



# Vermont Judiciary Access & Resource Center: Planning Report and Recommendations

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## Scope of Report and Methodology

The National Center for State Courts (NCSC) was asked to help the Vermont Judiciary develop plans to establish a self-help and language Access and Resource Center (ARC) in vacant space within the Costello Courthouse in Burlington. The NCSC team consisted of Danielle Elyce Hirsch, Principal Court Management Consultant and Project Director, Allison McKenzie, Senior Architect, and Zach Zarnow, Principal Court Management Consultant. Danielle and Zach are national experts in assisting courts in improving operations and experiences for self-represented litigants (SRLs) and Allison is an experienced architect who has worked on court facilities across the country.

To produce this report, the NCSC team endeavored to:

- Identify the existence, strengths, and challenges of current self-help services in the Judiciary;
- Evaluate the services, forms, and technologies in use;
- Identify ways to leverage the ARC to augment and improve existing services; and
- Bring a national perspective and examples of best practices and innovations from elsewhere to bear.

Consulting tasks were outlined in several discrete steps. These steps formed the project methodology:

1. Conduct project initiation and kick-off;
2. Review background materials;
3. Conduct stakeholder interviews, focus groups, and virtual tour of the space;
4. Draft initial findings, recommendations, and strategies;
5. Convene a Zoom meeting to discuss draft report;
6. Convene a final Zoom meeting to present final recommendations and strategies and provide advice on implementation.

## Key Principles and Vermont Judiciary 3.0

The Access and Resource Center (ARC) it represents an opportunity for the Vermont Judiciary to take bold steps to embrace a vision of a welcoming court system that strives to increase access to justice and provide excellent customer service while also remaining adaptable and flexible in uncertain times. The ARC affords the Vermont judiciary an inspiring opportunity to transform the delivery of law to the community, increase access to justice, and remove disadvantages resulting from inequality. While the services contemplated at the ARC are practical and direct, the ARC plays an equally important symbolic role, demonstrating the accessibility of democracy and showcasing the Judiciary's commitment to communities across Vermont meaningfully engaging with the court system. This philosophy underscores the principles detailed below and is at the heart of what the Vermont Judiciary means when they describe a re-imagining of their court system from 1.0 (pre-pandemic) to 2.0 (pandemic adaptations) to 3.0 (moving forward, not abandoning pandemic-inspired progress).

The ARC's should allow court patrons, primarily self-represented litigants (SRLs), to take charge of their court needs in a user-friendly way. The ARC should represent a welcoming touchpoint in someone's journey through the court system that they can return to as needed and that offers services that match a continuum of legal, and perhaps other needs. To achieve this goal, the ARC will need to be appropriately staffed, governed, and funded and will, by necessity, include community partners from both in and out of the legal system. This project will need to engage court staff and judges, civil legal aid and pro bono lawyers, community and New American organizations, the private bar, the Access to Justice Coalition, and law school clinics. These are the people who will bring to bear their ideas, their labors as volunteers or partners, and their ability to reach out to and draw support from various stakeholders. Court leadership can initiate such a vision and unleash the energy and planning to see it through, but such partnerships will be critical to the long-term success of the Judiciary's efforts.

While located in a physical space at the Costello Courthouse in Burlington, the ARC can also offer remote services and support to less well-resourced parts of the state. In addition, it can be a laboratory for innovation where lessons learned can be shared.<sup>1</sup>

Flexibility is critical for this project. Some services may need to be phased in or may need to be augmented or adjusted based on dips or spikes in community need or provider capacity. It may also take some time for Judiciary planes and leaders to determine which services or amenities

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<sup>1</sup> The Costello Courthouse, built in the 1980's, hears and resolves matters of divorce, parentage and child support, abuse prevention, juvenile abuse and neglect, and traffic violations in addition to criminal felony and misdemeanor prosecutions and juvenile delinquency cases. The Courthouse houses the Court Clerk's Office, courtrooms and adjunct offices on its upper stories. The Executive Branch Department of Corrections, which has until recently occupied much of the ground floor, vacated its space, providing this opportunity for the Judiciary to establish the ARC.

are most responsive to community needs. Changes in funding, COVID-19 protocols and court closures, and in the ways the court conducts business will all factor into the evolution of the ARC.

The ARC is a highly visible public space and will be one of the first service areas court users see when entering the Costello Courthouse. As such, the ARC sends a clear signal about the accessibility of the Judiciary and the commitment it is making to meet the needs of court users. Well-used and well-organized self-help spaces that make a positive first impression can increase the overall confidence and comfort of all court users, even those who do not want or need to use the ARC's services. Many studies have found that an attractive, well-used civic space that is actively programmed boosts employee productivity, helps recruit and retain employees, and vastly improves the public image of the government entity that occupies the space.<sup>2</sup>

Finally, the ARC should be understood as an embodiment of the "Vermont Judiciary 3.0." Like court systems across the country, the Vermont Judiciary has had to make changes to policies and operations in light of the ongoing pandemic that are unprecedented, and which present a unique opportunity. The nature of court operations has been redefined during this pandemic. In thinking about the ARC, how to best serve users and the lessons learned from those seismic shifts, it is worth considering the ARC as a way to embrace and expand the best of those changes and a commitment to not returning to "the way things were" just because that is how things used to be.

Vermont Judiciary ARC: Key Principles

Adaptation

Collaboration

Innovation

Responsive

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<sup>2</sup> See e.g., [https://www.gsa.gov/cdnstatic/pmg\\_part1\\_intro.pdf](https://www.gsa.gov/cdnstatic/pmg_part1_intro.pdf) (last checked on March 4, 2021).



## Court User Demographics

National data paints an increasingly clear picture of changing judicial systems in two significant ways. First, most civil cases no longer involve disputes with legal counsel representing each side's interests. NCSC has estimated that in almost 75 percent of civil and family cases in state courts, one or both parties go unrepresented. As an example of that, Vermont Legal Aid represents over 7,500 people yearly who otherwise would not have a lawyer, and demand for their services far outpaces capacity (nationally legal aid turns away about half the people who need help due to capacity constraints). Second, it is no longer true that all litigants, witnesses, and family members involved in civil, criminal, and juvenile cases can speak and understand the English used in courts. According to the most recent U.S. Census data, many states, including Vermont, have increasing numbers of residents with limited English proficiency. In Vermont specifically, new Americans have contributed to this increased language diversity.<sup>3</sup>

The COVID-19 pandemic has driven courts, schools, and many other government, commercial, and social services online to follow social distancing requirements, which makes access to the Internet an ever more crucial link to engaging in daily life. According to the most recent U.S. Census estimates, 90% of Vermont households have a computer, and 82% had broadband Internet subscriptions.<sup>4</sup> Nonetheless, national studies have found that digital divide concerns are especially prevalent among residents with lower incomes, in both urban and rural settings. A critical piece of the digital divide is that even among those with high-speed connections at home, Pew Research Center has found that about one in four families is worried about paying for their cell phone or home internet bill.<sup>5</sup> This can significantly hinder the ability of people without consistent or reliable Internet or access to technology to complete everyday tasks, schoolwork, or participate in a court hearing. Even for those with access to adequate technology and bandwidth, the prospect of completing particular court-related tasks on a cell phone or without assistance can be daunting.

