

Executive Director's Legislative Reports

Thursday February 16, 2023

HA

FY24 Budget

Judiciary

Therese Corsones, State Court Administrator, Vermont Judiciary asking for 11 new permanent positions at a cost of \$812,000. New electronic filing and case management systems launched in March 2020 but now things take longer to do than before! Judges have been complaining that it "takes too many clicks" to accomplish the same task. Remote hearings also require additional staff resources. Expungements are still a time-consuming process; there are 39 separate steps to do it. There's still a lot of "data cleanup" in the transfer from VTADS to Odyssey.

Gregg Mousley, Chief of Finance and Administration, Vermont Judiciary: \$59M in FY 23 governor recommends \$63M in FY 24. 90% GF; some other transfers and funds like attorney licensing etc. 70% of expenses are salaries benefits. 23 courthouses are state owned; 12 are county owned. He answered an interesting question from Harrison- why are you rent figures up by 9 or 10% when we were told it should be around an 8% increase. His response was that BGS comes up with a per square foot figure and multiplies that by the size of the courthouse. In at least one case, maybe two, an executive branch agency moved out, so they get to pay for that additional space. They're also asking for more money to pay sheriffs. The governor recommended \$400K which would bring the hourly rate to \$47.50 up from \$45. The sheriffs are asking for an hourly rate of \$51 for a total of \$700K. So, the request is to pay the sheriffs \$50 an hour for a cost of about \$600K. He also asked to raise the tech fund fees from \$12.50 to \$25.00; these fees are on civil violations. Harrison said bring this to Ways & Means as we don't do fees here.

Judge Thomas Zonay, Chief Superior Judge, Vermont Judiciary addressed the backlog by talking about the new judge request, plus 11 staff positions. They're down 3 judges with a fourth retirement on April 1. They're looking at Rutland- Bennington area for the new judge. Question: with three vacancies why would filling those not be enough? He talked about how he's moving judges around to try to keep up. "We had a backlog before the pandemic". Scott got the names of the three candidates the week the legislative session began. That position plus a law clerk would cost \$344,136.

<https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Appropriations/FY%202024%20Budget/3.%20Protection%20to%20Persons%20and%20Property/W~Teri%20Corsones~Judiciary-FY24%20Budget%20Memo~2-16-2023.pdf>

<https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Appropriations/FY%202024%20Budget/3.%20Protection%20to%20Persons%20and%20Property/W~Teri%20Corsones~Judiciary-FY24%20Budget%20Ups%20and%20Downs~2-16-2023.pdf>

<https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Appropriations/FY%202024%20Budget/3.%20Protection%20to%20Persons%20and%20Property/W~Teri%20Corsones~Judiciary-FY24%20Budget%20Presentation~2-16-2023.pdf>

Thursday February 16, 2023

H. 227, the Uniform Power of Attorney Act was introduced on February 10, 2023, and committed to the House Judiciary Committee. Chairman LaLonde, one of three sponsors, set the bill for hearing on Wednesday of this week. Probate & Trust Section Chair, Mark Langan, spent about two hours with the committee yesterday afternoon giving them an overview of what powers of attorney are, what the current law says and how this bill will affect current practice. He said that, if this bill becomes law, it will no doubt be the subject of a 6 hour CLE, but did his best to explain to a committee of 11 only two of which are lawyers.

Mark spoke on behalf of not only his Section, but also the Property and Elder Law Sections, that had issues with a previous bill introduced during the last biennium. After that bill did not move last year, he put together a working group to review the Uniform Law Commission's draft and make recommendations as to what changes were needed to adapt that draft to Vermont. His group contained representatives from the three Sections as well as members from the Vermont Bankers Association's Trust Committee. In the end there was agreement that the bill that is now H. 227 was the right one for Vermont.

Yesterday, Rich Cassidy, speaking on behalf of the ULC, suggested five tweaks to the draft that everyone agreed on; a redraft is being prepared for more discussion in the House Judiciary Committee tomorrow, February 17th. First year representative Joe Andriano, a cosponsor and member of that committee, is expected to report the bill on the House floor. Here is a link to the bill with the technical amendments that Rich offered:

[H. 227 Vermont Uniform Power of Attorney Act -- With Proposed Technical Amendments](#)

Also, last night the first five trial judges standing for retention in 2023 were interviewed by the Joint Committee on Judicial Retention. Those judges are: Judges Arms, Carlson,

Corsones, Kainen and Morrissey. Next Wednesday the committee will meet with Judges Jiron, Rainville and Schoonover. The committee interviewed the five Supreme Court Justices the preceding Wednesday. A public hearing will take place in Room 270 at 109 State Street, Montpelier on Thursday, February 23, 2023, at 5:00 p.m. Members of the bar who would like to testify in person or via zoom regarding any of these justices or judges may sign up by e-mailing Peggy Delaney at pdelaney@leg.state.vt.us. You may also submit written testimony to Peggy. Those appearing will have five minutes to testify. The hearing will adjourn at 7:00 p.m. unless there are no persons remaining who have requested to testify, in which case the meeting may adjourn at 6:30 p.m.

