

VERMONT SUPREME COURT
SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS

Meeting Minutes – May 2, 2023

Committee Chair Scott Griffith called the meeting to order at 12:00 p.m. via Teams. Members present included Cedric Baele, Alexander Burke, Judge Thomas Carlson, Justice William Cohen, Judge Jodi French, Roger Garrity, David Koeninger, Laura La Rosa, Marshall Pahl, Marcia Schels, Rick Swan, Judge Timothy Tomasi, 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 Deputy Supreme Court Clerk Emily Wetherell.

I. Welcome and Approval of March 23, 2023 Meeting Minutes

Scott called for a motion to accept the March meeting minutes. Judge Toor moved to accept the minutes and Judge French seconded. Scott called for discussion. Hearing none, the minutes were considered accepted.

II. Old Business

a. Update on proposed rule amendments

Emily Wetherell reported that the Supreme Court has not yet promulgated the Committee's proposed amendments to V.R.C.P. 43,1, V.R.F.P. 17, or Administrative Order 47, noting that the Court wants to ensure that rules relating to remote proceedings for the divisions are aligned. She noted, for example, that remote hearing rules for the probate division were still in the process of being drafted. Emily indicated that the Court would probably not act on the proposed amendments until June at the earliest. (The Court subsequently promulgated the proposed rules, with minor edits, and the associated order in July.)

III. New Business

a. Review of preliminary results of Remote Hearing User Survey

Scott referred members to the PowerPoint summary of the user survey results. Discussion followed. Scott noted that one in four of the respondents abandoned the survey, suggesting that it might have been too long. He also noted that responses were only collected from people able to access it online.

Judge Toor noted that the responses may be the same as if we had asked people about in-person hearings, and that remote hearing operations seem stable at this point. Judge Carlson suggested we let current remote hearing practices continue for a while before doing any follow-up.

Scott noted that the introduction of new technology may impact the user experience. He also noted that Judicial Assistants are currently being trained to take on the Webex duties of the Operations Assistants, who are being paid with one-time funds that will expire next year. Marcia Schels reported that remote hearing audio and video quality may improve after network upgrades are completed.

Several members commented on connectivity challenges in proceedings involving interpreters, though success involving the use of interpreters in remote proceedings was also noted. The use of Webex versus a different remote meeting platform was briefly discussed.

Scott indicated that survey details in addition to those presented in the PowerPoint can be pulled from the results. Discussion followed, and the remote hearing experience of self-represented parties was identified as a need for further review. Scott indicated he would convene a group of CAO staff and others to review the results further.

Scott suggested that surveying users every few years might be helpful. Judge Carlson suggested that any future surveys be brief and noted that answers to open-ended questions in a survey are valuable.

Scott referred to the Draft Remote Hearing Policy Framework, noting that it would have been helpful to have such a document in the early days of the pandemic.

IV. Adjourn

The meeting adjourned at 1:00 p.m.

Submitted By:
Scott Griffith
Committee Chair