

VERMONT SUPERIOR COURT

Brian J. Grearson
Chief Superior Judge



VERMONT SUPREME COURT
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Office of the Chief Superior Judge

March 10, 2016

Maxine Grad, Chair
House Judiciary Committee
Vermont State Legislature
Room 30
115 State Street
Montpelier, VT 05633-5301

Dear Chairperson Grad:

I feel compelled to respond to the letter of Mr. Douglas DiSabito dated February 16, 2016 regarding my testimony before the committee on February 3, 2016. Specifically, I am referring to his statement that "many of his assertions . . . were not ringing true to me." By way of background the topic under discussion was the availability of hearing time in Franklin County and specifically the use of the county court house. Due to the impact of the opiate epidemic and the attendant increase in juvenile hearings, the scheduling of divorce and parentage cases has suffered and I had been working with the clerk to find hearing space. The county court house offers the opportunity for an additional two days per week for hearings and the question was to what extent the Judicial Bureau made use of those two days.

Mr. DiSabito accurately reports that I testified that the Judicial Bureau scheduled hearings in the Franklin County Court House two days a week and that at my request the Bureau reduced their hearing days to twice a month. His letter implies that I misled the committee about scheduling issues in Franklin County. What he does not relate is that upon exiting the hearing he corrected me that the Judicial Bureau historically scheduled two days a week. I agreed and indicated that I would clarify that with your committee at my next appearance. There was no dispute that the Bureau had agreed to reduce the time they had been scheduling the court room to twice a month. The background relating to this issue is that apparently the Bureau had been *reserving* the court room every Monday but more often than not only using it *twice* a month. By reserving the courtroom every Monday, it was preventing the Family Division from scheduling hearings for two consecutive days. By agreeing to reduce their hearing time to two days a month, we would increase our hearing time for domestic cases by two consecutive hearing days twice a month.

The resolution of the Judicial Bureau issue led to the second issue of whether Franklin had the physical space to accommodate an additional judge. I testified that I had been informed that even if I had the judge available to hear cases, there was a lack of space to accommodate another judge. That information was based on my communication with the Franklin Superior Court Clerk, Gaye Paquette, who would be in the best

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Chair, House Judiciary Committee
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position to tell me if the court had the physical space for an additional judge. The attached email thread supports the testimony I provided to the committee on these issues and I will be glad to respond to any questions the committee may have about my efforts to increase the hearing time in Franklin County. I will leave it to the committee to decide whether my testimony accurately reflected the information provided to me.

I apologize for any confusion attributable to that earlier testimony but I want you to be assured that there is no basis for Mr. DiSabito's assertion that I was trying to mislead the committee. Thank you for the opportunity to provide this response.

Very truly yours,

A handwritten signature in black ink, reading "Brian J. Grearson". The signature is written in a cursive, flowing style with a large initial "B".

Brian J. Grearson
Chief Superior Judge

Gearson, Brian

From: Paquette, Gaye
Sent: Tuesday, February 02, 2016 8:13 AM
To: Gearson, Brian; Mello, Robert
Subject: RE:

Follow Up Flag: Follow up
Flag Status: Flagged

Hi -

Correct we don't have the courtroom space needed to support more Judge time unless I have a Judge on vacation or out for a mtg. I'll contact the Judicial bureau and work with them on their preferred dates. Thanks this will help with the domestic docket.

Gaye

From: Gearson, Brian
Sent: Monday, February 01, 2016 8:51 PM
To: Mello, Robert
Cc: Paquette, Gaye
Subject: FW:

Bob – meant to include you in this email.

From: Gearson, Brian
Sent: Monday, February 01, 2016 8:50 PM
To: Paquette, Gaye
Subject: FW:

Good evening Gaye – it looks like we have freed (sic?) up two more Mondays each month – you can work out with the JB which Mondays will work for Franklin. I will keep working on the GI issue – if you hear anything on that let me know. It seems to me unless I can free up GI you do not have the space for anymore judge time than you already have – is that a fair statement?

Brian

From: Kalfus, Howard
Sent: Monday, February 01, 2016 2:32 PM
To: Gearson, Brian
Subject: RE: KALFUS BJG letterhead

Hi Brian,

We heard back from Jenn Morse. We'll be fine if we have two days per month in Franklin County. As we schedule in 2-week cycles, our preference would be to have that county either the 1st and 3rd Mondays of each month or the 2nd and 4th Mondays. Thanks.

Howard

From: Gearson, Brian

Sent: Wednesday, January 27, 2016 9:49 AM

To: Kalfus, Howard

Subject: RE:

The other issue I need to talk about is the court room space in Franklin – I understand there is a small court room that probate uses but JB objects to and that the courtroom is reserved for every Monday for JB but not always used-we are in desperate need of hearing space for the domestic docket.

Brian