

## *Yearly Judge Rotation* Courthouse Chronicle #6



By Connie Cain Ramsey



### **Vermont's Nomadic Judges**

The clattering of knives and forks, the tinkle of farewell toasts, and the last embraces from year-long colleagues, herald the annual rotation of Chittenden County judges as they prepare to move to another county and another courthouse.

So it was, this past August 26th, as we bade farewell to Superior Court Judges Brian Grearson, Dennis Pearson and Alison Arms at a luncheon in the Champlain Room of Costello Courthouse. This yearly ritual of rotation is part of a Vermont judicial tradition overseen by Administrative Judge Amy Davenport and the Vermont Supreme Court.

### **Circuit Judges versus Rotating Judges**

Although the Traveling Judge or Circuit Judge is a character known to most of us from history books and tales of the Old West, the reasons for these mobile judges was based on one simple fact – there weren't enough judges to go around, so they travelled in a circuit to make sure the laws of the land were upheld and that jurisprudence was fairly distributed to all parts of the country. Henry II instituted the first circuit judge system in England in 1166, and Abraham Lincoln was a circuit judge in Illinois before becoming our sixteenth President.

The rotation of judges in Vermont today is not a continuance of the traveling judge system – rather it was created for reasons quite the opposite. While the traveling judge, in many cases, had no local knowledge of the area or the people they presided over, the current rotation of judges was designed to avoid too much familiarity between trial judges, prosecutors and defense lawyers.

Also, given the intensity of certain dockets, it was felt that keeping judges too long in one docket might lead to burn out. Rotations offer a fresh start.

The philosophy of the past years has been that judges in a rural state like Vermont should be generalists – comfortable doing any of the three dockets (family, civil and criminal) they sit on.

Rotation promotes that philosophy. Thus, Vermont statute 4 VSA 21a was enacted to govern the rotation of judges.

### **Elected Judges versus Appointed Judges**

Rotating Superior Court Judges are appointed by the Governor and approved by the Vermont legislature while other judges are elected and only serve the communities that elect them. Each county elects two Assistant Judges (Side Judges) and one Probate Judge. Assistant Judges weigh in on matters of fact and stay on after Presiding Judges rotate out, maintaining a consistency beneficial to the incoming Presiding Judges. Probate Judges also serve their electorate and offer services including guardianships, adoptions and overseeing trusts, estates and executing wills.

### **Rotating Out – Retiring Judge Linda Levitt**



At the aforementioned farewell luncheon, officers and members of the Chittenden Court said goodbye to rotating judges, knowing each will probably rotate back to the Chittenden County Courthouse at some point in the future. On the other hand, we also said a sad goodbye to Judge Linda Levitt, who is retiring after 30 years of service.

Judge Levitt became the first female Judge of Vermont in 1984 when she was appointed by Governor Richard Snelling. She also was the first female to sit on the Supreme Court in 1989 as a substitute for Chief Justice Fred Allen.

I personally will miss Judge Levitt because she was so capable, real and down to earth. She was the most prepared judge I have ever worked with, she knew every piece of paper in the file and would always stay on task and never go off-topic to ensure that her cases were done efficiently and effectively. I witnessed her helping numerous families when they came to an impasse and could not work things out on their own. She was a great mentor to me, and a great teacher to others as well.

Judge Levitt is a dog lover, I will always remember the box of trophies, ribbons and photos from competitions won by her and her dog Madison that she took down from her office walls at the end of her career.

It was a sad sight for me, but she served our community well, and can now spend more time doing the things that she loves the most.



Judge Linda Levitt competing in Dock Dogs with her dog Madison.

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