## ARC User Base: Self Represented Litigants (SRLs)

The primary users of the ARC will be SRLs. As a national maxim, state court rules and judicial procedures were designed by and for lawyers. While lawyer-represented parties had been the norm for many decades across Vermont and nationally, most civil cases now involve at least one unrepresented party.

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<sup>3</sup> See e.g., <https://research.newamericaneconomy.org/wp-content/uploads/2017/02/nae-vt-report.pdf> (citing that "Vermont is home to more than 24,000 immigrants") (last checked as of March 4, 2021).

<sup>4</sup> <https://www.census.gov/quickfacts/VT> (last checked on March 3, 2021).

<sup>5</sup> <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/> (last checked on March 4, 2021).

Based on national research and our diverse experience, the authors have found three core findings about the needs and experiences of court users, especially true for self-represented litigants. All potential policies and programs must address these realities to provide effective self-help, which will improve judicial efficiency. These findings are as follows:

1. **SRLs face difficulties understanding the legal system, the court process, and what they need to do next.** These court patrons:
  - Have difficulty deciphering legal terms, especially if written in legalese.
  - Do not know where to go within the court building and what they need to do where.
  - Do not know what to do after each hearing and the final judgment.
2. **SRLs have differing backgrounds and needs, which will affect what kind of self-help services they will need.** These court patrons:
  - 
  - May have different needs in multiple case types, including contract disputes, family law, guardianship, foreclosure, traffic and wage garnishments cases, as well as multiple cases within a single case type (such as a parent with multiple child support cases).
  - Differ in their degree of preparedness and understanding of their case.
  - May have had previous encounters with the legal system.
  - May have multiple cases ongoing, in different areas of the law, and in different courts within the courthouse, district, or state.
  - Differ in their suggested approach/intended course(s) of action toward their case(s), including their aptitude for conflict.
  - May have low or limited literacy or English proficiency.
  - May have low digital literacy, and Internet access only available on a smartphone.
3. **The experience of a court self-help user is based on many factors, only some of which are case-specific:**
  - To resolve a case, an SRL will interact with multiple stakeholders, including courthouse security, the bailiff, the clerk's office, opposing counsel, judicial officers, court-annexed mediators, a case manager, legal aid or volunteer attorney (if available), and a law library (if available).
  - The emotional stress of litigants is often recognized but not addressed. Coming to court—especially in a case with high personal stakes like a divorce—can often be stressful and trigger emotional reactions. In addition, SRLs may have trauma that is not directly relevant to their court case, but which may affect their conduct or ability to make choices in the case.

In recent years, courts have also come to understand the need to be “trauma-informed.” This refers to being aware of and responsive to litigant needs, and in particular, how litigants may approach the justice system. The Substance Abuse and Mental Health Services Administration

has promulgated court practices that allow a court to be more mindful of the litigant perspectives based upon their prior treatment, experiences, and interactions.<sup>6</sup>

Among the actions a trauma-informed court can take:

- Acknowledge the presence and impact of trauma;
- Treat litigants with dignity and respect;
- Use communication practices that engage; and
- Apply courtroom practices that promote physical and emotional safety.

These practices may also guide how courts provide access and self-help services.

#### Obstacles for SRLs (Per Focus Groups)

The NCSC team met virtually with over 50 of internal and external stakeholders (see Stakeholders Interviewed section). From those conversations it became clear that there are several areas where SRLs and limited English proficiency (LAP) parties have difficulties using the Vermont Courts that the ARC may help address.

#### *Accessing Self-Help Materials (both in-person and online)*

Numerous stakeholders reported that SRLs want materials – forms, explainer guides, checklists, and process maps – that they can access remotely or at the courthouse. Over the past 20 years there has been a considerable investment in the development of tools and technologies to allow court users to seek legal information and court procedural content online. While there may be a growing preference for online content among many court users, there are still some court patrons who prefer to receive physical copies of materials and in-person help. Accordingly, the Judiciary should inventory its guides and wayfinding materials and ensure it is through and up to date.

The Vermont Judiciary website is among the best in the country. It is clean and easy to navigate on a computer or smartphone. The layout makes sense, and it is easy to find self-help materials by area of law as well as the appropriate forms. Still, the NCSC team suggests some improvement. Some of the substantive self-help material may be written at too high of a reading level, and forms often download with a form number as the file name, which isn't descriptive to an SRL. Moreover, some of these forms are not bundled into a packet of all of the necessary forms to complete a particular action, which would be helpful to ensure that the SRL were aware of all of

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<sup>6</sup> See Substance Abuse and Mental Health Services Administration, [https://www.nasmhpd.org/sites/default/files/JudgesEssential\\_5%201%202013finaldraft.pdf](https://www.nasmhpd.org/sites/default/files/JudgesEssential_5%201%202013finaldraft.pdf) (last checked on 6/9/2021)

the components of a given filing. In addition, there is only limited information available in languages other than English, though the Judiciary is addressing that. As will be described in more detail below, having access points in the ARC where people can utilize the Judiciary website and printed copies of forms and instructions was suggested by nearly every stakeholder as being of high value to SRLs. Accordingly, the Judiciary should inventory its guides and wayfinding materials and ensure that they are accessible in terms of reading level and language.

### *Judicial Officers and Court Staff Hold Different Views of Their Roles in Helping SRLs*

From small group discussions and one-on-one interviews, it became apparent that practices used when interacting and working with court patrons, and SRLs in particular, vary widely across units and dockets. Many court staff tried to find ways to help SRLs, but some court staff across varied roles who frequently interact with SRLs demonstrated uncertainty about how much assistance they could offer before venturing into providing legal advice. This again underscores the ARC's value as not just a physical space but as a part of the Judiciary 3.0. The ARC could serve as a venue for in-person and remote training to help court staff standardize their efforts, inform them of best practices, and disseminate and make court staff aware of new resources for SRLs.

