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Re: Franklin and Grand Isle Bar Association Opposition to “Lighten the Load”

The FGIBA opposes the “Lighten the Load” provision to amend venue, a move to regionalize courts.

- Requires litigants to travel outside their county for some or all of their court services passes the cost onto citizens.
- Creates significant barriers by adding cost and burden for those claimants that may have witnesses and exhibits to present at hearings.
- Delivers the message that Vermonters in rural places should no longer be afforded local access to justice.
- More effectively addressing case loads means adding more trial judges and law clerks.
- Review of Franklin and Grand Isle Courthouse calendars show that local court space does exist to allow more trial court judge time to occur in our counties.

The “shrink the system” schemes do not save money and may compound the problem.

- More effective resolution of claims and cases in criminal, civil, family or probate court requires more interfaces between judge and litigant. Shuffling litigants from county to county does not create more judge time -- it shifts the burden onto litigants.
- Vermont spends less than 1 % of its State budget on its judiciary. We rank 49th of the 50 states for per capita spending on our courts. Most States spend between 1% and 3% of their budgets on their judicial branches.
- Vermont State's total budget is about \$5.5 billion dollars. Of that amount, the judicial budget is \$42.7 million dollars. It should be noted that the courts collected over \$23 million in fines and costs last year but that money went directly into the General Fund; none of it went into the judicial budget.
- We need more judges and support staff. There are now 32 Superior Court judges. That number was set in 1998.
- It’s time to raise the number of trial judges to at least 36 trial court judges, ensure there are law clerks in every county, and increase the salaries paid to support staff.



Vermont Association for Justice

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VTAJ

February 3, 2016

Opposition to “Lighten the Load” Proposal to Eliminate Right to Jury Trial in Workers’ Compensation Claims, and

Opposition to Court Call Centers

Dear Chairwoman Grad and Members of the House Judiciary Committee:

Opposition to Elimination of Right to Jury Trial in Workers’ Compensation Claims

The Vermont Association for Justice (VTAJ) strongly opposes the elimination of a right to a jury trial in workers’ compensation claims. As presently raised in the “Lighten the Load” rule change proposal, striking this right fundamentally challenges the constitutional right of a trial by jury. In addition, removing this right offends the spirit of the “grand bargain” struck in the passage of the Workers’ Compensation Act in 1915, an Act that has been the bedrock of safety protections and guidance for Vermont employees and employers for over 100 years. Further, any alleged efficiency proposed by eliminating de novo trials for workers’ compensation claims for purposes of “lightening the load” of our trial courts is strongly outweighed by the proposal’s proscription of citizens’ rights. The number of de novo trials is miniscule yet the availability of this remedy maintains the equilibrium of the justice in workers’ compensation cases. We strongly oppose this move to eliminate the right of de novo trials for workers’ compensation matters.

Opposition to Court Call Centers

The VTAJ opposes judicial centralized call centers on the basis that it adds burden and expense for claimants, fosters delay, and encourages alienation and a denial of access to justice.

Comments from our members show that the Court call center effort, already underway in Chittenden County Courts, fails to provide improved access or greater service for litigants or practitioners. The call center in place has resulted in a substantial wait time and a gauntlet of screening questions with no ability for lawyers or staff to bypass. This results in added wait time for lawyers and their staff, an expense that litigants must bear.

When no one is accountable, no one is safe.

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In addition, a court central call center for non-attorney callers promotes alienation, resulting in diminished access to the court system for *pro se* litigants. The wait time may pose an untenable financial burden where callers use track phones or pre-paid minute plans. Where English may not be a caller's first language or a caller seeks specific details regarding handicap accessibility on a particular day at a particular courthouse, callers may find themselves unable to access crucial information. Moreover, very often people accessing our courts are in crisis and need immediate assistance. Responding to their questions with a call center announces, at best, ambivalence for their circumstance.

We believe our Courts must remain a place of open access. Promoting access to justice must allow for and anticipate human interaction with persons that may be in crisis that need careful and direct information tailored to their inquiries. As demonstrated, this cannot, and we feel, should not be provided by call centers.

We appreciate your time. Please do not hesitate to contact me should you have any additional questions or concerns.

Sincerely,



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