

**STATE OF VERMONT
VERMONT SUPREME COURT
OCTOBER TERM, 2025**

Order Promulgating Amendments to Rule 106 of the Vermont Rules of Evidence

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

1. That Rule 106 of the Vermont Rules of Evidence be amended to read as follows (new matter underlined):

RULE 106. REMAINDER OF OR RELATED WRITINGS OR RECORDED STATEMENTS

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require at that time the introduction of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it. The adverse party may do so over a hearsay objection.

Reporter’s Notes—2026 Amendment

The amendment follows a similar amendment to the Federal Rules of Evidence, and clarifies that, in situations where fairness requires completion, completing statements are admissible over a hearsay objection. The rule of completeness is grounded in fairness and cannot fulfill its function if the party that creates a misimpression about the meaning of a proffered statement can then object on hearsay grounds and exclude a statement that would correct the misimpression. See 21 C. Wright & A. Miller, Federal Practice and Procedure § 5085 (2d ed. 2025) (describing amendment as “much needed” resolution of persistent problem in federal courts).

2. That this rule is prescribed and promulgated effective **January 1, 2026**. The Reporter’s Notes are advisory.

3. That the Chief Justice is authorized to report this rule to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 29th day of October, 2025.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

William D. Cohen Associate Justice

Nancy J. Waples, Associate Justice