### *Assistance in Locating Resources*

While most focus group participants mentioned legal aid, were aware of a limited scope lawyer referral list, or had directed people to VTlawhelp.org, unfortunately, not all participants were aware of all resources. Some interviewed may have outdated information or not know relevant details, like when a particular legal aid office is open or what kinds of cases they accept. For an SRL, this means that they may or may not be sent to an appropriate resource, depending on who they talked to, where, and when.

Understandably, keeping track of all relevant developments in terms of programming and staff availability can be a challenge for court staff. The ARC could help with this in three ways, as follows:

1. First, for SRLs in the ARC, an up-to-date and comprehensive list of resources should be available, and staff charged with triaging visitors could use that list to direct people to the appropriate resource.
2. Second, that list could be posted to the Judiciary website and on the JustUsNet, the Judiciary's/intranet. This could also help keep the list updated as court staff or the legal aid providers and external resources themselves could regularly update the information.
3. Third, the ARC should serve as a knowledge hub for other courts. Staff from courts around the state can connect directly to the ARC staff via video conference or dedicated no-dial direct connect "bat phones" to get answers.

### *Wayfinding in the Courthouse*

NCSC staff were unable to visit the Costello courthouse in-person due to the pandemic. Instead, a virtual tour and online meetings took place, and the Department of Buildings and General Services provided photographs and floor plans of the space. This allowed the NCSC team to understand the traffic flow of court users. The NCSC team knows from past experience and focus groups with Vermont stakeholders that SRLs frequently get lost, have difficulty finding the clerk's office or the correct division, and they can become confused about who they need to see. The ARC should be the first place SRLs are sent. It should be clearly marked, and signage in multiple languages should direct people to the ARC for help. Monitors displaying court calendars, building maps, and additional resources and relevant information should be located outside the ARC in the main public corridor and ideally inside the ARC. As described below in more detail, ARC staff could use "prescription pads" with instructions for SRLs on where to go and what forms they need.

### *Low Literacy, Limited English Proficiency, Accessibility*

Another recurring theme from the focus groups is that many court users (some who are self-represented, some who are represented, hereafter referred to as either those with limited English proficiency or "LEP"). LEP are often unable to fully understand written or spoken English, particularly complex legal concepts and jargon-filled forms or instructions. Accordingly, written materials distributed in the ARC should be written at no greater than a 5<sup>th</sup>-grade reading level and should be available in multiple languages. The ARC should also be equipped to coordinate interpretation needs and staff should be able to utilize "I speak" cards to determine those needs.<sup>7</sup> The space must be compliant with the applicable provisions of the American with Disabilities Act and ARC staff should help coordinate any needed accommodations.

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<sup>7</sup> See [www.lep.gov](http://www.lep.gov) for examples of I Speak cards as well as other translation resources (last checked ?).

## Services and Amenities in the ARC

*“It is difficult to design a space that will not attract people. What is remarkable is how often this has been accomplished.”—William H. Whyte, City: Rediscovery of the Center*

The ultimate decision on what services will be available in the ARC rests with the Vermont Judiciary, but based on national best practices and the comments elicited in focus groups, the NCSC team offers the below recommendations for the ARC.

### Legal Assistance

The ARC should feature lawyer-staffed brief advice desks, lawyer-for-the-day drop-in opportunities, one-off legal clinics, and the ability to use the phone or internet to communicate privately with an attorney. Legal Aid has expressed an interest in staffing advice desks, as has the bar for one-off clinics and drop-in lawyer-for-the-day drop programs. Likewise, law school clinics have expressed an interest in having a physical presence in the ARC. These services could be offered on a schedule and could utilize the same physical spaces (flexible use meeting rooms, advice desk spaces, etc.) when not scheduled for the same time. Adequate space should be provided to afford SRLs the privacy necessary to consult with an attorney.

### Kiosks: Hearings, Filing, Self-Help Resources

The ARC should have space for and the requisite technology to allow individuals to participate in hearings, query the Judiciary’s case management system about their case(s), file documents, and obtain information about self-help services. If intended for participation in hearings, these kiosks should offer web cameras and microphones, as well as privacy shields and hushers/sound machines. They could be located in flexible meeting rooms for added confidentiality. If intended for electronic filing, they should feature printers and scanners. If intended for accessing online self-help materials, they should feature shortcuts to the Judiciary website and legal aid and legal info sites.

### Court Information

The ARC should make it easy for users to get information. Information kiosks typically feature a display or interactive device (tablet, voice-activated smart device, touch screen) that provides court users with basic logistical information, such as court calendars and calls, maps of the building, directions to a given division or office, location of restrooms and other amenities, etc. To the fullest extent possible, this information should be available in languages other than English.

### SRL Prescription Pads

The ARC should incorporate proven strategies to support court users. A best practice in disseminating legal information is to simply give it to SRLs - don’t make them look for it. Illinois

and other jurisdictions have had success using a paper referral/prescription pad. The pad has tear-off sheets that are given to an SRL and make it easy to them know what form they need and where to get a copy. It can also track where they have been sent in the courthouse, who sent them there, and what kind of case or issue they are facing. It can also include simple process information (like a checklist or process map for a given case type) to ease the SRL's journey through the courthouse and lessen the burden on court staff. SRLs are often under stress and are unfamiliar with the court system. If telling an SRL which form they need and where to find it is good, writing it down and giving it to them is better.

#### Greeter

As part of an effort to route people efficiently and in service of the overarching goal of making the ARC a welcoming place, there should be a greeter who is knowledgeable about court procedures and resources who can direct people to the appropriate service within the ARC. This person could also potentially be in charge of organizing a queuing system for assistance. This could look like a deli take-a-number, or like a restaurant buzzer/pager system, or it could be tied to a smartphone app or texting system.

#### Waiting Area and Children's Zone

The ARC should be a welcoming and inviting space where users can wait for assistance or to use a remote access kiosk. This space could have toys and books for children and could also have some snacks and/or coffee and tea. Though understandably more challenging to facilitate, the Judiciary should consider providing supervised childcare so that users could leave their children with staff while they attend a hearing or meet with a lawyer.

#### Multipurpose Private Space

The ARC should include multipurpose private space(s) that could be used, for example, by breastfeeding mothers, prayer space, or meditation space. As several focus groups participants mentioned, many SRLs are new Americans, many of whom pray regularly multiple times a day. Having a dedicated space for those in need of privacy would further the goal of creating an inclusive and welcoming space.

