committee on Vermont Rules of Civil and Appellate Procedure and the Advisory Committee on Criminal Rules advise the Supreme Court on procedural rules. The membership of these committees consists of judges and private attorneys. [Suskin]

IX. ADMINISTRATION OF THE COURTS

A. State Administration

1. General Administrative Authority:
Chief Justice/Supreme Court

a. Administrative Authority

The constitution provides that the Supreme Court shall have administrative control of all courts of the state, and disciplinary authority concerning all judicial officers and attorneys in the state. [Const. Ch. II, §30]

The chief justice may appoint retired justices and judges to special assignment as permitted under the rules of the Supreme Court. [Const. Ch. II, §35, 4 V.S.A. §22]

b. Other Responsibilities

By statutes, rules and administrative orders, the Supreme Court and chief justice have numerous administrative duties. (See Const. Ch. II, §§30, 31, 35-38, 52; 1 V.S.A. §1; 3 V.S.A. §952; 4 V.S.A. §§3, 5, 7, 8, 17, 21, 22, 71, 111a, 115, 119, 152, 222, 358(b), 436, 561, 601, 603, 606, 652, 659, 803, 902, 952; 10 V.S.A. §4557; 12 V.S.A. §§1, 913(a), 2383, 2386, 5531, 5707, 7007; 13 V.S.A. §4631; 21 V.S.A. §1623(a); 23 V.S.A. §2207; 32 V.S.A. §§1403, 1758; V.R.C.P.; V.R.Cr.P.; V.R.A.P.; 12 V.S.A.

App. I, Pt. II and Pt. IV; and Administrative Orders 1, 3, 4, 5, 9, 11.)

2. State Court Administrator

a. Authorization for Position

4 V.S.A. §21

b. Qualifications

There are no statutory qualifications prescribed for the court administrator.

c. Selection

The court administrator is selected by and serves at the pleasure of the Supreme Court. [4 V.S.A. §21]

d. Responsibilities

The court administrator's duties are prescribed by the Supreme Court. [4 V.S.A. §21]

He is responsible for the budget and fiscal operation including the processing for payment of bills, invoices, statements and expense accounts; preparation of all personnel actions; processing for payment of debentures of assigned counsel; and processing of requisitions for forms, supplies, office equipment and furniture. He is authorized to employ the necessary personnel and fix their compensation. [A.O. 3]

An Administrative Directive deals with the court administrator's responsibility concerning judicial statistics. [12 V.S.A. App. VIII]

In addition, the statutes provide that the court administrator may assign judges in the event of emergencies or illness [4 V.S.A. §§74, 444] and that he may exercise approval power over the original appointment of District Court clerks, assistant clerks and stenographic reporters. [4 V.S.A. §§357, 691]

e. Compensation

(1) Salary

The court administrator's salary is fixed by the Supreme Court. [4 V.S.A. §21] As of February 1978, it is \$31,800. [Survey of Judicial Salaries, p. 10]

(2) Fringe Benefits

The court administrator is a member of the Vermont Employees Retirement System. [3 V.S.A. §§455-457] Employees are also entitled to disability and death benefits and medical insurance. [3 V.S.A. §§460-461, 631]

f. Continuing Education

There are no formal provisions for continuing education for the court administrator.

3. Office of the Court Administrator

a. Organization/Staff

The office includes the court administrator, the director of administrative services, the deputy clerk of the Supreme Court, a fiscal officer and secretarial support. In addition, through funds provided by the Law Enforcement Assistance Administration, there is a three-person planning and development unit which staffs a Judicial Planning Committee. [Suskin]

b. Selection

The court administrator appoints the staff. [A.O. 3]

c. Compensation

The court administrator sets their compensation in consultation with the Director of Finance and Personnel, subject to approval of the court. [A.O. 3]

d. Continuing Education

There are no formal provisions for continuing education for staff.

B. Individual Court Administrator

1. Supreme Court

a. Chief Justice

See subsection A.1. of this Section.

b. Court Administrator

See subsection A.2. of this Section.

c. Clerk

The court administrator serves as clerk of the Supreme Court. [4 V.S.A. §651]

2. Superior Court

a. Chief Superior Judge

(1) Administrative Authority

The Chief Superior Judge is assigned the following responsibilities for the administration of the Superior Court system of Vermont, under the direction of the chief justice:

Examine the reports of Judicial statistics pertaining to the workload of the Superior Courts, make suitable inquiries into their causes, determine remedies to be taken, and make recommendations for their solution to the chief justice;

Schedule and preside over meetings of the superior judges to receive and disseminate information on the condition of the Superior Courts;

Investigate complaints with respect to the operation of the Superior Courts;

Resolve conflicting appointments of trial attorneys, when necessary;

Assign a presiding judge when necessary to fulfill the requirements of a Superior Court;

Designate a superior judge for assignment to the Supreme Court when a justice is unable to attend or is disqualified;

Employ and assign stenographic reporters within the Superior Court system; and

Attend to other administrative matters as may be assigned by the Chief Justice.

