

**STATE OF VERMONT
SUPREME COURT
MARCH TERM, 2020**

Order Promulgating Administrative Order No. 48

1. Pursuant to the Vermont Constitution, Chapter II, § 30, it is hereby ordered that Administrative Order No. 48 be promulgated to read as follows:

DECLARATION OF JUDICIAL EMERGENCY

Pursuant to the Supreme Court’s constitutional authority to provide for the administration of all the courts of the state, Vt. Const. ch. II, § 30, the Supreme Court may by order declare a judicial emergency in the event of any natural or human-caused disaster, civil disorder, widespread disease outbreak, or other extraordinary circumstance that interferes or threatens to interfere with the orderly operation of the courts or the ability of court employees, litigants, or others to access the courts or to meet deadlines, schedules, and timeframes imposed by law or court order.

Any order declaring a judicial emergency must specify the nature of the emergency, the court facilities affected, the time period or duration of the judicial emergency if ascertainable, and any actions that may be necessary and appropriate to ensure the orderly and fair administration of justice. To this end, such an order may suspend, toll, extend, or otherwise grant relief from court filing requirements, deadlines, or schedules otherwise imposed by law or court order. In addition, such order may, as necessary, modify otherwise applicable speedy trial requirements in criminal or juvenile matters, venue requirements, notice and service-of-process rules, or other rules or procedures affected by the emergency.

If circumstances underlying the emergency impede access to court facilities or render them unsafe, the Court may designate another facility for the conduct of court business. In addition, the Court may, as necessary, reassign judges and court personnel to locations outside of their normal rotation or workplace. The Court may also, as necessary, authorize the use of video, audio, and other communication technologies to conduct court proceedings notwithstanding the provisions of V.R.C.P. 43.1, V.R.P.P. 43.1, and other rules related to appearance by video or audio.

Reporter’s Notes

Consistent with the Court’s administrative responsibilities under the Vermont Constitution, Administrative Order 48 is enacted to effectuate the Court’s ongoing emergency planning. When there is an emergency, the judiciary may be required to implement measures to ensure that litigants, staff, and judiciary personnel can access and participate in judicial proceedings. This may include modifying or suspending existing rules regarding time deadlines or the use of appearance by video or audio.

2. This order shall become effective immediately.

3. That the Chief Justice is authorized to report this order to the General Assembly in accordance with the provisions of 12 V.S.A. §1, as amended.

Done in chambers at Montpelier, Vermont this 9th day of March 2020.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice