

VERMONT SUPREME COURT
SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS

Meeting Minutes – July 29, 2021

Committee Chair Scott Griffith called the meeting to order at approximately 8:05 a.m. via Teams. Present were Justice William Cohen, Laura LaRosa, Margaret Villeneuve, Julie Bronson, Doug Rowe, Cedric Baele, Ashley Beach, James Dumont, David Koeninger, Marshall Pahl, Amelia Darrow, Judge Helen Toor, Judge Timothy Tomasi, Judge Frederick Glover, Magistrate Alicia Humbert, and Roger Garrity. Andy Campbell was also present at the request of Mr. Griffith.

I. Welcome, Brief Introductions, and Committee Overview

Mr. Griffith invited members to briefly introduce themselves and then provided an overview of the Committee’s charge. He noted that the Committee’s meeting agendas and minutes will be posted on the Boards and Committees page of the Judiciary’s website.

Mr. Griffith noted that while a final Committee report is due to the Supreme Court in June 2022, the expectation is that the Committee will make recommendations throughout the year to the Supreme Court, State Court Administrator, and Chief Superior Judge on the issues included in the charge and as the Committee deems necessary.

II. Remote Hearings in Context

Mr. Griffith summarized the remote hearing provisions in Supreme Court Administrative Order No. 49, the Court’s Declaration of Judicial Emergency and Changes to Court Procedures. He then pointed out some of the challenges associated with the transitioning of the trial courts to remote hearings, namely those relating to technology, staffing, training, communications, and public access.

III. Discussion of Committee Charge

Discussion about the specific elements of the Committee’s charge followed. Mr. Dumont suggested that consideration be given to providing guidance in the rules regarding holding depositions remotely. It was noted that the Oversight Committees had been asked to provide, and had provided, recommendations to Court Administrator Pat Gabel and Chief Superior Judge Brian Grearson regarding the types of hearings that should be held remotely. Discussion followed and it was noted by several of the Oversight Committee chairs that there is not unanimity among their members as to remote hearing-related priorities and needs. Committee members expressed an interest in learning more about the recommendations made by the Oversight Committees.

Mr. Griffith mentioned that the Standard Practices Committee is looking at issues relating to the management of exhibits in remote evidentiary hearings. Mr. Rowe summarized the work being done in Research and Information Services (RIS) related to technology solutions focused on supporting remote hearings and indicated that RIS welcomes the Committee’s input on these

matters. Mr. Rowe further noted that the Judiciary will soon have a new Chief Technology and Innovation Officer.

Discussion then turned to the establishment of subcommittees, following which a decision was made to survey committee members about key issues relating to remote hearings. Members agreed that a decision about whether to create subcommittees could best be made following a review of the results of such a survey.

Members also agreed that a survey of a broader stakeholder group, including lawyers, litigants, defendants, and other court users, would be helpful as a way of assessing the experience the public has had with remote hearings. For example, Mr. Pahl noted that remote proceedings in juvenile and CHINS matters can raise unique issues and that outreach to lawyers and their clients would be important. Mr. Baele suggested that a survey of the public would help convey that the Judiciary intends to consider making remote hearings a permanent part of the way courts conduct their business. Mr. Garrity noted that while there is a preference in the media for in-person hearings, remote hearings have provided media with opportunities to cover hearings that did not exist previously.

IV. Next Steps and Adjourn

Mr. Griffith will follow up with Ms. Gabel and Judge Grearson about the Oversight Committee recommendations. He and Andy Campbell will develop the member survey.

The next meeting will be scheduled for late August. The meeting will be held via WebEx.

The meeting was adjourned at approximately 9:25 a.m.

Submitted:
Scott Griffith
Committee Chair