

VERMONT SUPREME COURT
SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS

Meeting Minutes – February 27, 2022

Committee Chair Scott Griffith called the meeting to order at 12:01 p.m. via Teams. Members present included Cedric Baele, Ashley Beach, Julie Bronson, Judge Thomas Carlson, Justice William Cohen, Amelia Darrow, James Dumont, Judge Jodi French, Roger Garrity, David Koeninger, Laura La Rosa, Marcia Schels, Rick Swan, Judge Timothy Tomasi, Judge Helen Toor, Jessica Van Buren, and Margaret Villeneuve. Court Administrator's Office staff Seema Kumar and Joe Paquin were also present, as was Supreme Court Deputy Clerk Emily Wetherell.

I. Welcome and Approval of December 2, 2022 Meeting Minutes

Scott Griffith welcomed new members Judge Thomas Carlson, Judge Jodi French, Rick Swan, and Jessica Van Buren.

Scott called for a motion to accept the December 2, 2022 meeting minutes. Judge Toor moved to accept the minutes and Amelia Darrow seconded. Scott called for discussion. Hearing none, the minutes were considered accepted and approved.

II. Update on Committee Organization

Scott reported that the Supreme Court approved revisions to the Committee's charge and designation, and that the new version is posted on the Advisory Committee's web page. He noted that the revisions provide for new members, the continuation of the Committee through June 2024, and a shift in Committee reporting requirements from the Supreme Court to the State Court Administrator and Chief Superior Judge.

III. Update on Proposed Rule Amendments

The Advisory Committee then turned to a discussion of the comments received regarding the Committee's proposed amendments to V.R.C.P. 43.1 and V.R. F. P. 17.

Scott said the Supreme Court's next Administrative Meeting is March 6. He said if the Committee hoped to present a final version of the proposed rule to the Court for its consideration at that meeting, the Committee would need to submit something within the next few days. He noted that the Court's next Administrative Meeting is April 10.

Scott noted that while it is usually the rules committees that are responsible for proposing rule changes to the Supreme Court, in this case the Advisory Committee is taking on that role.

Following Scott's comments Emily Wetherell led a discussion about the comments received to date. Ms. Wetherell noted that six comments were received, which she indicated

were highlighted in her memo the Committee. She said there were no large issues that came up in the comments that hadn't already been discussed by the Advisory Committee.

The group discussed language changes based on the feedback from commenters, including minor changes to the definition of the term "hybrid," clarifying that parties can always ask for an in person hearing regardless of a standing order, and specifying that a standing order should be required to include "good cause" findings to explain the reason for the standing order and to provide a basis for people to challenge or object to the standing order.

The group discussed the feedback related to stalking cases. Judge Toor said most of the concerns raised appear to be in the context of a criminal case, and so would not be applicable.

The group discussed the feedback from the New England First Amendment Coalition. Ms. Wetherell said most of their feedback was about issues related to access for observers, while the rule focuses on matters related to access for participants.

Scott said the recent Administrative Directive (TC-3) addresses issues related to public access. He asked Justice Cohen and Ms. Wetherell if the rules cover memo to the Supreme Court might be the vehicle for making recommendations related to public access. Ms. Wetherell said that feedback is probably best directed to the State Court Administrator and the Chief Superior Judge. Judge Toor suggested we add the topic of public access to our next meeting agenda for a more in-depth conversation.

Judge Tomasi moved to adopt the changes as discussed and to have Emily provide the Committee with a new rule draft incorporating those changes. Judge Toor seconded the motion. Scott called for a vote, and the motion carried.

Ms. Wetherell said the Criminal Rules Committee will address questions related to remote hearings separately rather than incorporating what becomes a revised V.R.C.P. 43.1. She said the Probate Rules Committee will also consider the issues separately.

Scott said the Advisory Committee would be acting in a consultative role for any proposed changes to the criminal and probate rules.

IV. Other Business and Adjourn

The meeting adjourned at 1:02 pm.

Submitted By:
Scott Griffith
Committee Chair