[A.O. 8]

(2) Appointive Power

None located.

b. Administrator

There are no provisions for trial court administrators.

c. Clerk

The county clerk is the clerk of the Superior Court for the county. [4 V.S.A. §651] Administrative duties are prescribed in some rules and statutes, in a clerk's manual, and in administrative directives of the Supreme Court and of the court administrator. [Suskin]

3. District Court

a. Chief District Judge

The Chief District Judge is assigned the following responsibilities for the administration of the units of the District Court of Vermont, under the direction of the chief justice:

Examine the reports of judicial statistics pertaining to the workload of the units of the District Court, make suitable inquiries into their causes, determine remedies to be taken, and make recommendations for their solution to the chief justice;

Recommend to the court administrator the assignment or reassignment of all judges and non-judicial personnel to any unit of the District Court as necessary;

Schedule and preside over meetings of the district judges, to receive and disseminate information on the condition of the District Court;

When necessary, establish committees to study the systems, forms, and records in use in the District Court and to recommend means for their improvement;

Investigate complaints with respect to the operation of the District Court;

Attend to other administrative matters as may be assigned by the chief justice. [A.O. 7]

b. Administrator

There are no provisions for trial court administrators.

c. Clerk

District Court clerks may be appointed by the court administrator with the advice of the district judge concerned. [4 V.S.A. §691] Administrative duties assigned to the clerks are contained in a clerk's manual and also in administrative directives of the Supreme Court and the office of the court administrator. [Suskin]

4. Probate Court

a. Chief Judge

There is no chief judge of the Probate Courts.

b. Administrator

There are no provisions for administrators.

c. Clerk

The register of probate, who is appointed by the probate judge, performs the duties of clerk of the court. [4 V.S.A. §§357, 358] A review of the statutes and court rules reveals that there are no formal provisions for administrative duties being assigned to the register.

C. Mid-Level Multi-Court Units of Administration

Not applicable.

D. Cooperation Among Courts

1. Assignment of Judges and Auxiliary Personnel

The court administrator may assign judges in the event of emergencies or illness. [4 V.S.A. §§7, 22, 444, 445] The chief superior judge may assign stenographic reporters within the Superior Court system. [A.O. 8] Administrative orders of the Supreme Court contain other provisions for the assignment of judges by the court administrator and chief superior judge. [Suskin]

2. Consolidation and Exchange of
Specialized Functions

No provisions located.

3. Coordination of Calendaring

The chief superior judge may resolve conflicting appointments of trial attorneys. [4 V.S.A. §906; A.O. 8]

4. Transfer of Cases

12 V.S.A. §404 provides for the removal of cases to another county in civil cases in Superior Court. 13 V.S.A. §4631 is authority for rules for change of venue in criminal cases. (See V.R.Cr.P. 21.) D.C.C.R. 76 governs transfer of cases from District to Superior Court.

X. COURT FINANCING

A. State Funding

The Supreme Court and District Court are entirely funded by the state, except the counties are responsible for providing, furnishing and equipping chambers for Supreme Court justices residing in the county and courtroom space for the District Court "when such use does not conflict with the use of the building by the other courts..." [24 V.S.A. §71; A Unified Court System for Vermont, p. 220]

The state must pay the expense of lighting and heating the county courthouses (Superior Courts) and all probate offices. [24 V.S.A. §74] The state also pays a portion of the cost of janitorial service connected with the Superior and Probate Courts. [24 V.S.A. §72] In the 1974 fiscal year, the state paid the following operating costs for the Superior Courts: janitorial services; electricity; water; sewage; fuel oil; telephone (toll calls); per diem pay of assistant judges; salaries of court officers, superior judges and court reporters; office supplies; juror and witness fees; electronic equipment for judges and reporters; and travel expenses for judges and reporters. [A Unified Court System for Vermont, p. 221] The county clerks' and sheriffs' salaries are also paid by the state. [32 V.S.A. 1182] Probate judges' salaries are state-funded. [32 V.S.A. 1142]

B. Local Funding

The counties are primarily responsible for funding the Superior and Probate Courts. They must provide, furnish and equip a suitable courthouse for these courts and

provide fireproof storage space for them [24 V.S.A. §71]; provide offices and equipment for sheriffs [24 V.S.A. §73]; provide telephone service for the county courthouse, county clerk, Probate Court and sheriff [24 V.S.A. §75]; maintain a law library [24 V.S.A. §76]; and acquire and own land needed for these purposes. [24 V.S.A. §77] The county must pay the salaries of the deputy county clerks [24 V.S.A. §176] and of sheriff's deputies not employed to transport prisoners. [32 V.S.A. §1182; A Unified Court System for Vermont, p. 221]

