

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

Minutes of Meeting December 13, 2024

Committee Attendance:

Committee Members	Attendance
Honorable John A. Dooley	Present
Honorable Rory Thibault	Absent
Honorable David Fenster	Present
Honorable Megan Shafritz	Absent
Honorable Jennifer Barrett	Present
Marcia Schels	Present
Chasity Stoots-Fonberg	Present
Laura LaRosa	Absent
Michelle McDonald	Present
Elizabeth Kruska, Esq.	Present
Steven Brown, Esq.	Present
Jordana Levine, Esq.	Present
Jonathan Rose	Present
Laura Gans	Present

Also present: Emily Wetherell, Reporter; Teri Corsones, State Court Administrator; J. Waples, Supreme Court Liaison

Committee welcomed J. Barrett.

1. Approval of Minutes of the September 2024 Meeting

Attorney Brown moved to adopt the minutes; second by Attorney Rose; all approved (J. Waples abstain)

BUSINESS ITEMS:

2. Representative for AI Committee

Update from Attorney Levine on work of AI subcommittee on rules.

Attorney Levine reported that a final report was circulated for comment by committee members and is consistent with last report in not recommending any rule changes at this time. Attorney Levine explained that a separate subcommittee on professional conduct and judicial conduct rules also voted to recommended no changes but is continuing to meet and there may be changes on guidance to lawyers and judges.

3. Update Efiling for PRB Hearing Panel Cases

Reporter Wetherell continuing to work with J. Dooley and Mike Kennedy to get this process restarted.

Attorney Rose volunteered to be on subcommittee once process is restarted.

4. Update on Forms Used by Self-Represented Litigants.

Ms. Corsones reported that forms have been finalized and are on Judiciary website. Consent to service by email is on the form. J. Fenster asked about notice of appearance in criminal division and Ms. Corsones reached out to J. Tomasi to discuss at Criminal Division Oversight meeting in February. Atty Brown thankful for efforts to change forms and expressed that these changes will help move things along efficiently.

5. Update on Certificate of Service- Request from J. Toor.

J. Dooley provided background on committee's past discussions. He explained that currently there is no integration of the efile system with the case-management system that would provide service information in the case-management system. J. Dooley drafted letters to Allan Keyes and J. Toor to relate efile committee's discussion and recommendation not to change the current service certification for efiled documents.

J. Dooley reminded individuals about the history of the certification rule. When efile was first implemented, there were issues with service. The efile committee went back to 2020 V.R.E.F. 11 and in cooperation with civil rules came up with a two-prong approach so that service between efilers was through efile system whereas those not efile would require a separate certificate of service. Tyler was able to implement this through the "check boxes." There was considerable discussion at the time about whether the check box was enough but there was a consensus that for efilers this was sufficient and would save time for efilers (primarily lawyers). Since then, there have been much fewer complaints from litigants. After discussion, efile committee concluded that problems identified by J. Toor centered on service by or on nonefilers and therefore getting rid of the electronic certificate would not eliminate the issue. Committee suggested that there continue to be training for lawyers and judges on certification requirements and how to confirm service. J. Dooley asked for any input on language of letters.

Attorney Rose moved to send the letter to J. Toor; Attorney Gans seconded. Following some discussion and edits, the motion passed.

Attorney Gans moved to send the letter to Chair Keyes, and Attorney Levine seconded. J. Fenster mentioned that some self-represented litigants are also efilers. Attorney Gans questioned whether it was worth mentioning that service information is available just not in the case-management system. J. Fenster mentioned that there was a training for judges on the "check box" issue earlier in 2024. With some minor edits, committee voted unanimously to approve.

J. Dooley asked for a subcommittee to review the language of the electronic certification for the check boxes. Attorney Gans, Attorney Kruska, and J. Fenster volunteered.

6. Court Notices to Self-Represented Litigants.

Referral from Civil Rules committee regarding 2020 V.R.E.F. 11(f) on notices sent to nonattorneys who are registered as efilers.

(f) Notice of Court Orders and Documents. The court will transmit any notice, order, or other document issued by the court to electronic filers by electronic means. Notice to parties who are not electronic filers will be provided by the means specified in the applicable rules of procedure for circumstances where these rules specify no alternative means.

Reporter Wetherell explained that the rule is not entirely accurate because the enotice system is only used for attorneys not other efilers, who are provided notice by regular mail. Ms. Schels explained that a new system would allow expanded enotices, but other states have had issues with it and so the Vermont judiciary is no longer testing it. Ms. Schels suggested exploring whether the current enotice system can be expanded and will report back to the committee at the next meeting.

7. Other Business

No other items raised.

NEXT MEETING DATE

Reporter will set dates in March, June, September, and December 2025.