

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR

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TO: Members of the Vermont Bar

FROM: Patricia Gabel, Esq., State Court Administrator

RE: Nineteenth Amendment to Administrative Order No. 49 – Declaration of Judicial Emergency and Changes to Court Procedures

DATE: December 22, 2020

For your information, please find:

[AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 12-22-20](#)

This Order was promulgated on December 22, 2020, effective immediately.

This order further amends A.O. 49, which declared a Judicial Emergency on March 16, 2020, in response to the COVID-19 pandemic.

Paragraph 5(d) of Administrative Order 49, concerning remote hearings, is amended to establish a presumption that, with some exceptions including jury trials and evidentiary hearings in juvenile and criminal matters, hearings in the Superior Court will be scheduled for remote participation by parties, witnesses, and other participants. The order previously dictated that hearings should be scheduled for remote participation “to the maximum extent possible.” Due to the rising incidence of COVID-19 throughout Vermont, the amendment minimizes gatherings of people within courtrooms by providing for remote participation consistent with constitutional and rule limitations. If there is good cause, the court on its own initiative may schedule the hearing for partial or full in-person participation. In addition, the parties may object to participating remotely, or to other parties or witnesses participating remotely based on the factors outlined in V.R.C.P. 43.1, including the available technology in the court, the participants’ access to adequate means for remote participation, and the nature of the hearing.

The full Order and other updates regarding the Coronavirus Disease 2019 (COVID-19) and court operations are available at [<https://www.vermontjudiciary.org/about-vermont-judiciary/covid-19-and-court-operations>]