

SUPREME COURT OF VERMONT  
109 STATE STREET  
MONTPELIER, VERMONT  
05609-0801

CHAMBERS OF  
PAUL L. REIBER  
CHIEF JUSTICE

January 14, 2015

Senator Jane Kitchel, Chair  
Senate Appropriations Committee, Room 5  
Representative Mitzi Johnson, Chair  
House Appropriations Committee, Room 42  
Statehouse, 115 State Street  
Montpelier, VT 05633

Dear Chairs Kitchel and Johnson:

The Supreme Court strongly opposes the proposed language (and associated \$500,000 reduction to the Judiciary's FY16 budget). We agree with the Administration that reductions of the magnitude of the proposal require policy changes that would be inconsistent with current statutes. We are managing the current reductions in FY15 by extraordinary vacancy savings including savings from delayed filling of judicial vacancies. This level of vacancy savings does impair our ability to meet our constitutional responsibility to adjudicate cases in a timely manner, especially in light of the large increase in juvenile child protection filings. Extraordinary vacancy savings targets have led to deficits in the past. This method is not sustainable; nor is furloughs, the only alternative to produce that level of reductions. Again, we believe that the Administration is in agreement on this point.

It is premature to state that structural changes in the Judiciary are desirable even in the face of the major revenue constraints facing the Legislature this year, or to place a budget amount on such savings. As recently as 2010, the Legislature closely examined the structure and operation of the Judiciary and decided upon the current legal structure, including the geographical location of courts. Those decisions drive the cost of the Judiciary as it currently exists. Further, any structural changes to the State's judicial operations and processes requires a collaboration of all State justice community partners including but not limited to the following groups (depending on the judicial processes affected): the Defender General; the State's Attorneys; the private bar; the Department of Corrections; the Department for Children and Families; and others. This collaboration is critical because any change in judicial process affects these groups as significantly as it affects the Judiciary. Similarly, it is possible – in fact likely – that some or all of any

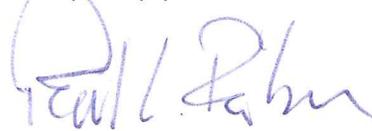
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savings that might result from a change in process will accrue elsewhere within the judicial process, not with the Judiciary.

Having stated our opposition to the proposed language, the Judiciary recognizes that through structural changes that will require changes in existing law there may be opportunities for base budget reduction in some amount. The Judiciary is seeking to identify those opportunities, analyze them, and discuss them with justice system partners if indicated. To the extent that the Judiciary can identify structural changes that can be implemented consistent with the Judiciary's constitutional responsibility and core mission and will produce general fund savings, it will inform the appropriations and judiciary committees of what can be saved and what legislation will be needed to make those savings. In addition, we are willing to participate in any process that will identify possible policy and statutory changes that will produce significant reductions in funding.

Thank you for giving us the opportunity to state our position. We look forward to working with the appropriations committees to produce a budget that recognizes the difficult times in which we are working and allows us to meet our responsibilities to the citizens of the State of Vermont.

Very truly yours,



Paul L. Reiber, Chief Justice

cc:

Representative Maxine Grad, Chair  
House Judiciary Committee

Senator Richard Sears, Chair  
Senate Judiciary Committee

Supreme Court Justices  
Patricia Gabel, Esq., State Court Administrator  
Matt Riven, Chief of Finance and Administration

Steve Klein, Director, Joint Fiscal Office  
Maria Belliveau, Joint Fiscal Office  
Stephanie Barrett, Joint Fiscal Office

Jim Reardon, Commissioner of Finance  
Sarah Clark, Deputy Commissioner of Finance  
Emily Byrne, Budget Director  
Heather Campbell, Budget Analyst