



**STATE OF VERMONT
SUPREME COURT
JULY TERM, 2022**

Order Promulgating Administrative Order No. 52

1. Pursuant to the Vermont Constitution, Chapter II §§ 30 and 37, it is hereby ordered that Administrative Order No. 52 be amended to read as follows (new matter underlined; deleted matter struck through):

PILOT PROJECT FOR REMOTE CIVIL JURY TRIALS

§ 1. Policy and Goals.

In the face of the global COVID-19 pandemic and ensuing judicial emergency, the Vermont Judiciary has acquired and deployed technology to facilitate remote video hearings in lieu of fully in-person hearings. After the pandemic has abated, the Judiciary will continue to rely on remote technology, where appropriate, to fulfill its mission. In the context of civil jury trials, video remote proceedings have the potential to promote access to justice and timely resolution of civil disputes by providing a platform for jury trials when access to physical courtrooms remains prohibited, limited, or in high demand and enabling parties and witnesses from varied and distant locations to participate without the need to travel great distances. They also have the potential to impose fewer burdens on jurors. And, in the event of a resurgence of COVID-19 infection rates, or an altogether different epidemic affecting the Vermont population, remote civil juries may enable courts to continue holding civil jury trials without the level of disruption or fear of infection experienced in connection with the COVID-19 pandemic.

This Administrative Order establishes a time-limited, voluntary pilot program whereby, with the parties' agreement, courts may conduct civil jury trials through video remote means. The pilot will enable the Judiciary and court users to gain experience that will inform consideration of whether and how to incorporate remote civil jury trials as a regular feature of judicial operations in Vermont.

§ 2. Voluntary Remote Civil Jury Trials Authorized

Upon agreement of all parties to a civil proceeding subject to jury trial, the trial court may order that a jury trial be conducted pursuant to fully remote video proceedings.

The court and parties shall adhere to the protocols set forth in the Protocols for Remote Civil Jury Trials approved by the Vermont Supreme Court on August 3, 2021, as amended, with approval of the Vermont Supreme Court, from time to time. The parties may, by stipulation and upon the trial court's approval, deviate from an approved protocol. To the extent that any provision of the approved protocols is inconsistent with the Vermont Rules of Civil Procedure or any Administrative Order of this Court, those rules are hereby suspended for proceedings

conducted pursuant to this Administrative Order. Prospective and seated jurors may use devices for remote trials notwithstanding V.R.C.P. 79.2(d)(5).

Pursuant to 12 V.S.A. § 1943, when the court has committed a cause to the jury's consideration, the jurors shall be joined in a virtual deliberation room. The court may swear in an operations assistant managing the virtual deliberation room or other court personnel to serve as the officer under whose care the jury deliberates.

2. That this order, which was previously set to expire on August 12, 2022, is amended effective immediately, and extends until August 31, 2023 unless extended by order of this Court.

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 11th day of July 2022.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice