

**VERMONT SUPREME COURT**  
**Special Advisory Committee on Rules Governing an Electronic Case File, Electronic Filing, and Video or Audio Proceedings**

2015 Report  
May 27, 2016

The Committee submits this report to the Supreme Court to describe the Committee's activities in 2015. During the year, the Committee met five times, on February 27, May 20, June 30, July 24, and September 30, 2015.

The Committee's proposed amendments to V.R.E.F. 1(a), 2, and V.R.E.C.P. 3, 4, and 5, intended to provide for electronic filing in the Environmental Division, were sent out for comment on March 11, 2015, with comments to be sent to Chairman Griffin of the Civil Rules Committee by May 11, 2015. No comments were received. The amendments were promulgated by the Supreme Court on July 1, effective September 1, 2015, as circulated. By emergency order of August 5, 2015, the effective date was extended to January 4, 2016, to allow time for completion of staffing and training. At a meeting on September 24, 2015, the Legislative Committee on Judicial Rules had no substantive comment on the proposal or its extension.

The Committee's recommended amendment of Administrative Order 38, § II(c), concerning video conferencing, was promulgated as an emergency amendment on June 8, 2015, effective on that date, with the Committee to report to the Court by August 7, 2015, on any comments received. No comments have been received.

The Committee's proposed Administrative Directive PG-4, requiring e-mail delivery of court documents to attorneys, submitted to the Court Administrator on the Committee's behalf on July 14, 2015, was issued on October 19, effective November 2, 2015.

The Committee's proposed amendment of V.R.E.F. 1(a)(1) implementing the small claims pilot project was sent out for comment on August 6, with comments due on October 5, 2015, to the Civil Rules Committee. No comments were received. At a meeting on September 24, 2015, the Legislative Committee on Judicial Rules had no substantive comment on the proposal. At a meeting on October 30, 2015, the Civil Rules Committee deferred to the Electronic Filing Rules Committee the question whether to recommend promulgation of the amendment. Members of the Electronic Filing Rules Committee voted unanimously by e-mail to recommend to the Supreme Court that the amendments be promulgated as circulated, effective January 25, 2016.

An order making permanent emergency amendments to V.R.S.C.P. 3, 7, 10, 12, and amending those and other Small Claims Rules concerning e-mail delivery of documents by the clerk to registered filers, proposed by the Civil Rules Committee, with additions proposed by this Committee, was sent out for comment on August 6, with comments due on October 5, 2015, to the Civil Rules Committee. At a meeting on

September 24, 2015, the Legislative Committee on Judicial Rules had no substantive comment on the proposal. The Civil Rules Committee has the proposal under further consideration in light of comments received from the bench and bar.

A proposed amendment adding V.R.C.P. 5(b)(4) concerning sending documents by electronic means that had been prepared by a joint subcommittee of this Committee and the Civil Rules Committee and approved by the Civil Rules Committee on September 11 and by this Committee on September 3, with additional amendments of V.R..C.P. 5(b) and (e), was sent out for comment on October 22, with comments due December 22, 2015.

The following matters remain on the Committee's agenda:

- (1) Electronic filing for Essex County cases.
- (2) Proposal to extend electronic filing to the mental health docket.
- (3) Proposed standards for video appearance and related issues, to be considered by a special joint committee representing this and other Supreme Court rules committees.

In closing, the Committee and the Reporter wish to thank all the members of the Vermont bench and bar, the members of the Legislative Committee on Judicial Rules, and others who have participated in the rule-making process through their thoughtful suggestions and comments. In particular, thanks are due to Court Administrator Patricia Gabel; Supreme Court staff attorney Emily Wetherell; and Larry Abbott and Deb Laferriere of the Court staff for their continued and essential administrative support.

Respectfully submitted,

The Honorable John A. Dooley, Chair

For the Committee:

Eric Avildsen  
Therese Corsones  
Hon. Amy Davenport  
Hon. Thomas Durkin  
Hon. Brian Grearson  
Jeffery Loewer  
John Newman  
Jody Racht  
Susan Steckel

L. Kinvin Wroth, Reporter