

**SUPREME COURT OF VERMONT  
OFFICE OF THE COURT ADMINISTRATOR**

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TO: Members of the Vermont Bar

FROM: Patricia Gabel, Esq., State Court Administrator

RE: Update on COVID-19 Pandemic Measures

DATE: June 18, 2021

Dear Colleagues –

Over 15 months ago the Judiciary began implementing safety measures in response to the COVID-19 pandemic to keep employees, litigants, and the general public safe. The initial response was based on little data and our measures have adapted as our knowledge has increased and conditions have changed. It now appears that we are emerging from the pandemic and that some of the temporary measures we have employed during the pandemic will indeed be temporary and that other changes we made that appeared to be improvements will be adopted on a permanent basis.

The Governor's emergency order regarding COVID protocols expired because Vermont achieved an 80% vaccination rate. While this is a major milestone for all Vermonters, it is important to note that the judicial emergency is still in effect per the Supreme Court administrative order. Many people in the courthouse are required to be there and do not have control over the duration of their visit. Those factors make measures necessary to protect those in courts very different from the measures taken generally for other businesses. Our protocols will be phasing out, but on a different timetable than that established by the Governor. Below is a summary of some changes we are making and will continue to make as we emerge from this public health crisis.

The members of the bar have been an integral part of the Judiciary's ability to quickly adapt to changing circumstances and to continue to provide critical services for Vermonters during the pandemic. Thank you for your adaptability, your cooperation, your patience, and your commitment to justice.

Sincerely,  
Pat

**MASK POLICY**

In June, the Judiciary modified its mask policy to make masks optional for fully vaccinated employees, vendors, and contractors in the private areas of the courthouse. This policy will be further amended in the very near future when the appropriate conditions warrant. We are guided by our consultant, Dr. Erin Bromage, who is an expert in infectious diseases and has provided advice to us and many other courts during the pandemic. Given current indicators, we MAY issue a modification of the mask policy on Tuesday, July 6, at least in HVAC-ventilated buildings, if positive statistical trends continue, to the following:

- In all areas of the courthouse, masks are required if you are not fully vaccinated.
- Masks are optional if you are fully vaccinated.
- If you take your mask off in a courthouse, you are attesting that you are fully vaccinated.

## PLEXIGLASS

The use of plexiglass in the courtrooms is no longer required and can be used at the discretion of each court.

## CLERK WINDOWS

We currently anticipate that clerk windows will be opened to the public in most buildings on July 6.

## NON-HVAC COURTHOUSES

Some court buildings are not approved for in-person hearings due to no or insufficient HVAC ventilation. Addison, Rutland county courthouse, and the Supreme Court have HVAC systems and are expected to be approved in the next few weeks. For the other courthouses that lack HVAC systems or have systems that cannot be easily upgraded, the Judiciary has employed a construction project manager and mechanical engineer to determine mitigation efforts that might allow smaller in-person hearings. Those plans will involve HEPA filters, open windows, and CO2 monitors, along with restrictions on the number of people and duration of use for the largest courtrooms. We do expect at least some of these buildings to be able to be available to conduct limited in-person hearings within a few weeks.

## IN-PERSON HEARINGS

The judiciary will continue to use remote hearings when appropriate, including for those proceedings already scheduled for remote hearing. Temporary guidelines are being developed by Judge Grearson and me, with support from the Oversight Committees and in consultation with court management. These will allow for a gradual expansion of in-person operations, rather than an all-at-once approach. These guidelines will take into account various building-related limitations and identify general principles. The Oversight Committees have been working on division- and docket- specific suggestions regarding which proceedings are better suited for remote proceedings and which proceedings are better suited for in-person proceedings.

The Supreme Court is in the process of establishing a Special Advisory Committee on Remote Hearings to take a much more in-depth look at the operational and policy issues concerning the conduct of remote hearings. The work of this Committee will inform changes in operations and policies regarding remote hearings in the future.

## CO2 MONITORS AND HEPA FILTERS

We continue to purchase CO2 monitors to be used in each courtroom.

The Judiciary will take necessary precautions on a site-by-site basis, which may include limitations on room capacity and/or duration of hearings and continued use of masks and social distancing. These decisions will be dictated by a multitude of factors, including HVAC capabilities, COVID prevalence in the community, and health guidance.