

A visitor to the Chittenden County Courthouse on Burlington's Main Street will pass by two poster boards denoting important events in our courthouse's history. As the Assistant Judge, these events piqued my curiosity, and so I began to research some of the stories in depth. As a result, in conjunction with the Burlington Free Press, I am happy to present the fourth installment of "The Chittenden County Courthouse Chronicles."

The Side Judge



By Connie Cain Ramsey

The Side Judge

A History of Vermont's Assistant Judges

by Connie Cain Ramsey

During the years prior to Vermont's statehood, the Circuit Judge (or traveling judge) presided over the adjudication of Vermont laws. Independent-minded Vermonters, with the battle for statehood fresh in their minds, were not quick to trust the traveling judges from New York and Boston as well as British Colonial Judges, who travelled from their homeland to Vermont counties with little or no chance to familiarize themselves with the communities they served.

Therefore, in crafting the Vermont Constitution, this need for "local knowledge," resulted in the establishment of the position of Assistant Judge. The Assistant Judge was to be a locally elected citizen to act as an intermediary between the traveling judge and the local lawyers and townspeople. These "lay judges" were not trained in law, but weighed in on matters of fact. One of the first Side Judges was Martin Chittenden, son of Vermont's founder Thomas Chittenden. Martin went on to become Chief County Judge, Congressman, and eventually Governor of the State of Vermont.

Each county was allotted two local Assistant Judges who sat on either side of the Circuit Judge, thus the name "Side Judge" became the common term for Assistant Judge. The Side Judges were familiar with the area and its people, and therefore could provide the itinerant judges with relevant facts and considerations, while reassuring the townspeople that they had local representation during each trial and subsequent judgement.

The Hamlin Trial – a Turning Point for Side Judges

Legally, two Side Judges can overrule the Presiding Judge as to factual findings. Such was the case at the end of the trial of Louis Hamlin 3d, who was convicted in 1981 of sexually assaulting, torturing and murdering a twelve-year-old schoolgirl, and sexually assaulting and torturing her friend, who, left for dead, survived the horrific ordeal. The incident shocked the people of Essex and surrounding Chittenden County, perhaps shattering the belief that Vermont was immune to heinous crimes of this magnitude.

During the sentencing of Hamlin, the Presiding Judge accepted a plea bargain that gave him a minimum sentence of 35 years. The two Side Judges overruled the decision, giving Hamlin the maximum of 45 years – the harshest sentence ever given since the abolition of the death penalty.

The decision of the Side Judges reflected the outrage that the community expressed at the time of this brutal and inhumane crime. The case was then sent to the Supreme Court. The defense argued that Assistant Judges, being “lay judges,” lacked the legal training to weigh in on sentencing. The Supreme Court countered by ruling that Assistant Judges, given their daily exposure to court trials, receive a legal training that exceeds that of most juries.

Despite a two hundred year history of being an integral part of the Vermont judicial system, with the Hamlin case came a new scrutiny of the power of the Side Judge. Feeling pressure from defense lawyers, the laws were changed to limit the authority of the Side Judge, changing their scope of power, so that Side Judges could no longer rule in criminal cases or any trial by jury.

The Survival of a Vermont Tradition

Today, the Vermont Senate continues to support the role of Assistant Judge that was established by the Vermont Constitution at the birth of the fourteenth state. Although the days of the traveling Circuit Judges are long gone, there is a parallel situation in today's judiciary due to the system of yearly judge rotation between counties. Says Representative Dick Sears of Bennington: “Assistant Judges are important because they are a link to the public...They know the communities, and in an age where you have judges who rotate, there isn't that same familiarity.”

An Assistant Judge, once fully trained and certified by the State of Vermont, may preside over uncontested divorces and in traffic court. They may also sit beside a robed Presiding Judge in family and civil court – as long as there is no jury (the Side Judges and Presiding Judge constitute a mini-jury).

