

## **ENVIRONMENTAL DIVISION**

The environmental division has established several programs to assist parties. They include:

### Self-Represented Legal Clinic:

The environmental division of the Vermont Superior Court offers a free legal clinic to all self-represented parties. This clinic is offered in collaboration with the Vermont Bar Association Pro-Bono / Low-Bono Program and was started in the fall of 2014. Self-represented litigants may sign up for 1-hour appointments with a lawyer who has knowledge of the environmental division process and typical legal issues. Meeting locations include 32 Cherry Street in Burlington (2nd floor of the Costello Courthouse) and Vermont Law School in South Royalton.

The target audience of the clinic includes individuals filing a case in the environmental division, those who are considering filing a case in the environmental division, those who are already involved in a case in the environmental division, or unrepresented individuals who have had an enforcement action brought against them by a municipality, the Agency of Natural Resources or Natural Resource Board.

### Pro Bono Mediation Pilot Program:

In late 2018, the environmental division assisted with organizing a pilot pro bono mediation program. This program functions off the success of the self-represented legal clinic. As meetings within the clinic take place, the volunteer lawyers identify cases that would likely benefit from mediation. These are matters where one (or both) sides are unrepresented, and where at least one of the parties is lower income or cannot afford an attorney. Prime cases for mediation are disputes between municipalities and private parties, or neighbor v. neighbor disputes.

The parties are notified that their case may benefit from mediation. One or both sides are asked to fill out an in forma pauperis form (IFP) to determine income eligibility. If the IFP indicates need on at least one side, then the parties are referred to a mediator to set up a pro bono mediation session. This pilot is being conducted for six months to test its effectiveness.

### Court Performance

Working with the Supreme Court, the environmental division has established disposition guidelines that are distributed to parties to advise on the length of time that certain cases may be pending before the Court. Separate guidelines have been established for the seven general types of appeals or enforcement cases that come before the Court; each guideline was set at a somewhat aggressive timeline, to help the Court efficiently complete its adjudication.

Decisions issued by the environmental division provide a consistent and predictable analysis of the legal issues presented. One measure of whether the court accurately provides a correct and consistent adjudication of claims is the rate of reversal, remand, or affirmation. In the 200 or more decisions from both currently-presiding judges, no more than 15 have been reversed or remanded.

The environmental division has no knowledge of any material complaints from interested persons concerning how the court operates or adjudicates the claims that are presented. While most (if not all) parties hope and want the court to rule in their favor, parties generally value a fair and efficient hearing, where they can present their claims and be heard by the court. The environmental division strives to provide all parties (represented or self-represented) with these opportunities.