#### Space for Non-Legal Community Partners

Courts don't operate in a vacuum – they are part of a community. Community members who are SRLs are often also in need of a variety of other social services in addition to those provided by the courts. To achieve this, the Judiciary should consider creating flex space within the ARC that could serve as a flu shot clinic or a food pantry distribution center, for example. This need not be a permanent part of the ARC, but it should be planned for as a potential opportunity to integrate the courts into the larger community of social service providers. Relatedly, the NCSC team encourages the Judiciary to explore partnerships with non-traditional partners, such as mass

transit, social or human services providers, job training centers or public libraries. In some jurisdictions, for example, travel vouchers are available for jurors or SRLs.

In addition to the legal aid partnerships suggested above, the ARC should consider include space for those community partners to reach their target demographic in a safe and friendly environment.

### Training & Gathering Space

The ARC can be a centralized location where court staff and community partners could participate in both in-person and remote training. Legal aid and other legal system actors could also use this space to conduct trainings and host workshops. Gathering spaces of different sizes (i.e., meeting rooms, conference rooms, and a training room) provide flexibility to support various functions and assembling capacities. Within the philosophy of Judiciary 3.0, such a space could be a way that the ARC helps spread best practices to other courts in Vermont. The NCSC team encourages the Judiciary to consider offering services in the ARC outside of normal court hours as well to assist those who may not be able to find childcare or take time off from work during regular hours. This could be done one night per week, or for special events or clinics, or on occasional weekends, but would require coordination with security and staff.

### Form & Resource Library

As indicated above, having access points in the ARC where people can use the Judiciary website and printed copies of forms and instructions was suggested by nearly every stakeholder as being of high value to SRLs. The ARC should offer a full spectrum of already printed court forms, instructions, and self-help materials that are available free of charge and are translated into multiple languages.

### Workspaces

SRLs need private workspaces, such as a carrell, to complete forms, conduct research, and prepare documents. As previously mentioned, SRLs will also use kiosks to e-file and may use these workspaces or tables to prepare to file. As such, the Judiciary should consider providing for such spaces in its ARC space planning and design.

### Interpreting Services

The ARC should be a place where new Americans and people who speak a language other than English can access interpreting services, by live in-person interpreters as available, by telephone, and by video remote interpreting kiosks. Court staff and ARC partners, including legal aid, could also use the ARC to arrange for an interpreter ahead of time so that a court use would not have to wait for one after arriving at court. Interpreting services, including video remote interpreting services, could also be offered from the ARC to courthouses around the state, thereby minimizing costs associated with travel and ensuring the availability of interpreters to those who need it but



who are outside the Burlington area. The Judiciary should continue to build its capacity to deliver interpreting services and should provide for such spaces in its ARC space planning and design.

#### Connectivity to Other Courts

The ARC is located in Burlington, though the self-help and language access needs are not needed exclusively by people who live near or around the city. Accordingly, the ARC should serve as a disseminator of best practices and a virtual and in-person training center as COVID-19 restrictions are lifted or relaxed. It should be a hub for coordinating remote video interpreting and as a way to connect other courthouses with resources located within the ARC. This could be achieved through a direct video link or a “bat-phone” style direct audio connection.

## Staffing the ARC

The NCSC team is aware that budget constraints and the exact services to be offered will largely drive staffing decisions, as will the proportion of services that will be offered in-house, through personal contact, versus remotely. However, there are still some situationally neutral recommendations worth making in this area.

### Greetings and Triage

The first person that ARC users interact with should be friendly and welcoming and extremely knowledgeable about the court system and the services available at the ARC. It will be their job to do the initial triage and screening work necessary to route people to the right resources within the ARC, or outside of it should such a referral be appropriate.

Ideally, this frontline person (hereinafter “ARC Program Manager”) would be a full-time and experienced lawyer responsible for overseeing all ARC operations.<sup>8</sup> The ARC Program Manager would offer frontline triage for ARC patrons, supervise ARC staff or volunteers, and coordinate with external partners from the civil legal aid community, the private bar, and law school clinics. The ARC Program Manager needs to be well-versed in high-volume areas of law, understand the available legal services and modest means programs available, and be comfortable speaking with SRLs and facilitating communication with LEP people. Because this position would require such direct contact with the public, this person should have demonstrated experience working with people likely to seek and benefit from the services provided in the ARC. Ideally this person would also be bilingual in a commonly spoken language other than English.

### Utilize Staff Navigators

Many court systems have had great success utilizing volunteer or staff navigators. Navigators can be college students or first-year law students, or retirees; and they are usually allied professionals without law degrees. Navigators can offer a user navigational assistance, help a user locate forms or resources, and provide procedural information, like where to file a form or which division a case is located in. In many ways, Navigators would provide services that are similar to that which was provided by the Operations Assistants at the start of the pandemic, though rather than providing assistance with connecting to remote hearings the Navigators would provide legal information, providing both in-person and remote assistance to ARC users, connecting them with relevant legal resources and information and explaining the next steps in legal procedures.

The ARC Program Manager would manage the Navigators. Some of their tasks might include: making referrals to onsite or remote civil legal aid programs, helping LEP patrons with Video

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<sup>8</sup> Examples of other court systems that have hired similar positions include: Johnson County District Court, Kansas; Circuit Court of Cook County, Illinois; 19<sup>th</sup> Judicial Circuit, Illinois; Hennepin County, Minnesota; and Maricopa County, Arizona.

Remote Interpreting services, assisting SRLs with applicable online legal help resources, staffing the bat phones to the other courthouses to connect people seeking to conduct court business in courthouses around the state to needed and available self-help, language access, and other services, troubleshooting those who are participating in a remote hearing or filing a document electronically, and/or running a workshop on completing a civil fee waiver. To begin, it is recommended to have at least two full-time and one half-time Navigators and add to their ranks as the ARC ramps up its operations.

See the Funding section for more information on how AmeriCorps can fund these positions.

#### Partner with the Bar and Legal Aid

As detailed above, there should be space in the ARC for brief advice desks, lawyer for a day programs, and consultations with pro bono attorneys. ARC staff should be responsible for coordinating the use of such space and services. While not court employees, lawyers providing such services will be a key component of service delivery, and their involvement should be incorporated into any staffing plan.

#### Remote Workers Should Work Remotely

A part of Judiciary 3.0 is the recognition that some court employees may be more effective working remotely. If a court employee works entirely over the phone, or mainly works from home, they do not need space in the ARC. The NCSC team recommends resisting the urge to locate virtual and remote workers in the ARC unless absolutely necessary. Space is at a premium and should be preserved for those services that need to happen in person. The Judiciary will need to consider such issues in its staffing plan in both the short- and long-term.

#### Staffing Evolution

Initially, the ARC Programs Manager's primary role will be welcoming and serving court customers. As the demand for ARC services grows, more Navigators may be needed. At that point, the ARC Programs Manager's role is likely to shift to staff oversight and management responsibilities and drafting additional self-help resources, which may require a different work environment that supports focused administrative tasks.

