

VERMONT SUPREME COURT
SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS

Meeting Minutes – April 14, 2022

Committee Chair Scott Griffith called the meeting to order at approximately 12:00 p.m. via Teams. Members present included Justice William Cohen, Laura LaRosa, Margaret Villeneuve, Julie Bronson, Cedric Baele, Ashley Beach, James Dumont, David Koeninger, Marshall Pahl, Judge Helen Toor, Judge Timothy Tomasi, Judge Frederick Glover, Magistrate Alicia Humbert, Marcia Schels, and Roger Garrity. Court Administrator's Office staff members Andy Campbell, Seema Kumar, and Jessica Van Buren were also present, as were Tyler Bradley and Joe Paquin.

I. Welcome and Approval of Minutes

Scott Griffith called for a motion to accept the minutes of the January 6, 2022 meeting. Cedric Baele moved to accept the minutes and Laura LaRosa seconded. Scott asked for any discussion. Hearing none, the minutes were considered approved.

II. Policy Subcommittee Update

The Policy Subcommittee has met several times since the last Advisory Committee meeting (January 13, February 17, and March 31). Jim Dumont has taken the lead on drafting revisions to several rules. Mr. Dumont summarized these revisions, and discussion ensued, as follows:

- a. **VRCP 43.1.** The proposed changes include defining evidentiary and non-evidentiary hearings, removing references to specific number of days for various timelines, and changing "court's own motion" to "court's own initiative."

Committee members discussed the proposed changes and made suggestions. Judge Toor will present the new draft to the Civil Oversight Committee at its next meeting. Judge Glover said he will talk to Judge Kilgore to see if they should present the draft to the Probate Oversight Committee now.

- b. **VRFP 17.** The proposed changes include specifying that VRCP 43.1 does not apply in delinquency, CHINS and TPR cases, but it does apply in mental health, juvenile and RFA proceedings unless parties request otherwise, or on the court's own initiative.

Committee members discussed the proposed changes and made suggestions. Marshall Pahl will present the draft to the Advisory Committee on the Rules for Family Proceedings for their input. It was agreed that Magistrate Humbert would not present the draft to the Family Oversight Committee until the draft had been reviewed by other groups.

- c. **VRCP 26.** The proposed changes include specifying that VRCP 43.1 applies in non-evidentiary and other proceedings in which the defendant's presence is not required by

law. If the defendant's presence is required by law, VRCP 43.1 could apply if all parties consent.

Judge Tomasi indicated he felt ready to present the draft to the Criminal Oversight Committee.

Laura LaRosa asked committee members for suggestions of stakeholders who should be contacted for their feedback, particularly related to VRFP 17. Suggestions for additional outreach include representatives from Division of Children and Families, Office of Child Support; Assistant Attorneys General who represent the Office of Child Support; State's Attorneys; the Defender General's Office; and Guardians ad Litem.

III. Update on Implementation of Operations Subcommittee Recommendations

Scott Griffith reported that he has put together a team from the Court Administrator's Office to work on the implementation of the recommendations of the Operations Subcommittee.

IV. New Businesses and Action Items

Scott Griffith called members' attention to the provision of the committee's charge and designation that requires that "after one year" the committee submit a report to the Supreme Court. The report requirement will be discussed at the next meeting. Justice Cohen noted that the committee is making progress and that the rules process will take time to complete.

Scott Griffith noted that committee member Roger Garrity had asked if there would be a public comment period associated with the recommendations to be made by the committee to the Supreme Court. He further indicated that the process of preparing the report could possibly present such an opportunity.

V. Next Meeting Date and Adjourn

There being no other business, the meeting was adjourned at approximately 1:05 p.m.

Submitted By:
Scott Griffith
Committee Chair