



SPECIAL ADVISORY COMMITTEE ON REMOTE HEARINGS
CHARGE AND DESIGNATION
(MAY 2021)

A. Introduction

In the face of the global COVID-19 pandemic and ensuing judicial emergency, the Vermont Judiciary has rapidly acquired and deployed technology to facilitate remote hearings (both audio and video) 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 proper context and properly conducted, remote proceedings can provide greater access to court proceedings, and thus greater access to justice, by reducing the time and cost of participation. The Judiciary remains committed to ensuring public access to nonconfidential court proceedings, whether held in person or through remote technology.

The widespread conduct of remote hearings is new to the Vermont Judiciary, and it has given rise to a host of operational and policy questions and challenges. Judges and court staff, as well as litigants and lawyers, have responded in real time to the rapid transition to the Judiciary's use of remote hearings with creativity, thoughtfulness, and resilience. As a result, the Vermont legal and judicial communities are building a reservoir of experience that can facilitate the development of best practices for remote hearings and inform the policy challenges raised by the use of new and evolving technologies.

The Vermont Judiciary has a vision that the people of Vermont will have trust and confidence in the Vermont state courts because the courts are fair, impartial, accessible, responsive, consistent, free of discrimination, independent, and well-managed. In light of the above, and given this mission, the special advisory committee on remote hearings is established to promote that vision and to ensure:

- Access to justice and respect for all litigants and members of the bar.
- A court system that is open, affordable, and understandable and offers a level of service that is appropriate to the characteristics of the case.
- Use of resources in a manner that is cost-efficient for the taxpayer and cost-effective to litigants.

B. Charge

The Committee is specially charged to:

1. Recommend to the Chief Superior Judge and Court Administrator guidelines for hearing types to routinely schedule for remote proceedings, and parameters for scheduling other

proceedings for remote participation. In doing so, the committee will solicit and review input from oversight committees.

2. Identify operational and policy issues concerning the conduct of remote hearings and make recommendations to the Court Administrator, the Chief Superior Judge, or the committee with jurisdiction, as appropriate. Examples of matters within the committee's purview include:
 - a. Guidelines for disclosure and management of exhibits in remote evidentiary hearings (in consultation with the Standardization Committee);
 - b. Format and content for effective communications to lawyers and self-represented litigants regarding remote proceedings, including court notices and online information;
 - c. Strategies to improve access to remote hearings for litigants who lack the necessary technology or expertise in using the kind of technology used by the Judiciary for these purposes;
 - d. Methods to ensure public access to court proceedings in the context of remote hearings; and
 - e. Procedures for the conduct of remote hearings in which some participants are physically located in the courtroom and some are participating remotely.
3. Propose amendments to court rules relating to remote participation in court proceedings to reflect the Judiciary's increased use of remote technologies and the collective experience with remote proceedings over the past year. The committee must direct its proposals to the Supreme Court, which may refer them to appropriate rules committees for further review, proposals, and recommended promulgation.
4. Make recommendations to the Court Administrator and Chief Superior Judge for implementation of uniform procedures and standards of operation for all aspects of conducting remote hearings, and regarding any statutory revisions to accommodate increased reliance on remote proceedings.
5. Serve in an advisory capacity to Research and Information Services with respect to questions concerning infrastructure or configuration of tools relating to remote proceedings.

The Committee may create subcommittees to address areas or issues as needed and is encouraged to invite stakeholders or subject-matter experts to participate in committee discussions relating to their interests or expertise. The Office of the Court Administrator will provide the Committee with necessary administrative assistance.

C. Designation

The Special Advisory Committee will consist of 16 members, as indicated below. The committee chair will be appointed by the Court.

1. One member designated by the Chief of Trial Court Operations.
2. One Regional Clerk designated by the Court Administrator.
3. One Court Operations Manager designated by the Court Administrator.
4. One member designated by the Chief of Planning and Court Services.
5. One member designated by the Chief of Research and Information Services.
6. One operations assistant, designated by the Court Administrator.

7. One docket clerk, designated by the Court Administrator.
8. One member of the media, appointed by the Court.
9. Four lawyers, appointed by the Court, including at least one with expertise in serving low-income Vermonters, and at least one with experience in each respective division (criminal, civil, probate, environmental and family).
10. Four Superior Judges, including the Chief Superior Judge or designee, to be designated by the Chief Superior Judge.

One Supreme Court Justice shall serve as a liaison to the committee.

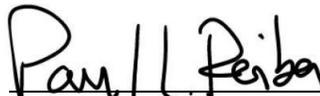
D. Expenses

In the performance of their duties, members who are state employees will be reimbursed for normal state employee expenses. Members of the Committee who are not state employees will be reimbursed for reasonable and necessary expenses. A request for compensation and reimbursement of expenses must be made on a Court-approved voucher and submitted to the Court Administrator or designee.

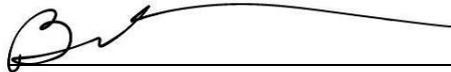
E. Duration of Charge and Designation

This charge is effective immediately. After one year, the committee will provide the Court with a report detailing the outstanding issues involving remote proceedings and making a recommendation regarding whether to continue the committee in its present form, modify the Charge and Designation, or sunset the committee.

Done in Chambers at Montpelier, Vermont this 7th day of June 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