

VERMONT SUPREME COURT
SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS

Meeting Minutes – October 4, 2022

Committee Chair Scott Griffith called the meeting to order at approximately 12:00 p.m. via Teams. Members present included Cedric Baele, Ashley Beach, Julie Bronson, Justice William Cohen, James Dumont, Roger Garrity, Maegan Hubbard, Magistrate Alicia Humbert, David Koeninger, Marshall Pahl, Marcia Schels, Judge Timothy Tomasi, Judge Helen Toor, and Margaret Villeneuve. Court Administrator's Office staff Andy Campbell and Jessica Van Buren were also present, as was Supreme Court Deputy Clerk Emily Wetherell.

I. Welcome and Approval of July 14, 2022 Meeting Minutes

Scott Griffith called for a motion to accept the minutes of the July 14, 2022 meeting. Judge Toor moved to accept the minutes and Magistrate Humbert seconded. Scott called for discussion. Hearing none, the minutes were considered accepted and approved.

II. Update on Proposed Rule Amendments

Scott reported that the Committee's proposed amendments to VRCP 43.1, VRFP 17, and VRCrP 26 had been shared with the relevant rules committees. He recognized the efforts of Jim Dumont in the drafting of the amendments.

Scott welcomed Supreme Court Deputy Clerk Emily Wetherell to the meeting. He noted that Emily will serve as a liaison between the Advisory Committee and the rules committees to facilitate streamlined and consistent communication.

Emily reported that the Civil Rules Committee had reviewed the proposed amendments to VRCP 43.1 and created a subcommittee to review them in detail. She also reported that the Family Rules Committee and Probate Rules Committee will take up the proposed amendments to the rules at their upcoming meetings. Following Emily's comments Jim Dumont provided a summary of the comments received from the Civil Rules Committee on VRCP 43.1.

Judge Toor asked when we can expect to get all the comments from the rules committees. Scott said November 8 is the target date.

Marshall Pahl asked if the plan is to have the Civil Rules Committee make their recommendations first and then have the other rules committees work off their recommendations. Brief discussion followed, and Judge Tomasi said his understanding is that in this case this Advisory Committee is acting as a rules committee and will receive comments. Emily agreed, noting that the charge of the Advisory Committee is to make a recommendation to the Supreme Court regarding the rules that should be sent out for comment.

III. Update on User Survey

Scott reported that the user survey on remote hearings was launched September 15. The survey has been publicized on the Judiciary's social media platforms and through outreach to partners. He noted that feedback is being sought from litigants, attorneys, and others.

Andy Campbell provided a summary of preliminary results for the period September 15 – 23, noting that there were 177 responses during the period. Brief discussion followed regarding ways to maximize the availability of the survey.

IV. Recap of Panel Presentation at VBA Annual Meeting

Scott reported that he, Judge Toor, and Judge Tomasi were invited to present on the work of the Advisory Committee at the recent Annual Meeting of the Vermont Bar Association. Judge Tomasi and Judge Toor both commented that they felt the audience was interested in and receptive to the presentations.

Scott highlighted two of the issues attendees brought to their attention by attorneys at the session. The first dealt with the inconsistent availability of breakout rooms across Superior Court units and the second dealt with the need for data regarding the impact of remote hearings on case processing.

II. Discussion of Committee Report to Supreme Court

Scott asked Committee members for feedback on the draft Committee report to the Supreme Court. Judge Toor said the report looked good. Discussion followed regarding the proposed recommendations and regarding Committee operations.

Scott will make edits to the report to reflect the issues raised by Committee members, specifically is it relates to its composition and to the need to stress the importance of ensuring that the Judiciary gathers data regarding the experiences of people participating in remote hearings.

Judge Toor asked what the timeframe is for getting draft to the Supreme Court. Scott asked members to get him any comments within the week so that he could finalize the report and present it to the Supreme Court at its November Administrative Meeting.

VI. Other Business and Adjourn

There being no further business to discuss, the meeting was adjourned at approximately 1:00 pm.

Submitted By:
Scott Griffith
Committee Chair