



### **Order Promulgating Amendments to Administrative Order No. 49**

Pursuant to the Vermont Constitution, Chapter II, § 30 and Administrative Order No. 48, it is hereby ordered:

1. That ¶ 2 of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

For these reasons, the Court hereby declares a judicial emergency pursuant to Administrative Order 48. The emergency will go into effect immediately and will extend until ~~May 31~~ July 5, 2021, unless extended by order of this Court. This Order supersedes any previously issued administrative directive or order, including orders issued in Superior Court, related to COVID-19.

2. That ¶ 5(d) of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

#### **5. Remote participation in hearings:**

##### **d. Mandatory Remote Hearings.**

- i. Mandatory Remote Hearings. Except for jury trials and absent good cause as noted below, all evidentiary and nonevidentiary hearings held in the Superior Court before June 14, 2021, must be scheduled for remote participation by parties, witnesses, and other participants, subject to the parties' opportunity to file an objection as set forth in ¶ 5 above. This requirement does not apply to evidentiary hearings in either the criminal division or juvenile delinquency proceedings, and does not apply to any criminal or juvenile delinquency hearings where the defendant's or the juvenile's presence is required by law. Notwithstanding the above, the court may on its own initiative set a hearing for partial or total in-person participation for good cause.
- ii. Remote Hearings Encouraged. Effective June 14, 2021, courts should schedule hearings for remote participation to the extent reasonably possible given the nature of the hearing, the constraints of the above rules, the available technology, staffing availability, and participants' access to adequate means for remote participation.

#### **Explanatory Note—May 12, 2021 Amendment**

The May 12 amendment extends the effective date of the Administrative Order until July 5, 2021 and authorizes in-person hearings effective June 14, 2021.

Paragraph 2 is amended to extend the effective date of the Administrative Order until July 5, 2021, based on the projections of public-health experts concerning the course of the pandemic. The Court will amend individual provisions of the Administrative Order as necessary but anticipates that at least some of the provisions of this Administrative Order will continue to be necessary due to the ongoing impacts of the COVID-19 pandemic.

The amendment to ¶ 5(d) lifts the requirement that hearings be held remotely, subject to a number of specific exceptions, effective June 14, 2021. By this date, individuals will have had an opportunity to become fully vaccinated. The Court anticipates that substantial numbers of hearings will continue to be held remotely following the elimination of mandatory remote hearings, and even after the conclusion of the judicial emergency. Amending the order now gives judges, court staff, parties, and their lawyers adequate time to plan for the possibility of in-person court proceedings.

3. That this order is effective immediately and extends until July 5, 2021, unless extended by order of this Court.
4. That the Chief Justice is authorized to report this order to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Done in Chambers at Montpelier, Vermont this 12<sup>th</sup> day of May, 2021.



Signed by the Vermont Supreme Court

---

Paul L. Reiber, Chief Justice

---

Beth Robinson, Associate Justice

---

Harold E. Eaton, Jr., Associate Justice

---

Karen R. Carroll, Associate Justice

---

William D. Cohen, Associate Justice