Not all Navigators need a dedicated workstation. Navigators should be moving about the ARC, seeking customers who need support, and providing it as appropriate, in all ARC settings, whether on-site and in person (at the help desk, at public worktables, in the waiting area, at kiosks, and in meeting rooms) or remotely.

## The ARC Physical Space

### Background

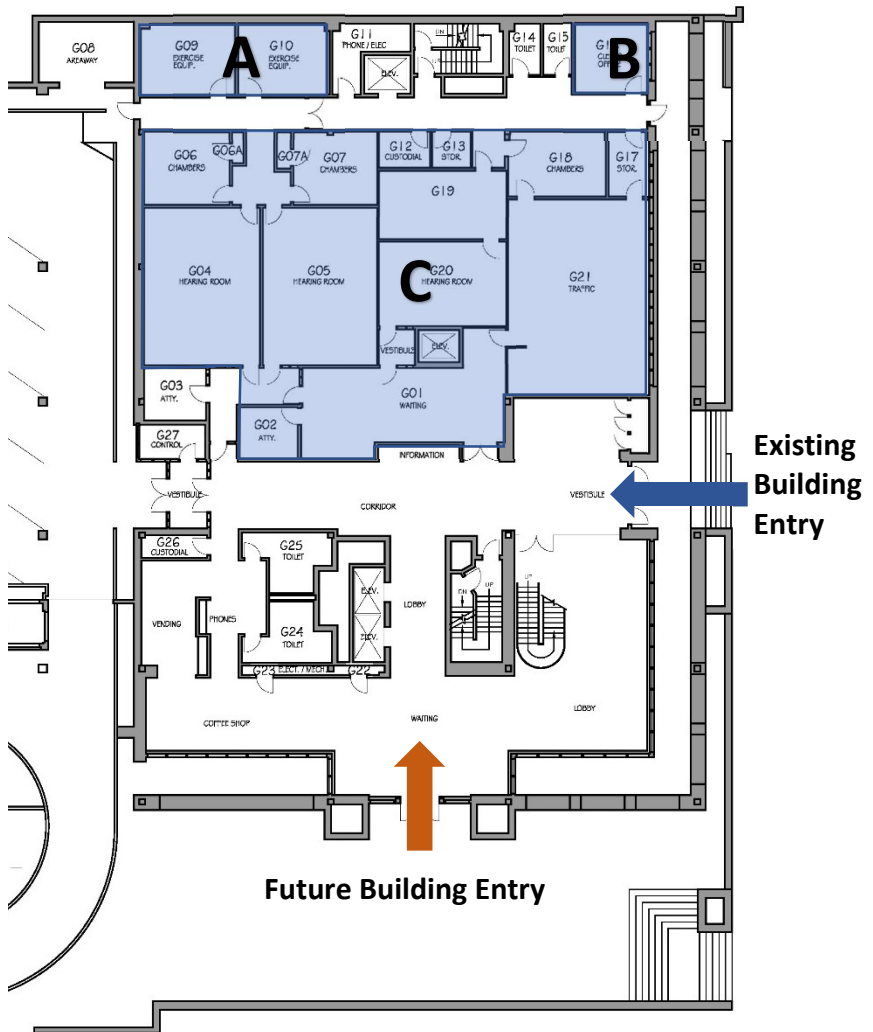
The Vermont Judiciary has allocated approximately 5,000 square feet of existing space on the Costello Courthouse's ground floor for the ARC. At the time of this study, a construction budget was not determined, so the NCSC team was asked to provide a planning concept representing the ARC's optimal configuration in the allocated space. Several plan concepts were considered, and the one included here describes the Judiciary's consensus opinion regarding the best use of the space by incorporating flexibility to support an unpredictable future.

### Existing Space

The total area allocated to the ARC is as follows:

Existing Area Summary	
Location	Square Feet
A	420
B	164
C	4,490
<b>Total</b>	<b>5,074</b>

For security reasons, Areas A and B should only be used by court staff and not accessed by the public.



## Planning and Design Goals

The ARC's design, location, and configuration should reinforce its role to allow court patrons, primarily self-represented litigants, to take charge of their court needs in a user-friendly way.

The following planning goals were identified:

- Implement the highest and best use of the allocated space.
- Consider the ARC's future needs.
- Provide flexibility.
- Create a welcoming and friendly environment.
- Provide amenities and adjacencies to support ARC operations.

## Staffing Summary

Staffing requirements to support ARC operations are estimated to be 3.5 full-time equivalents (FTE.) The number of ARC Navigator positions is expected to increase over time, and it's important to note that this role does not require a one-to-one ratio of staff to dedicated workstations.

<b>Position</b>	<b>Full-Time Equivalent</b>	
<b>ARC Program Coordinator</b>	1 FTE	
<b>ARC Navigator</b>	2.5 FTE	Positions may increase over time
<b>Total FTE</b>	3.5 FTE	Initial Staff

## Square Footage Allocation

Specific square footage requirements are determined for the functions included in the ARC, called net space requirements. Additionally, grossing factors account for various other building elements, not requiring a specific function such as corridors, wall thickness, and building support spaces. This section explains the square footage terms used in the space planning and programming of court buildings.

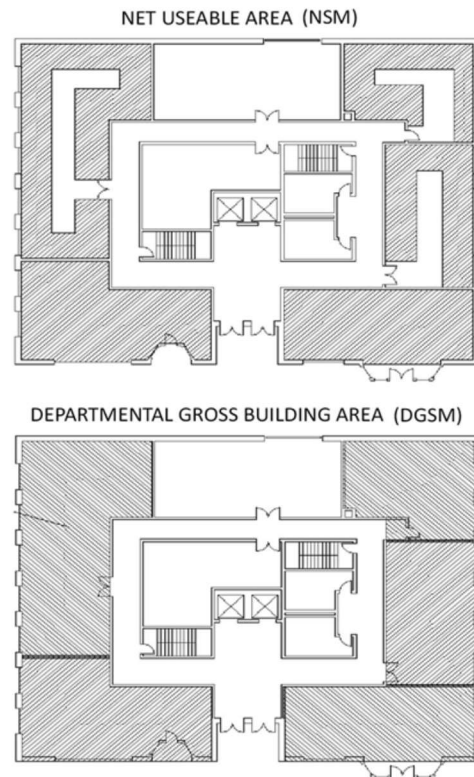
### *Net Square Feet (NSF)*

Net area – also called "programmable area" -- is measured in net square feet (NSF). NSF describes the actual working area of a courtroom, office, workstation, or support space. NSF represents the actual area assigned for a specific space for function, excluding interior walls and internal circulation.

