

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES
FOR ELECTRONIC FILING**

2023-2024 Annual Report

I. Summary

The Advisory Committee on the Rules for Electronic Filing submits this report to the Vermont Supreme Court pursuant to Administrative Order No. 53, § 4. This report covers the committee's activities since it became a permanent committee on September 12, 2022. During this period, the committee met on October 28, 2022, December 6, 2022, February 3, 2023, March 24, 2023, October 20, 2023, February 9, 2024, May 24, 2024, September 20, 2024, and December 13, 2024.

J. Morris was the reporter for the committee until July 2023, when Emily Wetherell became the Reporter. Committee members J. Durkin, J. Hayes, Attorney Su Steckel, and Attorney David Koeninger resigned from the committee during this period. The committee is grateful for the service of these committee members. New members on the committee are J. Thibault, J. Barrett, Attorney Jonathan Rose, and Attorney Laura Gans.

Justice Nancy Waples serves as the Committee's Supreme Court Liaison.

II. Amendments Promulgated by the Court

During this period, the Court promulgated the following amendments to the Electronic Filing Rules:

- 2020 V.R.E.F. 3(c) and 12. Promulgated July 10, 2023, effective October 2, 2023. These amendments address the need in some probate proceedings for the court to inspect and keep paper documents. The changes require retention of a paper document by the court when required by statute or other law even after the paper document is converted to electronic form.
- 2020 V.R.E.F. 5(d). Promulgated November 6, 2023, effective January 8, 2024. These amendments clarify provisions regarding accepting and rejecting electronic filings. The amendments require the Court Administrator to post a list of permissible reasons for rejection and provide a process to appeal a rejected efile. The amendments also require all motions to be filed as separate lead documents.
- 2020 V.R.E.F. 8. Promulgated April 1, 2024, effective July 1, 2024. New Rule 8(d) was added to require that each exhibit for an evidentiary hearing be submitted as a separate document instead of as one compiled document.
- 2020 V.R.E.F. 2(c) and 8(c). Promulgated June 3, 2024, effective January 1, 2025. The amendment to 2(c) clarifies that references to the "electronic case file" in the efile rules means the items in the Judiciary's electronic case-management system. Rule 8(c) addresses digital evidence exhibits and is amended in conjunction with adoption of the Vermont Digital Evidence Portal (VDEP) for submission and storage of digital evidence.

III. Pending Proposed Rules

There are no proposed rules currently out for comment.

IV. Matters Remaining on Committee's Agenda

The committee is continuing to work on the following items:

- Implementing efilings for PRB Hearing Panel Cases. This project began in 2021 but was paused to gain additional information from the PRB on two issues: the public accessibility regarding the identity of complainants; and the public-access status of materials related to cases that end with a private admonition. The efilings committee hopes to get a subcommittee together to restart this process.
- Electronic filing by self-represented litigants. The committee is interested in gaining more information regarding the number of self-represented litigants using the efilings system and increasing ways to make the system accessible.
- Court notices to self-represented litigants. 2020 V.R.E.F. 11(f) provides that notices sent to nonattorneys who are registered as efilers will be sent by electronic means, but the existing process is to send nonattorneys, regardless of whether they are efilers, notice by regular mail. The committee is currently considering whether a rule change is needed.
- Electronic Certification of Service. There is a subcommittee considering possible changes to the language of the electronic certification of service.

Respectfully submitted,

Hon. John A. Dooley, Chair

Emily Wetherell, Reporter