

VERMONT SUPREME COURT
SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS

Meeting Minutes – August 26, 2021

Committee Chair Scott Griffith called the meeting to order at approximately 7:30 a.m. via WebEx. Members present included Justice William Cohen, Laura LaRosa, Margaret Villeneuve, Julie Bronson, Doug Rowe, Cedric Baele, Ashley Beach, James Dumont, David Koeninger, Marshall Pahl, Amelia Darrow, Judge Helen Toor, Judge Timothy Tomasi, Judge Frederick Glover, Magistrate Alicia Humbert, and Roger Garrity. Andy Campbell was also present at the request of Mr. Griffith.

I. Welcome and Approval of Minutes of July 29 Meeting Minutes

Mr. Griffith called for a motion to accept the minutes of the July 29 meeting. Judge Toor moved to accept the minutes and Judge Tomasi seconded. A vote was taken, and the minutes were approved without objection.

II. Updates

Mr. Griffith summarized the August 24, 2021 memo from Judge Grearson and Pat Gabel to the trial court judges in which the recommendations from the Oversight Committees regarding remote and in-person hearings were compiled. Brief discussion followed, and Mr. Griffith noted that part of the Advisory Committee's charge is to solicit input on remote hearing practice from the Oversight Committees. He noted he has attended several Oversight Committee meetings to discuss the Committee's work.

Mr. Griffith then provided an update on the Judiciary's recruitment of Remote Service Delivery Analysts (RSDAs). He noted that RSDAs might be deployed in each Superior Court region and that working with others they would help identify ways to expand and improve the use of remote technology software and hardware in the courts. Judge Tomasi asked if the hiring of RSDAs would result in a reduction in the number of Operations Assistants. Mr. Griffith indicated they would not, and that the number of OAs available to support remote hearings might increase.

Mr. Griffith then reported that a committee on remote civil jury trials chaired by Justice Karen Carroll recently developed a set of protocols for courts to consider in handling virtual civil jury trials. He further noted that the Supreme Court recently adopted Administrative Order 52, which establishes a pilot program whereby with the agreement of the parties courts can conduct remote civil jury trials. Judge Toor noted a preference for judges to decide when to set a civil case for remote trial, pointing out that remote civil jury trials are being held in a number of jurisdictions around the country. Discussion followed regarding media and public access to the proceedings and issues relating to the functionality within WebEx that is available, for example, to protect the identity of jurors. Mr. Griffith indicated that a mock trial was a part of the work done by Justice Carroll's committee and offered to share a recording of the mock trial proceedings with the committee.

III. Discussion of Member Survey Results

Mr. Griffith invited comments on the results of the remote hearing survey of committee members. Judge Toor noted how positive the feedback was and indicated that she identified several relatively simple issues that could be addressed. She and others noted that there is much more than can be learned from the experiences courts are having now regarding remote and hybrid hearings. Other observations were shared, including concern about the “digital divide;” the need for ongoing training of judges on remote hearing practices; the importance of preserving formalities in remote proceedings; and the need to survey participants (both those in-person and participating remotely) about their remote hearing experience, especially given how significant the changes in practice have become.

Mr. Griffith noted that the committee might benefit from taking up work in subcommittees, perhaps one addressing operational issues and one addressing policy issues. Members agreed. He also suggested that there might be value in developing a set of guiding principles to frame and guide the committee’s work. Mr. Griffith will send out a survey for members to use to indicate their preference for serving on either the Operations Subcommittee or the Policy Subcommittee and to identify the key operational and policy issues each one should address. The subcommittees will report out at the next meeting.

IV. Adjourn

There being no other business, the meeting was adjourned at approximately 8:45 a.m.

Submitted:
Scott Griffith
Committee Chair