

H.849

Introduced by Representatives Yantachka of Charlotte, Bancroft of Westford,
Brumsted of Shelburne, Cina of Burlington, Colburn of
Burlington, Dakin of Colchester, Dunn of Essex, Gardner of
Richmond, Hooper of Randolph, Houghton of Essex, Masland
of Thetford, McCormack of Burlington, Myers of Essex, Ode of
Burlington, O'Sullivan of Burlington, Squirrell of Underhill,
Till of Jericho, and Wright of Burlington

Referred to Committee on

Date:

Subject: Judiciary; assistant judges; jurisdiction

Statement of purpose of bill as introduced: This bill proposes to expand the
jurisdiction of assistant judges in all counties to hear a broader range of cases
and to authorize assistant judges in Chittenden County to hear small claims
cases.

An act relating to assistant judges

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 4 V.S.A. § 36 is amended to read:

§ 36. COMPOSITION OF THE COURT

* * *

1 (c) Availability and jurisdiction of assistant judges.

2 (1) Availability. If two assistant judges are not available, the court shall
3 consist of one presiding judge and one assistant judge. In the event that court
4 is being held by the presiding judge and one assistant judge and they do not
5 agree on a decision, a mistrial shall be declared. If neither assistant judge is
6 available, the court shall consist of the presiding judge alone, and the
7 unavailability of an assistant judge shall not constitute reversible error.

8 (2) Jurisdiction. In addition to the jurisdiction of assistant judges
9 provided for in other provisions of law, assistant judges shall have jurisdiction
10 to hear the following matters in the Civil and Family Divisions:

11 (A) record confirmation proceedings, scheduling proceedings, the
12 setting of filing and trial dates, and other minor matters approved by the
13 presiding judge; and

14 (B) motion status hearings to determine the nature of the dispute,
15 which matters are agreed to and which are not, how much time is necessary for
16 the evidentiary and merits hearings, and the scheduling of future hearings.

17 * * *

18 Sec. 2. 12 V.S.A. § 5540a is amended to read:

19 § 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

20 (a)(1) Subject to the limitations in this section and notwithstanding any
21 provision of law to the contrary, assistant judges of Essex, Caledonia, Rutland,

* * *

6 This act shall take effect on passage.