

**SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR**

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TO: Members of the Vermont Bar
FROM: Scott Griffith, Interim State Court Administrator
RE: Emergency Amendment to A.O. 49 (30th Amendment)
DATE: January 14, 2022

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PROMULGATED RULE AMENDMENT

AO 49 Amendment - Declaration of Judicial Emergency and Changes to Court Procedures 1-14-22

This Order was promulgated on **January 14, 2022, effective immediately.**

Paragraph 3(a) is amended to clarify that the trial courts retain discretion to hold jury trials if safety measures are in place. This decision is consistent with current guidance received from the Vermont Judiciary's infectious disease expert that in-person jury draws and trials are safe so long as the particular courthouse has been approved for in-person jury trials and all participants observe social distancing and wear masks. The amendment provides a list of factors for the trial court to consider in determining whether to hold a jury draw or jury trial, including the potential disruption to proceedings due to COVID-19 infections. Paragraph 3(b) is added to allow the trial court to impanel as many alternate jurors as reasonably required notwithstanding V.R.Cr.P. 24(d)(1), which directs that no more than four jurors be impaneled to sit as alternate jurors. More alternate jurors may be necessary in case there is any disruption caused by the excusal of seated jurors due to COVID-19 infection, illness, or isolation.

Prior paragraphs 3(b) and (c) are relettered as (c) and (d).

The full text of Administrative Order 49 and other updates regarding COVID-19 and court operations are available at [<https://www.vermontjudiciary.org/about-vermont-judiciary/covid-19-and-court-operations>]