The Assistant Judges also (with the help of the County Clerk) oversee the County Courthouse budget, allocate county money to the Sheriff's Department, maintain related buildings and grounds, and handle County Courthouse administration.

The Assistant Judge continues to be an important link between the courts and communities in Vermont today. They offer another “set of ears” and an alternative point of view the Presiding Judge may not have considered. The opinions of Side Judges broadens the perspective of the Presiding Judge prior to decision making, ultimately benefiting both the judge and the litigants.

If you have any questions about this chronicle, or you would like a tour of Chittenden County Courthouse please contact me at 651-1720 or Connie.Ramsey@state.vt.us

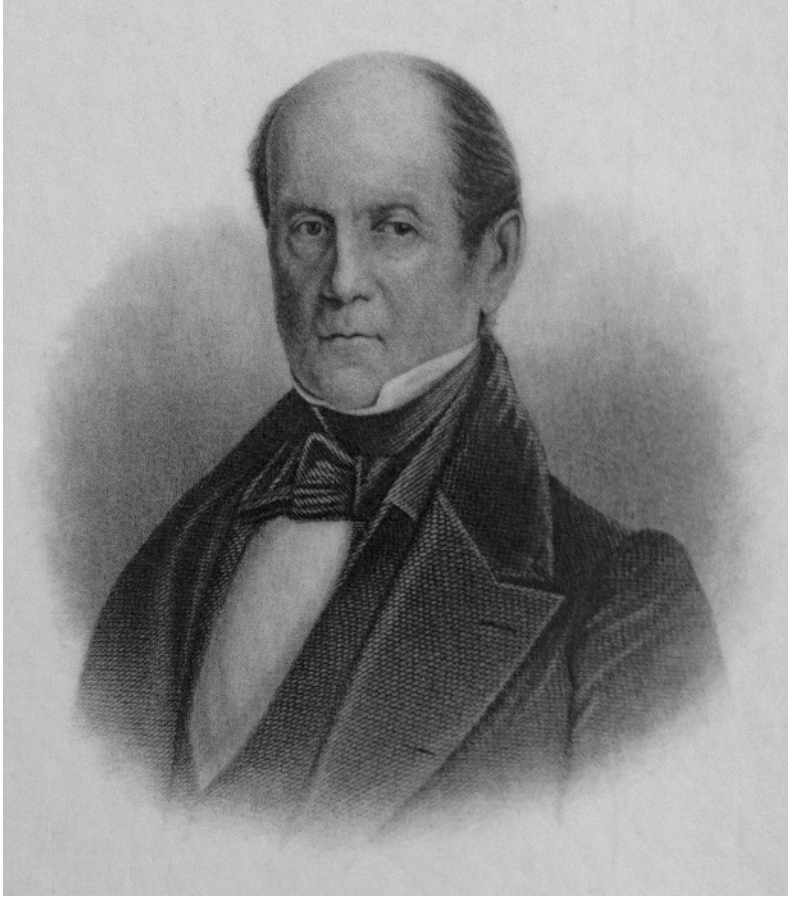
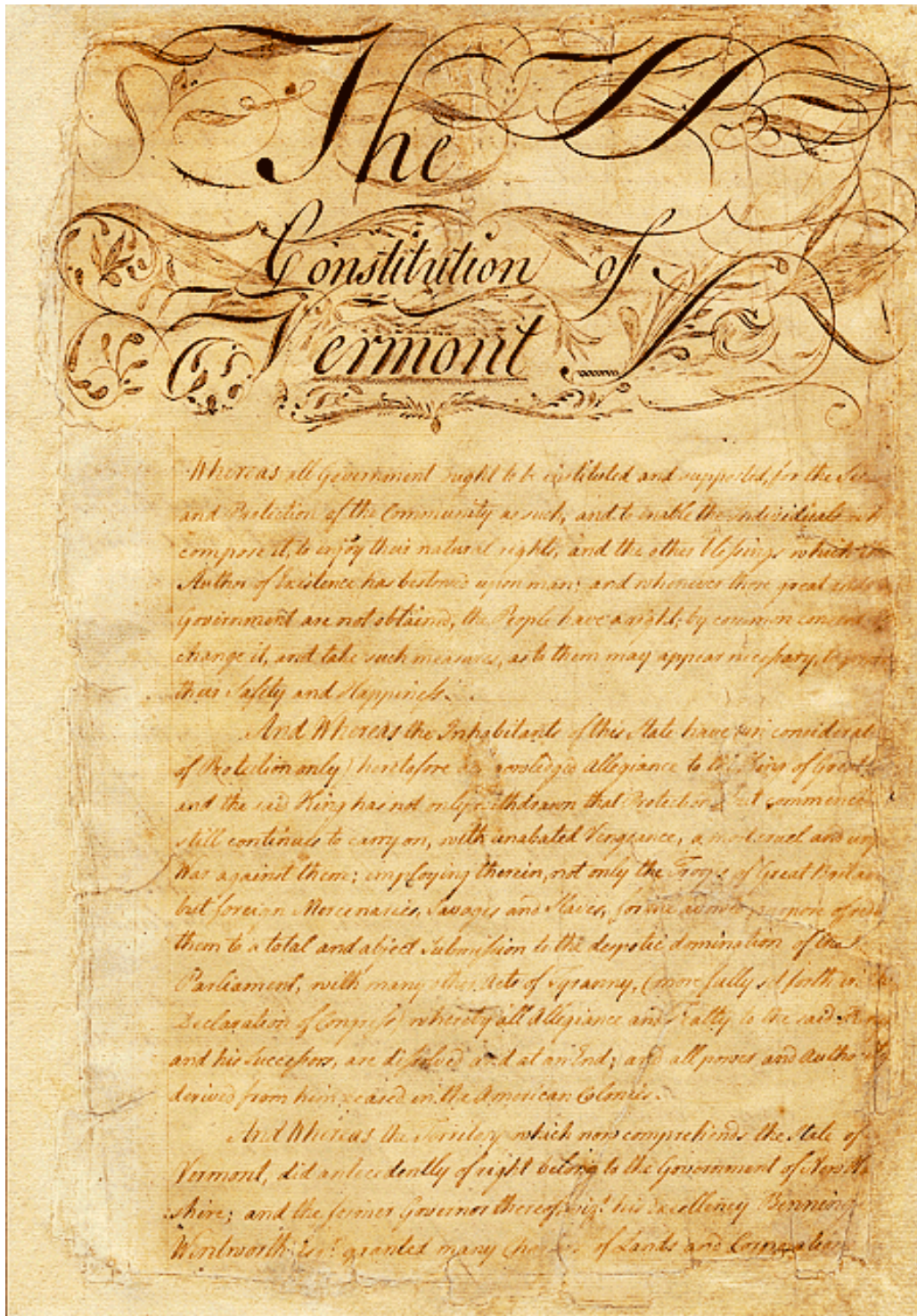


photo by Special Collections, University of Vermont Libraries

Martin Chittenden, Assistant Judge in 17--



The Vermont Constitution (I see this as the main/background visual - I got it from Wikipedia ☺)

Clover,

Can you get any of the following files?.....:

- *Photo of composite sketch as described by the surviving schoolgirl of the at-large, unknown murderer of a 12-year old girl as she walked home from school, which appeared in the Burlington Free Press in 1981.*

The murderer turned out to be Louis Hamlin 3d and his companion Jamie Savage.

- *Photo of present-day Assistant Judges flanking the Presiding Judge.*

Sources:

Juvenile access

<http://www.nytimes.com/1981/09/13/us/open-hearings-asked-for-murder-suspect-15.html>

The appeal, part V

http://www.leagle.com/decision/1985544499A2d45_1541.xml/STATE%20v.%20HAMLIN

The appeal, part 13

http://vt.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19850705_0001.VT.htm/qx

As Printed:

<http://bfpne.ws/11V5eJu>