

APPROVED

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

**Minutes of Meeting
November 7, 2014**

The meeting was called to order at 1:40 p.m. in the third-floor conference room, Supreme Court building, Montpelier, Vermont, by Hon. Thomas Zonay, chair. Present were Committee members Priscilla Dube, Martin Frank, Jeffery Loewer, Sarah London, Tanya Marshall, Gaye Paquette, and Hon. Timothy Tomasi. Also present were Hon. John Dooley, Supreme Court liaison, and Professor L. Kinvin Wroth, Reporter.

1. Minutes. The minutes of the meeting of August 1, 2014, were approved as previously circulated.

2. Proposed amendments of V.R.P.A.C.R. 6(b) to implement confidentiality requirements of 13 V.S.A. § 7554c. Professor Wroth reported that the proposed amendments were originally sent out for comment on September 12, with the comment period extended until November 7, 2014. The only comment received was from Bob Paolini reporting that the Vermont Bar Association Board of Managers had no comments on the amendments. Committee members agreed that no actions taken by the Department of Corrections Oversight Committee affected the proposal. On motion duly made and seconded, there being no further discussion, it was voted unanimously to recommend the amendments to the Supreme Court for promulgation as circulated.

3. Proposal for a rule addressing public access to information about court employees, including judges. Professor Wroth reported that this proposal was being considered at the request of the Supreme Court. The Committee considered his November 5, 2014, draft of a new V.R.P.A.C.R. 5(b)(1) that would provide an exception to the general rule of public access to Judicial Branch records. After discussion, Justice Dooley agreed to discuss the matter with the Court administrator and to provide information at the next meeting as to what employee information was held by the Judicial Branch and what information about Judicial Branch employees was held by other agencies.

4. Proposed amendment of Rule 4(c) of the Rules Governing Qualification, List, Selection and Summoning of All Jurors concerning confidentiality of juror information. Professor Wroth reported that this proposal was being considered at the request of the Superior Court clerks. He called the Committee's attention to the explanatory memo and drafts provided by Rutland Superior Court Clerk Teri Corsones. Ms. Paquette noted that the question arose from the desire of the clerks to add information to Part 3 of the Jury Service Questionnaire. In discussion, it was noted that the existing questionnaire and rule strike a balance between the jurors' right to privacy

and the legitimate post-verdict needs of the press and the bar for access to some juror information. The draft rule seeks to bring the questionnaire and the rule into agreement, clarifying the process but increasing juror privacy as to the information in Part 1. It was agreed that the options were to (1) adjust the rule to conform to the form, (2) adjust the form to conform to the present rule, or (3) develop a new rule and form. It was further agreed that the Committee should pursue option (3). Mr. Frank, Ms. London, and Ms. Paquette agreed to be a subcommittee to undertake that task and report at the next meeting.

5. Proposal for a rule exempting from public access all documents sent to the Court's oversight committees. Professor Wroth reported that this proposal was being considered at the request of the Court Administrator. After discussion of his November 5, 2014, draft of a new V.R.P.A.C.R. 5(b)(2) that would exempt material prepared for committee meetings and meeting minutes but not committee reports and other communications, Chairman Zonay agreed to obtain the views of the oversight committee chairs on public access to the committees' proceedings.

6. Amendment of V.R.D.E.C.R. 3(c)(1)(B) to eliminate drivers' licenses from list of required redactions. In discussion, Ms. London reported that the Attorney General's office had no reports of ID theft based on driver's license information. It was noted that redaction would be a practical problem for the clerks. After discussion, it was agreed to invite Judge Davenport to attend the next meeting for a discussion of the question.

It was agreed to defer agenda items 7 and 8 until the next meeting.

9. Development of a specialized exception provision for Family Division records. Professor Wroth reported that the Family Rules Committee was amenable to establishing a joint committee to consider a rule providing specific exceptions for Family Division records and that the Committee had a meeting scheduled for November 21. Ms. Dube, Ms. Paquette, and Judge Tomasi agreed to serve on such a committee.

10. Next meeting. It was agreed that the next meeting would be held in late January on a date and at a location to be determined after Professor Wroth present alternatives to Committee members.

There being no further business, the meeting was adjourned at 3:45 p.m.

Respectfully submitted,

L. Kinvin Wroth
Reporter