

mediation if the parties so stipulate or the court orders it (or excuses a party) for good cause. In surveys conducted by the Advisory Committee and the Vermont Bar Association, mediators have reported satisfactory, and less costly, results from remote mediations conducted during the period covered by A.O. 49. Lawyers, however, though not opposed to remote mediation as an option, have expressed a preference for in-person mediation as the primary rule. They have expressed the belief that parties generally take the mediation process more seriously if required to attend in person. In addition, they believe that presentations by the parties and interactions with the mediators have a greater impact when experienced in person.

To clarify best practice, the present amendments specify that the default requirement of the rule is for “in person” attendance by parties and counsel, and that the alternative, whether by stipulation or court order, is remote attendance by either video or telephone.

2. That these amendments be prescribed and promulgated effective _____. The Reporter’s Notes are advisory.

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

Dated in Chambers at Montpelier, Vermont, this _____ day of _____ 2021.

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