

Virtual Court Proceedings Committee

January 15, 2021

Present: Chief Judge St. Peter, Chief Judge Berens, Judge Torline, Judge Rush, Kim Schwarz, Ellen House, Marilyn Targos, Amanda Truan, Stephanie Gerken, Jen Olsen, Jennie Leach

Staff: Sarah Hoskinson, John Houston, Amber Smith

The minutes of November 6, 2020 meeting were approved.

Data Collection Subcommittee

Ellen House reported that the subcommittee circulated three different consumer stakeholder surveys – one each for law enforcement, court customers, and court partners. All answers were combined into a single chart. Zoom was reported to be the most-used platform. Quite a few people are still relying on telephonic hearings. Remote platforms are used most frequently in criminal and traffic cases. The responses were overwhelmingly positive about remote proceedings, with respondents indicating that virtual proceedings save them time and money. Respondents provided a wide range of responses about which hearings are best suited for a remote process; most thought trials and evidentiary hearings should not be conducted remotely.

Committee members discussed experiences with remote proceedings, including evidentiary, and noted that training may be needed. There may be reluctance to learn new processes. Judge Berens indicated he would circulate a link to training for judges and staff. Committee members suggested the KBA might be a good resource for training attorneys.

Judge St. Peter will work on bullet point takeaways from the surveys. The data collection subcommittee plans to take a break and then reconvene to determine what additional information may be needed.

Guidelines & Standards Subcommittee

Judge St. Peter suggested that the guidelines subcommittee might begin to look at (1) hybrid hearings, and (2) use of technology in a hybrid hearing setting. He noted that Vermont Rule 43.1 is a pre-pandemic era rule that does good job of setting out procedures for using this technology in civil cases.

Marilyn Targos noted that some litigants are not taking remote hearings seriously and it may be useful to develop guidelines for litigants.

The committee agreed that the guidelines subcommittee might begin addressing any of the following:

- Additional guidelines for hybrid hearings;
- Potential guidelines for use of expert testimony, especially in civil cases;
- Revising existing guidelines to be tailored for the Zoom platform; and

- Developing guidelines for litigants in simple language.

Legislative Subcommittee

Sarah Hoskinson provided an update on the status of conceptual legislation that would extend the chief justice's ability to authorize the use of audio-visual communication in court proceedings.

The legislative subcommittee will continue to look at which proceedings are appropriate for audio-visual communication, along with any statutory changes that might be needed.

The next committee meeting will be March 26 at noon. [Note: This date was subsequently changed to April 2, 2021 at noon.]