### *Departmental Gross Square Feet (DGSF)*

Departmental area – also called "usable area" – is expressed in departmental gross square feet (DGSF). DGSF includes all net areas (as described above) and a factor to account for interior wall thicknesses, corridors and pathways within a department, columns and other structural elements, and inefficiencies created by shaft spaces that penetrate through the floors within departmental areas, and the like. The DGSF is calculated by adding 20% - 40% to the programmed net area in pre-design.

Refer to the Functional Space Program that follows for recommendations regarding specific ARC space allocations.



## Functional Space Program

The following table summarizes the proposed space allocations using modern courthouse standards. The following amenities, rooms, and circulation factors need 4,837 square feet of space, and the amount of space available is approximately 5,074 square feet.

ACCESS & RESOURCE CENTER		FTE	UNIT QTY	UNIT AREA	NET AREA	Notes
<b>PUBLIC HELP &amp; STAFF AREAS</b>						
	ARC Program Coordinator Office	1	1	120	120	
	ARC Program Coordinator (Help Desk)	0	1	64	64	printers, scanners, etc. on back counter
	ARC Navigator (Help Desk)	2	2	64	128	printers, scanners, etc. on back counter
	Help Desk Queuing Area		3	25	75	
	Court Calendar Viewing Area		3	15	45	On Wall or Kiosk
	Public Waiting Area		10	25	250	10-12 seats
	Children's Waiting Room		1	120	120	Near public waiting
	Public Computer Terminal		9	25	225	Study carrels with printer, computer, scanner, Video, Mic, Privacy Screen
	Public Worktable		4	120	480	Seats 4 people + circulation space, include tabletop privacy screen
	Reference Material Shelving		1	75	75	Books, Publications, near worktables
	Public Forms Area		1	50	50	Wall display with shelf below
	Public Copy/Print Area		1	50	50	Countertop printer, Paper storage in cabinet
	Multi-Purpose / Quiet Room		1	100	100	Mother's room, meditation, prayer
	Staff Workroom / Copy / Storage		1	150	150	
	Breakroom		1	200	200	Seats 4, refrigerator, kitchenette, cabinets
<b>Public Help &amp; Staff Areas Subtotal</b>					<b>2,132</b>	
Circulation Factor:		30%			640	
<b>Public Help &amp; Staff Areas Gross Square Footage Total:</b>					<b>2,772</b>	
<b>LEGAL AID</b>						
	ARC Navigator Workstation	0.5	1	64	64	Open workstation
	Meeting Room		5	110	660	Seats 2-4
	Conference Room		2	200	400	
	Training Room		1	500	500	Seats 25-27
	Training Room Storage		1	75	75	Equipment
<b>Legal Aid Services Subtotal</b>					<b>1,589</b>	
Circulation Factor:		30%			477	
<b>Legal Aid Gross Square Footage Total:</b>					<b>2,066</b>	
<b>ARC SQUARE FOOTAGE SUMMARY</b>						
<b>NET SQUARE FOOTAGE (NSF):</b>					<b>3,721</b>	
<b>GROSS SQUARE FOOTAGE (DGSF):</b>					<b>4,837</b>	

## Plan Concept

Existing conditions, ARC planning and design principles, and functionality are the plan concept's primary drivers. Establishing a prominent entry and an open and welcoming public space determined the ARC's public help center location, near the room's only windows and directly across from the new security screening location. Rooms that are not intended to be used by full-time staff are located furthest from the windows. Using interior windows whenever possible, borrowed light can reach well into the ARC's space. Refer to the appendix for a scaled drawing.

Public Areas	QTY	Meeting Spaces	QTY	Staff Spaces	QTY
Waiting Area (seats 12)	2	Meeting Room (seats 4)	5	Office	1
Child Waiting (2-3 youth)	1	Conference Room (seats 8)	2	Help Desk (3 Staff)	1
Computer Kiosk	10	Training Room (seats 25-27)	1	Breakroom (seats 4)	1
Worktable (Seats 16))	4			Work Rm & Storage	1
Multi-Purpose/Quiet Room	1				
Help Desk (Serves 3)	1				
Forms & Copy/Print Station	1				





### ARC Entry

The ARC entry location should be given priority and prominence inside the courthouse. The plan concept locates it across from the security screening area, where it will be evident to court users. The entry design should be highly transparent, allowing customers a welcoming view into the space. Signage is essential and should identify the ARC.

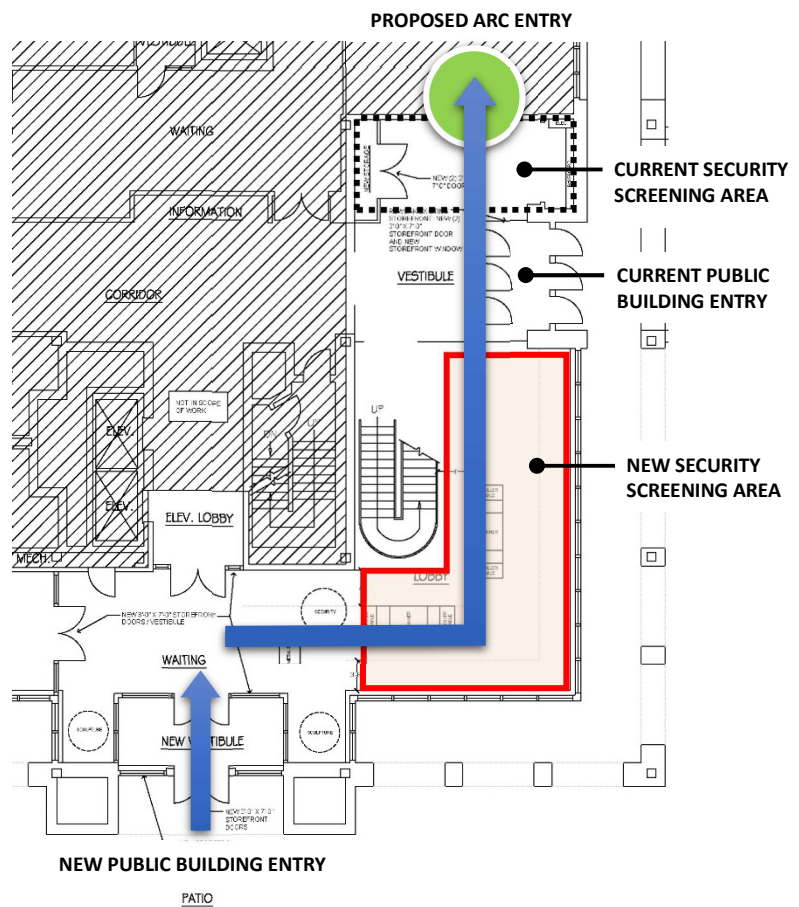
The current security screening station and building entry will need to be relocated to reorganize the traffic flow and avoid congestion.<sup>9</sup>

### Central Public-Help Area

The public-help area is one open space with several amenities, including a public waiting area, children’s playroom, computer kiosks, worktables, and a help desk. On a busy day, this area will be very active, so those who need to concentrate or have confidential conversations may use a meeting room.