C. Budgetary Time Span

The judicial branch's budget justification of requests is based on a fiscal year triennium. [A Unified Court System for Vermont, p. 226]

D. Budget Process

1. Preparation

A centralized budget is prepared by the court administrator's office with revision and final approval by the Supreme Court. [Suskin]

2. Presentation

The budget is submitted to the legislature through the executive branch. Though the executive branch may suggest revisions in the judicial branch budget, it is submitted to the legislature without change. [Suskin]

3. Approval

There is no authority for the application of gubernatorial item

veto power to judicial
appropriations. [Separate but
Subservient, p. 50]

E. Financial Planning

The court administrator's office engages
in planning for the courts. [A Unified
Court System for Vermont, p. 191]

F. Fiscal Administration Procedure

The court administrator is responsible for
fiscal administration. [A.O. 3]

G. Audit Authority

The state auditor of accounts oversees the
external audit of the court system in the
same fashion as he does for departments of
the executive branch. Audit reports are
submitted by the auditor to the court
administrator for his review and comment.
[Suskin]

H. Revenues for Fines/Fees

Revenues from fees, fines and costs from
all courts are remitted to the state
treasury for the general fund. [32
V.S.A. §§504, 542, 1146, 1431, 1432, 1434]

XI. COURT RECORDS AND STATISTICS

A. Records Management

1. Policy-Making Authority

Vermont statutes contain provisions for maintenance of court records. [4 V.S.A. Chapter 17]

2. Existing Policies

The court clerk is responsible for keeping records. [4 V.S.A. §652] He must keep a general index of all records as the court administrator directs. [4 V.S.A. §656] The District Court clerk is responsible for keeping a docket of all cases pending in the court. He must keep all documents and records, and keep a book with a record of all causes determined. [4 V.S.A. §693] The register of probate is required to file documents as prescribed by Supreme Court rule. [4 V.S.A. §358] The probate judge is directed to keep a card index of cases within the court's jurisdiction. [4 V.S.A. §360] Different record-keeping systems are used by different clerks. [A Unified Court System for Vermont, p. 215]

B. Court Statistics

1. Information System Development

A manual for gathering information is in the process of being developed. [Suskin]

2. Rules and Regulations

a. Procedures for Recording Information

At this time, identical forms are often completed and used

in dissimilar ways depending on the courthouse, as methods of assembling data are not standardized. [A Unified Court System for Vermont, pp. 214-215] Committees of Superior and District Court clerks have been created and are in the process of standardizing forms and their uses. [Suskin]

b. System Output

The court administrator's office issues official quarterly and annual statistical reports on the judiciary. [Suskin]

c. Access Limitations

State statutes and court administrator directives provide for the confidentiality of certain records (such as juvenile matters) and also for access to certain public records. [Suskin]

d. System Evaluation

No formal provisions.

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DEGREE OF SIMILARITY BETWEEN THE
VERMONT
COURT SYSTEM AND THE ABA STANDARDS
RELATING TO COURT ORGANIZATION

(With Cross Index to Profile)

STANDARDS OF COURT ORGANIZATION		DEGREE OF SIMILARITY			CROSS INDEX TO PROFILE
No.	Title	High	Med	Low	Section (Page)
1.11	UNIFIED COURT STRUCTURE		X		
A.	Uniform Jurisdiction	X			I.B.(18), III.A.1.(21), IV.A.(23), IV.B.1.(25)
B.	Simple Jurisdictional Division		X		I.B.(18), III.A.1.(21), IV.A.(23), IV.B.1.(25)
C.	Uniform Standards of Justice	X			I.D.(19)
D.	Clearly Vested Policy-Making Authority	X			VIII.A.(46)
E.	Clearly Established Administrative Authority		X		IX.A.(47)
1.12	COURT OF ORIGINAL PROCEEDINGS		X		
A.	Single Court			X	III.A.(21), IV.A.(23), IV.B.(25)
B.	Single Class of Judges			X	V.B.(32), V.C.(36), V.D.(38)
C.	Appropriate Geographical Districts	X			III.A.2.(21), IV.A.2(23), IV.B.2.(25)
D.	Administrative Authority		X		IX.B.2(51), IX.B.3(53), IX.B.4.(54)
E.	Cooperation Among Court Units		X		IX.D.(55)