The senate has released its version of the budget adjustment bill, H. 145. There are no changes to the appropriation to the judiciary from the house passed version. Here is the language:

(35) \$1,550,000 to the Judiciary as follows:

(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement

This language also remains the same:

Sec. 93. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;

(5) an analysis of alternatives;

(6) an impact analysis on the Judiciary's net operating costs; and

(7) a security assessment.

(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government Operations. No funds shall be appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this section shall be paid for from the Judiciary's fiscal year 2023 operating budget.

2/7/2023

Joint Committee on Judicial Retention [SCHEDULE](#)

1/31/2023

As expected, things are starting to move fairly quickly. You no doubt have seen news reports about the budget adjustment bill. In my first report to you, I added links to the judiciary's request for about \$11 million in technology upgrades etc. The budget adjustment bill, H. 145, was introduced today, Tuesday January 31, 2023. It contains the following appropriation in section 36:

(36) \$1,550,000 to the Judiciary as follows:

(A) \$750,000 for internal network cabling upgrade.

(B) \$500,000 for courthouses sound system replacement.

(C) \$300,000 for correctional facilities remote hearings improvement.

No funds are appropriated in the bill for the judiciary's network replacement. Instead, the bill recommends a study; here's the language:

Sec. 84. JUDICIARY NETWORK REPLACEMENT REVIEW

(a) On or before April 15, 2023, the Judiciary shall obtain an independent expert review for their proposed Network Replacement project. The review shall include:

(1) an acquisition cost assessment;

(2) a technology architecture and standards review;

(3) an implementation plan assessment, including a review of the staffing plan for the ongoing operation of the network;

(4) a cost analysis and a model for benefit analysis;

(5) an analysis of alternatives;

(6) an impact analysis on the Judiciary's net operating costs; and

(7) a security assessment.

(b) The Judiciary shall submit a copy of the review described in subsection (a) of this section to the House Committees on Appropriations and on Government Operations and Military Affairs and the Senate Committees on Appropriations and on Government

Operations. No funds shall be appropriated for the Judiciary's Network Replacement project until the results of the review are assessed by the General Assembly.

(c) Any costs associated with the review described in subsection (a) of this 4 section shall be paid for from the Judiciary's Fiscal Year 2023 operating 5 budget.

The judicial retention process is about ready to start. The Senate just appointed its four members: Senators Hardy, McCormack, Collamore and Gulick. The latter two replace former senators Benning and Nitka. And the House made its appointments: Representatives Troiano, Notte, Arsenault and Oliver. The latter two are new members of the general assembly and of this committee.

This year eight trial judges are up for retention as well as all five justices of the Supreme Court. The trial judges are: Judges Arms, Carlson, Corsones, Jiron, Kainen, Morrissey, Rainville and Schoonover. I expect the interviews and public hearing(s) will begin in a week, likely on Wednesday and Thursday late afternoons and evenings.

1/23/2023

Now that we're in week three of this legislative session, it's time for a quick update on what the VBA is doing. Our most important committees are the House and Senate Judiciary Committees. Both have new members, either serving their first term in each committee or who are newly elected. So, both committees have been allocating considerable time to bringing those new members up to speed on the committees' jurisdiction and on the history of laws and bills that were considered last session. So, in short, output has been minimal and somewhat slow. That, of course, will change soon.

Here is a list on members of each Judiciary Committee:

HOUSE COMMITTEE ON JUDICIARY

- Rep. [Martin LaLonde](#), Chair
- Rep. [Thomas Burditt](#), Vice Chair
- Rep. [Kevin "Coach" Christie](#), Ranking Member
- Rep. [Angela Arsenault](#)
- Rep. [Ela Chapin](#)
- Rep. [Karen Dolan](#)
- Rep. [Kate Donnally](#)
- Rep. [Kenneth Goslant](#), Clerk
- Rep. [William Notte](#)
- Rep. [Thomas Oliver](#)
- Rep. [Barbara Rachelson](#)

SENATE COMMITTEE ON JUDICIARY

- Sen. [Dick Sears Jr.](#), Chair
- Sen. [Nader Hashim](#), Vice Chair
- Sen. [Philip Baruth](#)
- Sen. [Tanya Vyhovsky](#), Clerk
- Sen. [Robert Norris](#)

If you know any of them and have a relationship with them please let me know. It's always best when a constituent, as opposed to a lobbyist reaches out. We are awaiting the introduction of two bills that have been vetted by members of the VBA's Probate & Trust Section, along with members of the Trust Committee of the Vermont Bankers Association. I expect both will be committee to the House Judiciary Committee for its review.

The VBA also follows the judiciary's budget request closely and does what it can to help it get the funding it needs. I know that they are seeking money in the budget adjustment bill that is working its way through the House Appropriations Committee. The court is hoping to improve its technology in courthouses by upgrading the wiring which is needed to handle the increased traffic due to Odyssey filings as well as Teams or Webex meetings. Here are links to its presentation:

[Therese Corsones - Memo to House Committee on Government Operations and Military Affairs 1-19-2023.pdf \(vermont.gov\)](#)

[PowerPoint Presentation \(vermont.gov\)](#)

Also, you should know that there are efforts in both the House and Senate to increase the jurisdiction of the Small Claims Court to \$10,000. It's been \$5000 maybe for about 15 years.

That's it for a quick update. I'll try to post weekly. If you have any questions or comments, please reach out. Thanks for reading.

Bob Paolini