### Conference Center and Legal Aid

A conference area for Legal Aid services offers a variety of meeting room sizes. These rooms are considered “flexible,” meaning that they can serve various purposes such as meetings, private consultation, remote access to court hearings, etc. Each room should be equipped with technology that enables many uses. Acoustic privacy is critical for these areas, and rooms should be designed to a sound transmission rating (STC) of at least 50.



Building entry and security relocation concept provided by BGS.

<sup>9</sup> These plans are being actively considered by the Judiciary, in consultation with the Department of Buildings and General Services.

Training and larger gatherings will take place in the Training Room, which seats around 25 people. This room should also have an STC rating of at least 50 and must be equipped with technology supporting learning and presentations. Ample power receptacles and wireless internet access should be provided for patrons. A counter to display event materials or catering should be available inside the room. Furnishing needs to be mobile to allow for multiple configurations and uses. Access to natural light and a security view into the meeting rooms should be provided using interior windows. Access to a storage room large enough to house collapsible furniture is recommended.

### *Dedicated Staff Areas*

The existing, dedicated staff corridor will remain, and proper access control should be incorporated at each door from the ARC or Conference Center/Legal Aid areas. The staff corridor accesses functions that do not allow public admission, such as the Breakroom, Workroom, Storage, etc.

The ARC Manager's office should be located off the staff corridor with quick access to the ARC help desk. All staff workstations and the Manager's office need access to natural light and a view to the exterior.

### *Accessibility*

Accessibility is an integral component of courthouse building planning and should physically embody the basic principles of fair and equal public access to justice. All public buildings, and especially Judiciary buildings, should be accessible to all segments of society. For courthouses, accessible access is a right, not a privilege. Because of the unique spaces and functions, court buildings often present unique access challenges for persons with disabilities.

### *Needs of Persons with Disabilities*

The design must conform with all relevant provisions of the United States Department of Justice's 2010 ADA Standards to comply with the Americans with Disabilities Act. The ADA Standards detail the requirements to ensure that paths of travel, entrances and exits, restrooms, courtrooms, assembly areas, service counters, communication features, and other elements are designed and constructed in a manner that is readily accessible to and usable by individuals with disabilities.

### *Trauma-Informed Design*

Too often, courthouse environments meet the needs of the institution instead of the people the institution serves. Creating environments that promote a sense of calm, safety, dignity, empowerment, and well-being for all occupants, the entire system works more effectively and efficiently for everyone. Studies have shown that thoughtful design of our physical environments can positively affect behavior and decision-making, enhancing the facility of justice and building confidence in the justice system.

Trauma-informed design is a recognized practice too vast for the scope of this report; however, there are a many widely accepted recommendations. Buildings have a profound impact on how we feel and behave, and many opportunities exist to create an ARC environment that feels safe, welcoming, empathetic, and low stress for both court users and staff.

Examples of may include:

1. Providing clear signage and wayfinding in multiple languages.
2. Making sure finishes and colors are carefully considered to promote a calming and comfortable environment.
3. Offering children's toys and books in the waiting area and a dedicated space for them.
4. Selecting furniture that is comfortable, accessible, and appropriate for the task and arranging it to feel safe by avoiding seats that have their backs to the door or are not comfortably spaced.
5. Providing a quiet place for prayer, meditation, or other personal needs such as lactation.
6. Providing a connection to nature by incorporating biophilic design<sup>10</sup> strategies such as access to daylight, views to outside, and living plants. The use of glass increasing transparency and accountability.
7. Making sure lighting levels appropriate to the task and that spaces are not over or under lit.
8. Keeping the temperature at a comfortable level.
9. Engineering the appropriate acoustic treatments and sound transmission ratings.
10. Creating visual interest by using carefully selected artwork, lighting, and objects without overcrowding.

By aiding and empowering the public to navigate a complex legal process, the functionality of the ARC is inherently trauma-informed, and by implementing the recommendations in this report, many of those objectives will be realized.

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<sup>10</sup> The Practice of Biophilic Design, Stephen R. Kellert & Elizabeth F. Calabrese, <https://www.biophilic-design.com>

## Governing the ARC

The NCSC team recommends creating an advisory committee and a governance committee for the ARC. The advisory committee should be comprised of stakeholders from outside the court, while the governance committee should be headed by the court's Planning and Court Services division, which has led this planning project, and which will ultimately be charged with running the ARC when it launches.<sup>11</sup> The Committee should represent the relevant stakeholders and service providers who will work within the ARC, including external-to-the-court-stakeholders like legal aid providers. This Committee should communicate regularly with the Access to Justice Coalition as well as other relevant Judiciary bodies.

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<sup>11</sup> For example, the New Jersey Courts has an Advisory Committee on Access and Fairness, with representation from external stakeholders: <https://njcourts.gov/public/access/accessfairness.html?lang=eng#about>, as does the California Court's Advisory Committee on Providing Access and Fairness: <https://www.courts.ca.gov/accessfairnesscomm.htm#panel26416>.

## Funding the ARC

There are costs associated with the construction of the ARC space, but there are also the ongoing costs required to staff the ARC. There are a variety of state and federal funding mechanisms that could offset the cost of operating the ARC.

- (1) *Title IV-D*. Many state court systems and individual courts have taken advantage of federal funding under Title IV-D of the Social Security Act to obtain reimbursement for the costs associated with assisting litigants with child support and paternity matters and their court self-help programs.<sup>12</sup> Under this funding stream within Title IV-D, the federal government reimburses \$2 for every \$3 that the state spends on program costs for eligible programs, and this funding is also “open ended,” meaning there is no upper limit or ceiling on the federal government’s match of eligible expenditures.

Most notably, the California Judicial Council used the federal IV-D program as the original source of funding for California’s extensive network of court-based self-help centers, and the assistance with paternity and child support proved so useful to the litigants and the courts that the California judicial branch was subsequently able to obtain state appropriations to expand the scope of court-based self-help centers to cover all family law topics.

