

VERMONT SUPERIOR COURT

Brian J. Grearson
Chief Superior Judge



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Office of the Chief Superior Judge

MEMO

TO: Senator Richard Sears, Chair Senate Committee on Judiciary

FROM: Brian J. Grearson, Chief Superior Judge

DATE: January 28, 2020

SUBJECT: S. 275 Judicial Education

Dear Senator Sears and Committee members,

I am writing with respect to S. 275, as introduced, which calls for mandatory education for any newly appointed Judge assigned to the Family Division. The bill calls for 30 hours of training on a variety of topics, followed by 6 hours of annual training on the same subjects. While all of the topics are important to the training and experience for any judge, I am writing in opposition to this bill for the following reasons:

- There is a significant Constitutional question whether the bill violates the separation of powers by infringing upon the Supreme Court's plenary administrative responsibility over the courts in general and members of the judiciary in particular. Vt. Const. ch. II §30.
- Judicial training and education represent a core function of the judiciary as separate, independent and coequal branch.
- The following outlines the training required of every judge following appointment:
 - ✓ Orientation: every newly appointed judge participates in a 4-5 week orientation period before their initial assignment. This orientation includes the opportunity to observe experienced judges in a variety of dockets and to be observed by those judges; individual training by retired judges in specific dockets including day long sessions in Family, Juvenile, and Criminal law and procedure; in addition judges have the opportunity to visit both our correctional and juvenile facilities, including Woodside

have the opportunity to visit both our correctional and juvenile facilities, including Woodside and the Park Street Program, Valley Vista residential substance abuse program; to participate in one on one meetings with DCF, DOC, Lund and other agencies that have a presence in court proceedings;

- ✓ Annual Judicial College: a week long mandatory training on topics that vary from year to year presented by both nationally recognized experts and Vermont judges - recent agendas have included the following topics: implicit bias, by Karen Richards, the former executive director of the Human Rights Commission; Working with self-represented litigants including Working with Trauma and Victimization in the courtroom; Impact of Trauma on Human Behavior and Development, Trauma and Domestic Violence; and individual sessions involving current issues in Family, Juvenile and Criminal divisions;
- ✓ Within the first year on the bench a judge will attend a two-week comprehensive training on all dockets at the National Judicial College;
- ✓ Within two years of appointment all judges must attend a three-day intensive course on Domestic Violence;
- ✓ Annual day long sessions for judges assigned to specific divisions – e.g., judges assigned to Family Division and/or Juvenile Dockets will review current issues in those dockets.
- ✓ In addition to the foregoing, the Court makes individual training available to judges on an as needed basis.
- ✓ We have a standing Education Committee that is in the process of adopting a judiciary wide monitoring/mentoring program that will include opportunities for observation by experienced judges and confidential surveys of participants in the judicial process.

The foregoing supports our position that, separate and apart from the significant constitutional concerns raised by this bill, there is no demonstrated need for the training that it requires. That judicial education should and must remain within the control of the Judiciary is well illustrated by the recent appointment of a judge who has spent the last 20 years prosecuting juvenile cases and the training, the specific mandatory training called for by this bill, would be superfluous for a judge coming to the bench with such experience. Training tailored to the needs and experiences of the judiciary is a core function of the courts.

For all of the foregoing reasons, we would respectfully request that the Committee take no action on this bill.

Respectfully submitted,



Brian J. Grearson

Chief Superior Judge