

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2024

**Order Promulgating Amendments to Rules 2(c) and 8
of the 2020 Vermont Rules for Electronic Filing**

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 2(c) of the 2020 Vermont Rules for Electronic Filing be amended as follows (new matter underlined):

RULE 2. DEFINITIONS

(c) **Electronic Case File** means an assemblage of the items pertaining to a single case maintained by the judiciary in electronic form in the electronic case-management system, whether electronically filed or transmitted or scanned from a physical record. The electronic case file is part of a case file with a single case number that contains records that are in electronic case form and items that are not in electronic form.

Reporter's Notes—2024 Amendment

Rule 2(c) is amended to clarify that the electronic case file includes items in the Judiciary's case management system.

2. That Rule 8 of the 2020 Vermont Rules for Electronic Filing be amended as follows (new matter underlined):

RULE 8. EXHIBITS

(a) **Filing of Proposed Exhibits.** All documents and photographs which are offered into evidence as exhibits will be added to the electronic casefile unless the offer is withdrawn.

(b) **Admitted Exhibits.** If a document or photograph is admitted into evidence, court staff must tag the electronic case record to reflect the admission.

(c) **Physical Exhibits and Digital Evidence.** Physical exhibits that cannot be added directly to the electronic casefile will be added to the nonelectronic file and the court may order that they also be scanned or photographed, and the image added to the electronic casefile. Digital evidence that cannot be submitted through the electronic filing system must be submitted to the court in a manner designated by the State Court Administrator. Admitted exhibits must be tagged and the electronic case record must reflect the admission.

Reporter's Notes—2024 Amendment

Rule 8 is amended to address digital evidence exhibits that cannot be filed through the electronic filing system. Electronically filed documents must be in PDF format. See 2020 V.R.E.F. 7(a). Some digital evidence, such as high-quality photographs, audio recordings, or videos, cannot be submitted through the electronic filing system or stored in the case management system. This digital evidence must be submitted to the court in a manner designated by the Court Administrator, which could include electronic submission. However submitted, all exhibits must be listed on the litigant's exhibit list and the electronic case record must be updated to reflect whether the exhibit was offered and admitted.

3. That these amendments be prescribed and promulgated, effective on _____.
The Reporter's Notes are advisory.

4. 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 _____, 2024.

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