STANDARDS OF COURT ORGANIZATION

DEGREE OF
SIMILARITYCROSS INDEX
TO PROFILE

No.	Title	High	Med	Low	Section (Page)
1.13	APPELLATE COURT	X			
A.	Supreme Court	X			I. (18)
B.	Intermediate Appellate Courts ¹				
1.21	SELECTION OF JUDGES	X			
A.	Qualifications	X			V:A.1. (27), B.1. (32), C.1. (36), D.1. (38)
B.	Selection Procedure		X		V:A.2 (27), B.2. (33), C.2. (36), D.2. (38)
C.	Term of Office		X		V:A.3. (30), B.3. (34), C.3. (37), D.3 (39)
1.22	DISCIPLINE & REMOVAL OF JUDGES		X		
A.	Code of Ethics	X			V. E. (40)
B.	Board of Judicial Inquiry		X		V. F. 2 (42)
C.	Final Judgment Authority	X			V. F. 1 (40)
1.23	JUDICIAL COMPENSATION		X		
A.	Salary			X	V:A.5.a (31), B.5.a (35), C.5.a. (37), D.5.a. (39)
B.	Related Compensation		X		V:A.5.b. (31), B.5.b. (35), C.5.b. (37), D.5.b. (39)
C.	Compensation Review Board	X			V:A.5.c. (32), B.5.c. (36), C.5.c. (37), D.5.c. (40)

¹There is no intermediate appellate court in Vermont.

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No.	Title	High	Med	Low	Section (Page)
1.24	RETIREMENT OF JUDGES	X			
	A. Retirement Age		X		V:A.4.(30),B.4.(34), C.4.(37),D.4.(39)
	B. Recall to Active Service	X			V:A.4.(30),B.4.(34), C.4.(37),D.4.(39)
	C. Salary of Recalled Judges	X			V:A.4.(30),B.4.(34) C.4.(37),D.4.(39)
1.25	CONTINUING JUDICIAL EDUCATION	X			V.G.(43)
	A. Orientation Programs	X			
	B. Continuing Education	X			
1.26	PARAJUDICIAL OFFICERS			X	VI.(44)
	A. Qualifications				Not Applicable.
	B. Selection, Assignment				Not Applicable.
	C. Training & Education Programs				Not Applicable.
	D. Security in Office				Not Applicable.
1.31	PROCEDURAL RULE-MAKING AUTHORITY		X		
	A. Span of Control	X			I.D.(19)
	B. Advisory Committees	X			VIII.B.(46)

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1.32	ADMINISTRATIVE POLICY		X		
A.	Policy-Making Body	X			VIII.A.(46)
B.	Composition of Judicial Council ²				
C.	Scope of Judicial Participation	X			VIII.B.(46)
1.33	ADMINISTRATIVE AUTHORITY		X		
A.	Chief Justice		X		IX.A.1.(47)
B.	Presiding Judges		X		IX.B.2.(51), IX.B.3.(53), IX.B.4.(54)
1.41	COURT ADMINISTRATIVE OFFICES		X		
A.	Central Administrative Office	X			IX.A.2.(48), IX.A.3.(50)
B.	Individual Court Administration			X	IX.B.2.b.(53), IX.B.3.b.(54), IX.B.4.b.(55)
1.42	NON-JUDICIAL PERSONNEL OF COURT SYSTEM ¹				
A.	Uniform Statewide Regulations ¹				VII.(45)
B.	Auxiliary Staff Classifications ¹				VII.(45)

¹Judgment cannot be made due to insufficient information.

²Not applicable, since Supreme Court is policy-making body.

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1.43	COMPENSATION & RETIREMENT OF NON-JUDICIAL PERSONNEL ¹				
A.	Executive Director's Salary	X			IX.A.2.e.(43)
B.	Other Administrative Personnel Compensation		X		VII.(45)
C.	Retirement Age ¹				
1.44	CONTINUING EDUCATION FOR COURT STAFF ¹				
1.50	COURT SYSTEM FINANCING & BUDGETING	X			
A.	State Funding	X			X.A.,X.B.(57)
B.	Unified Court Budget	X			X.D.(58)
1.51	RESPONSIBILITIES IN BUDGET PREPARATION, PRESENTATION & APPROVAL	X			
A.	Preparation	X			X.D.1.(58)
B.	Presentation	X			X.D.2.(58)
C.	Approval	X			X.D.3.(58)

¹Judgment cannot be made due to insufficient information.

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1.52	FINANCIAL PLANNING & BUDGET ADMINISTRATION		X		
	A. Long-Range Planning		X		X.E.(59)
	B. Uniform Fiscal Procedures		X		X.F.(59)
	C. Independent Audit	X			X.G.(59)
1.53	REVENUES FROM FINES	X			X.H.(59)
1.61	REGULATIONS CONCERNING COURT INFORMATION SYSTEMS ¹				
	A. Standardized Forms & Reporting Procedures ¹				XI.B.2.(60)
	B. Access to Information ¹				
	C. Retention & Destruction of Records		X		XI.A.(60)
1.62	DEVELOPMENT & IMPROVEMENT OF INFORMATION SYSTEM ¹				
1.63	SELECTION OF APPROPRIATE DATA PROCESSING SYSTEMS ¹				

¹Judgment cannot be made due to insufficient information.

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