

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES FOR PUBLIC
ACCESS TO COURT RECORDS**

Meeting Agenda for September 26, 2023

1. Chair Tomasi: Meeting Opening

Announcements and General Discussion.

2. Approval of Minutes from the May 2023 meeting.

3. Possible Amendments to Rules 7(a)(3) and 7(a)(4)(B)

Following Courthouse News case, civil filings are made public without court review. These Rules address post hoc efforts to correct/redact records that should not have been made publicly accessible. Rule 7(a)(3) seems to require Court Administrator action and the other Rule seems to cabin judicial action to limited circumstances and limited relief. Courthouse News case is on appeal to the Second Circuit and the committee decided at 7/22/22 meeting to wait until appeal is decided before making changes. The case was argued in April 2023 – updates?

4. Update re Proposed Amendments to Rules 2, 5, 6, 7, and 9

The proposed amendments approved by the Committee at the last meeting were transmitted to the Court and sent out for comment. The comment period closed on August 7, 2023.

5. Recommendation to Standardize Effective Dates of New Rules

Update from Court/Civil Rules?

6. Ex Parte/In Camera Motions

J. Tomasi received a question prior to the last meeting regarding whether ex parte/in camera motions should be visible to the opposing party or others in the electronic filing system. Teri Corsones indicated she would investigate the process and get more information for this meeting.

7. Public-Access Status of Inquests, Subpoenas Duces Tecum, and Nontestimonial Orders

Laura LaRosa requested at last meeting that the Committee add this to the agenda for discussion.

8. Criminal Rule 5(c) and PACR Rule 6(b)(5)

J. Tomasi received a question prior to the last meeting about the connection between Criminal Rule 5(c), which says a criminal information and affidavit is filed by the judge after completing arraignment, and PACR Rule 6(b)(5), which says it is a public record once probable cause is found. Related to this are the statutes that make information and affidavits confidential if the person is referred to Diversion after probable cause is found.

9. Any New Business.

10. Set Next Meeting.