

**VERMONT SUPREME COURT**  
**SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS**

Meeting Minutes – March 29, 2023

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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, Alexander Burke, Judge Thomas Carlson, Justice William Cohen, Amelia Darrow, James Dumont, Judge Jodi French, Roger Garrity, Laura La Rosa, Marshall Pahl, Marcia Schels, Rick Swan, Judge Helen Toor, Jessica Van Buren, and Margaret Villeneuve. Court Administrator's Office staff Andrew Campbell, Seema Kumar, and Joe Paquin were also present, as was Supreme Court Deputy Clerk Emily Wetherell.

**I. Welcome and Approval of February 27, 2023 Meeting Minutes**

Scott Griffith asked participants to briefly introduce themselves for the benefit of new member Alexander Burke.

Scott then called for a motion to accept the February 27, 2023 meeting minutes. Amelia Darrow moved to accept the minutes and the motion was seconded. Scott called for discussion. Hearing none, the minutes were considered accepted and approved.

**II. Old Business**

**a. Update on proposed rule amendments**

Emily Wetherell said she revised VRCP 43.1 to incorporate the changes discussed at the last Committee meeting. She said there was one change she recommends which wasn't part of discussion. In subsection (g), formerly titled "emergencies," the version that was circulated for comment changed the title to "waiver". Ms. Wetherell said because the term "waiver" has a specific legal meaning and usually involves a party's knowing consent, she suggested using the term "exception" instead.

Judge Toor noted that Judge Tomasi was concerned about the definition of "hybrid proceeding," in subsection (b)(3). She said an explanation was added to reporter's notes specifying that "hybrid" could include situations in which people don't choose how they participate, but instead are required to participate in a particular way. She said an alternative would be to change the definition of "hybrid" by taking out the phrase "choose how."

James Dumont said he was in favor of the current definition and does not agree with the suggestion to change it.

After some discussion, the Committee settled on the following language: "Hybrid" proceeding means one in which participants participate in person, or by video or audio conference."

Ms. Wetherell then explained the next steps in the process. If the Committee decides today to transmit the rule to the Supreme Court for promulgation, it will be considered at the Court's April 10 Administrative Meeting. The Court will decide whether to promulgate the rule. The Court could decide to wait until the Probate Rules Committee forwards proposed changes to Probate Rule 43.1 and make a decision about promulgation at the same time. The Court could also decide to put the draft out for comment again since some of the text has changed from when it was last published for comment.

Alexander Burke said the reporter's notes should reflect the change in definition, if passed.

Judge Toor moved to forward the rule to the Supreme Court with the changes discussed, including changes to reporter's notes. Margaret Villeneuve seconded.

Scott called for a vote. Fifteen members voted in favor. One person voted against. Jim Dumont was the member in opposition and clarified that he is in favor of sending the package to the Court and that he is in favor of promulgation, but that he is not in favor of changing the definition of "hybrid."

### **III. New Business**

#### **a. Public access to remote hearings**

Committee members discussed public access to remote hearings and Administrative Directive TC-3, Judiciary Directive for Public Access to Court Proceedings.

Judge Toor said many courts have recurring Webex meetings, and access to those proceedings should be made available to the public by posting the Webex meeting information on the Judiciary's website. Roger Garrity agreed with Judge Toor.

Justice Cohen said he may bring the issue up at the Supreme Court's upcoming Administrative Meeting.

Amelia Darrow said she is in favor of making proceedings public where appropriate, and wherever possible that they should be publicly accessible. Alexander Burke said it is important for the public to have access to court proceedings.

Roger Garrity said links to Webex hearings should be actively made public rather than requiring someone to call the courts to request it. He urged the courts to include links in the calendar.

**b. Review of preliminary results from user survey**

Scott briefly reviewed the results from the user survey and said there was likely actionable information in them. Judge Toor said she was impressed with how positive the results were.

Because the end time for the meeting was approaching, Scott suggested continuing the conversation about the survey results at the next meeting.

**IV. Adjourn**

The meeting adjourned at 1:02 pm.

Submitted By:  
Scott Griffith  
Committee Chair