Similarly, in Hennepin County, Minnesota, child support informational services are integrated into the Court’s self-help center, with parents and children’s needs addressed by court staff and the costs of those staff positions reimbursed through a cooperative agreement with the IV-D agency. These services include one-on-one assistance, support in completing forms, and drafting online informational materials.

- (2) *AmeriCorps*. Several state court systems and partners have leveraged partnerships with national and community service programs, especially around AmeriCorps, to fund non-lawyer court navigator programs. AmeriCorps is a network of national service programs that enrolls members in volunteer community activities. At the federal level, the Corporation for National and Community Service (CNCS) provides grants to state volunteerism commissions, and local and national organizations (including courts and legal aid programs) to serve community needs.

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<sup>12</sup> Alaska, California, Maryland, Michigan, Minnesota, and Oregon have also had experience with using Title IV-D funding for self-help services. For additional guidance, see, e.g., SRLN Title IV-D Resource Guide, [https://www.srln.org/system/files/attachments/SRLN%20Title%20IV-D%20Resource%20Guide%20Revised%2012%202017\\_0.pdf](https://www.srln.org/system/files/attachments/SRLN%20Title%20IV-D%20Resource%20Guide%20Revised%2012%202017_0.pdf) (last checked on March 25, 2021).

California and Illinois have two AmeriCorps court-based navigator programs, which are partnerships between courts, college campuses, bar associations/foundations, and community legal aid organizations to provide direct services to self-represented litigants who would otherwise have to navigate legal problems on their own.<sup>13</sup>

### (3) State Legislative Funding.

*Sherlocks*. Since 2013, Self-Represented Litigant Coordinators (“Sherlocks”) have been assisting self-represented parties in court-based self-help centers in all of Colorado’s judicial districts.<sup>14</sup> Sherlocks assist unrepresented litigants, regardless of income, by helping them determine the appropriate jurisdictions in which to file, providing procedural information, locating and printing forms from the Judicial Branch website, and helping them fill out forms appropriately. In addition, Sherlocks often collaborate with others in the community, and information from Sherlocks can also be accessed by phone, e-mail, and local court webpages.

When the Sherlock program was first launched, it was initiated by then-Chief Justice Nancy Rice of the Colorado Supreme Court as a separate legislative budget appropriation from the judicial branch budget. The State Court Administrator’s Office now supervises the Sherlocks and offers statewide training and support.

### (4) Federal COVID Relief Funds.

Since the start of the COVID-19 pandemic, the federal government has adopted the Coronavirus Aid, Relief and Economic Security (CARES) Act and the American Rescue Plan Act (ARP) of 2021, to support individuals, businesses, and government organizations responding to the public health and economic impacts of COVID-19. Several state courts—including the Vermont Judiciary—have tapped these funding sources to directly help with pandemic responses. One relevant example is that the Kansas Judicial Branch used Coronavirus Relief Fund funding to procure new computer terminals in courthouses and other public facilities to provide access to remote videoconference hearings and the court’s new online judicial portal.

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<sup>13</sup> See, e.g., The Justice in Government Project’s AmeriCorps Court-Based Navigator Programs Fact Sheet, <https://www.american.edu/spa/jpo/toolkit/upload/justicecorps-jgp-case-study-9-28-20.pdf> (last checked on March 25, 2021).

<sup>14</sup> There are Sherlocks based in all 22 judicial districts, listed at [https://www.courts.state.co.us/userfiles/file/Self\\_Help/Contact%20list%20for%20public\(17\).pdf](https://www.courts.state.co.us/userfiles/file/Self_Help/Contact%20list%20for%20public(17).pdf) (last checked on March 25, 2021).

## Stakeholders Interviewed

The NCSC team interviewed many internal and external stakeholders to assess needs and potential uses and services that could be provided by the ARC.

### Internal Stakeholders

- Patricia Gabel, State Court Administrator
- Associate Justice Beth Robinson, Vermont Supreme Court
- Scott Griffith, Chief of Planning and Court Services
- Tari Scott, Chief of Trial Court Operations
- Gregg Mousley, Chief of Finance and Administration
- Jeff Loewer, Chief Information Officer
- Dennis Kaiser, Costello Courthouse Managing Security Officer
- Jason Gould, Supreme Court Security Manager
- Rob Schell, Vermont Judiciary Security Director
- Karen Richards, Special Assistant on Language Access Issues
- Jen Teske, Court Operations Manager
- Joanne Charbonneau, Clerk of the Statewide Courts
- Laura LaRosa, Program Manager, Trial Court Operations
- Andy Campbell, Digital Content Manager
- Jeremy Stephens, Buildings & General Services
- Sherilyn Lafley, Buildings & General Services
- Information Center staff (4 people)
- Operations Assistants (4 people)
  - Emma Novins
  - Sam Griffith
  - Daniel Perez
  - Sophie Conway
- Court Operations Managers (6 people)
- Judge Helen Toor
- Judge Nancy Waples
- Judge Allison Arms

### External Stakeholders

- Language Access External Advisory Committee
  - Jessica Brown, Public Defender
  - Chol Door, Executive Director, Sudanese Foundation of Vermont, Inc.
  - Keona Health, Forensic Nursing and Vermont Council on Domestic Violence Program Coordinator
  - Xusana Davis, State of Vermont, Executive Director of Racial Equity
  - David Koeninger, Vermont Legal Aid

- Jill Martin, State of Vermont Office of the Defender General, Prisoners' Rights Office
- Sunil Mansukhani, The Raben Group
- Franklin Paulino, Deputy State's Attorney
- Jules Torti, AUSA (Civil Rights), United States Attorney's Office, District of Vermont
- Paul Uyehara, US Department of Justice
- Bor Yang, Executive Director, Vermont Human Rights Commission
- Vermont Coalition for Equal Access to Justice
  - Sam Abel-Palmer, Legal Services of Vermont
  - Mary Ashcroft, Vermont Bar Association Modest Means Program
  - Eric Avildsen, Director of Vermont Legal Aid
  - Eileen Blackwood, Vermont Bar Association Pro Bono
  - Daniel Richardson, Private Attorney; Former President of the Vermont Bar Association and Vermont Bar Foundation
  - Teri Corsones, Executive Director Vermont Bar Association
  - Erin Jacobsen, Director of South Royalton Legal Clinic, Vermont Law School
- Sharon Mee, Office Manager, South Royalton Legal Clinic, Vermont Law School
- Sarah Scully, Community Legal Information Center Coordinator, Vermont Law School
- Jane Woldow, Director, Julien & Virginia Cornell Law Library, Vermont Law School



## Appendices

- Recommended plan, to scale drawing.
- Plan options reviewed, but not recommended.
  - Plan Concept A
  - Plan Concept A.1
  - Plan Concept B