

VERMONT SUPREME COURT  
ADVISORY COMMITTEE ON RULES FOR ELECTRONIC FILING

**MINUTES, May 24, 2024, 10:00am**

Committee Attendance:

<b>Committee Members</b>	<b>Attendance</b>
Honorable John A. Dooley	Present
Honorable Rory Thibault	Absent
Honorable Thomas S. Durkin	Present
Honorable David Fenster	Absent
Honorable Megan Shafritz	Absent
Marcia Schels	Present
Chasity Stoots-Fonberg	Absent
Laura LaRosa	Present
Michelle McDonald	Present
Elizabeth Kruska, Esq.	Present
Steven Brown, Esq.	Present
Jordana Levine, Esq.	Present

Also present: Emily Wetherell, Reporter; Teri Corsones, State Court Administrator

**1. Approval of Minutes of the February 2024 Meeting**

J. Durkin moved to adopt the minutes with a minor correction provided by Teri Corsones; Attorney Levine seconded the motion. Attorney Brown abstained. All others present voted in favor of approving the minutes.

**2. Committee Membership-**

There are two vacant attorney member positions on the committee. One vacant position has been previously occupied by an attorney from Legal Aid. J. Dooley will continue to reach out to legal aid for an attorney to nominate for this vacancy.

The committee agreed to nominate Jonathan Rose, Solicitor General, for the other vacant attorney position.

BUSINESS ITEMS:

**3. Proposed Amendment to V.R.E.F. 2(c) and 8(c). Comments due April 26, 2024.**

The proposed amendments were sent out following the Judiciary's implementation of the Vermont Digital Evidence Portal (VDEP), which pertains to the submission and storage of digital evidence. Further information is on the Judiciary website. VDEP will be used in all divisions of the superior court beginning June 3, 2024.

[Vermont Digital Evidence Portal | Vermont Judiciary](#)

The proposed amendment to Rule 2(c) clarifies that the term “electronic case file” means the items in the Judiciary’s case management system.

The proposed amendment to Rule 8(c) addresses digital evidence exhibits that cannot be filed through the electronic filing system because that system only accepts documents must be in PDF format. See 2020 V.R.E.F. 7(a).

J. Dooley reported that no comments were received on the proposed rules.

Reporter Wetherell provided some suggested edits to the rules as sent out for comment to recognize the Court’s adoption of Administrative Order 55, which requires use of VDEP.

J. Durkin moved to recommend that the Court promulgate the amendments with the edits made by the Reporter; Marcia Schels seconded the motion. All members present voted in favor.

J. Dooley indicated that the amendments could wait for an effective date of Jan. 1, 2025, consistent with AO 11.

**4. Representative for AI Committee**

The Supreme Court has established a Judiciary Committee on Artificial Intelligence and the Courts. [Vermont Judiciary Committee on Artificial Intelligence and the Courts | Vermont Judiciary](#)

The Court Administrator asked for a representative from each rules committee to serve on a subcommittee to address the question of whether rules changes are needed to address generative AI. Laura LaRosa commented that she and Chasity Stoots-Fonberg are already serving on a subcommittee. Attorney Brown also indicated that he may be on committee. Attorney Levine expressed interest in the work of the AI committee and volunteered. J. Dooley will communicate to the Court Administrator designating Attorney Levine as a representative of the e-filing rules committee.

**5. V.R.E.F. 3(b)(1); Email Filing by Self-Represented Parties; OFS Filing by Self-Represented Parties.**

J. Dooley questioned whether there was further information on the use of email and OFS by SRLs. Marcia Schels indicated that to date there is not accurate information on use of e-filing by SRLs, and there is no mechanism to calculate how many filings are received by email versus regular mail from SRLs.

Atty Brown recommended that additional forms provide a place for SRLs to opt into allowing service by e-filing and email. He indicated that in particular petitions to seal or expunge are filed without an attorney and the process could be improved if there was a place on the form that indicated the SRL consented to service by email. He explained that most petitions to seal and

expunge and are not accompanied by notice of appearance. He also stated that the waiver of counsel form also does not have allowance of service by email.

Teri Corsones indicated that she would follow up to see if the forms could be amended to add a notice of appearance and consent to service by email to those form.

#### NEXT MEETING

Reporter will plan meeting for a Friday in September (not September 6).

J. Durkin moved to adjourn, Attorney Kruska seconded the motion. Meeting adjourned at 10:34am