

VERMONT SUPREME COURT
Advisory Committee on the Rules for Public Access to Court Records

2014 Annual Report
October 4, 2014

The Committee submits this report to the Supreme Court pursuant to Administrative Order No. 40, §4. The report covers the Committee's activities since it was reconvened at a meeting on February 28, 2014. Since that date the Committee has met twice, on May 30, and August 1, 2014.

During the year, Martin Frank, Jeffery Loewer, Hon. Timothy B. Tomasi, and Sarah E. London were appointed to replace Hon. Robert B. Bent, Hon. Cortland Corsones, Jeff Good, and Marna Murray, who had resigned. Reynold Perry, who also resigned, has not yet been replaced.

The Committee's proposed amendments to V.R.P.A.C.R. 6(b) to implement 13 V.S.A. § 7554c enacted by Act 195 of 2013 (Adj. Sess.), §2, were sent out for comment by the Court Administrator on September 12, with comments due by October 13, 2014. See

[https://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDVRPACR%206\(b\)\(35\)and\(36\)final.pdf](https://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDVRPACR%206(b)(35)and(36)final.pdf). The Committee will review and report on comments received after the closing date of the comment period.

The remainder of this report summarizes the Committee's activities under two headings: I. Proposed amendments not to be considered at this time. II. Matters remaining on the Committee's agenda.

I. PROPOSED AMENDMENTS NOT TO BE CONSIDERED AT THIS TIME

1. The Committee agreed to defer consideration of general revisions of V.R.P.A.C.R. 5 concerning public access to administrative records of the Judicial Branch until further direction from the Court.

2. The Committee agreed that both trial court digital audio recordings of court proceedings and paper and digital copies of transcripts, once they were in the possession of the Supreme Court as part of the record on appeal, were public records available for access and copying under the Rules for Public Access to Court Records, subject to the general exception of Rule 6(b)(31) and other specific exceptions in Rule 6(b). Accordingly, no Rules amendments were necessary to address these questions. It was further agreed that questions of the cost of providing copies were an administrative matter that did not require further treatment in the Rules.

II. MATTERS REMAINING ON THE COMMITTEE'S AGENDA

The Committee will continue to consider the following matters:

1. Amendment of V.R.D.E.C.R. 3(c)(1)(B) to eliminate drivers' licenses from list of required redactions.
2. Amendment of existing exceptions in V.R.P.A.C.R. 6(b), or addition of new exceptions, required as a result of Supreme Court decisions or specific exceptions adopted by the legislature.
3. The necessity for and scope of a new exception to V.R.P.A.C.R. 6(b) for inquest records
4. Development of a specialized exception provision for Family Division records.
5. Development of a rule addressing public access to information about court employees, including judges.

In closing, the Committee and the Reporter wish to thank the former members of the Committee listed above for their service; Hon. John A. Dooley of the Supreme Court for his guidance as judicial liaison; and Court Administrator Patricia Gabel, Supreme Court staff attorney Emily Wetherell, and Larry Abbott and Debra Laferriere of the Court staff for their continued and essential administrative support.

Respectfully submitted,

Hon. Thomas A. Zonay, Chair

For the Committee:

Priscilla Bondy Dube

Martin Frank

Jeffery Loewer

Sarah E. London

Tanya Marshall

Robert M. Paolini

Gaye Paquette

Mitchell L. Pearl

Hon. Timothy B. Tomasi

Hon. John A. Dooley, Supreme Court
Liaison

L. Kinvin Wroth, Reporter