

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF EVIDENCE**

MAY 16, 2025 MINUTES

The Vermont Supreme Court Advisory Committee on the Rules of Evidence held a virtual meeting on May 16, 2025, via Microsoft Teams. The meeting began at 2:05 p.m. The following members were present: Mimi Brill, Dickson Corbett, Michelle Donnelly, John Evers, Cristina Mansfield, Pamela Marsh, Liz Miller, Beth Novotny, Ian Sullivan, Harold Eaton, Claudine Safar, Marshal Pahl, and Ben Chafer. New Reporter Barbara Masterson was introduced.

Minutes. The minutes from the January 2025 meeting were approved.

Membership. Judge Corbett reported that he reached out to candidates for membership on the Committee who had previously been considered. Two of the candidates wish to be reconsidered. Two declined. The Committee will solicit any other applicants and review the applications during the October 2025 meeting.

OLD BUSINESS

Amendments to VRE 502, Lawyer Referral Privilege. The Vermont Supreme Court issued a proposed order for public comment, and no public comments were received by the deadline. Judge Corbett reported that he testified about the proposed order. No objections were noted.

Amendments to VRE 106, Rule of Completeness. Judge Corbett reported that no public comments were received about the proposed amendment to VRE 106.

Amendments to VRE 615, Exclusion of Witnesses. Federal Rule 615 has been amended to clarify that judges have authority to prohibit trial counsel from disclosing trial testimony to sequestered witnesses. The committee continued its discussion of whether Vermont Rule 615 should also be amended. Specifically, the committee discussed the language proposed for inclusion in the Reporter's Note, whether Rule 615 should apply to depositions, and if so, how that application would affect the conduct of depositions and witness preparation, and how and when to designate depositions as preservation depositions so Rule 615 would apply. The committee discussed consulting with other Rules Committees for their input. Ms. Mansfield moved to have Judge Corbett transmit the proposed Amendment and Reporter's Note language to the Civil, Criminal Procedure, Family, and Probate Rules Committees for their comments. Mr. Pahl seconded the motion. The motion passed with no dissenting votes.

NEW BUSINESS

No new proposed amendments were considered.

ADJOURNMENT

The meeting adjourned at 2:55 pm. The next meeting will take place on October 3, 2025, at 2:00 pm, via Microsoft Teams.