

**VERMONT SUPREME COURT  
ADVISORY COMMITTEE ON RULES OF EVIDENCE  
JANUARY 19, 2024 MINUTES**

The Evidence Rules Committee held a virtual meeting on January 19, 2024, at 2:00 PM via Microsoft Teams.

Present: Hon. Dickson Corbett, Hon. Harold Eaton, Hon. Beth Novotny, Ben Chater, Michelle Donnelly, John Evers, Cristina Mansfield, Pamela Marsh, Karen McAndrew, Elizabeth Miller, Marshall Pahl, Claudine Safar

Reporter: Jennifer Rushlow

**Minutes from the last committee meeting were approved. OLD**

**BUSINESS**

**Restyled Rules**

The proposed restyled rules were sent to the Vermont Supreme Court and public comments were due by mid-December. No public comments were received on the proposed restyled rules. The Legislative Committee on Judicial Rules had no comments on the proposed restyled rules. The Advisory Committee recommended, by unanimous consent, that the Vermont Supreme Court adopt the proposed rules without further revision.

**Amendments to Rule 502, Lawyer Referral Privilege**

The Advisory Committee held further discussion regarding the wording of a proposed amendment to Rule 502 to incorporate the privilege for lawyer referral or information services. The Advisory Committee discussed revisions to the defined term “client” in 502(a)(1) and the text on the General Rule of Privilege in 502(b). By unanimous consent, the Advisory Committee recommended forwarding the proposed amendments to the Vermont Supreme Court.

**Amendments to Rule 615, Exclusion of Witnesses**

The Advisory Committee discussed amendments to Federal Rule of Evidence 615. At the next meeting, the Advisory Committee will discuss further whether there is an impetus to amend the Vermont rule in light of the increased use of remote court hearings.

**NEW BUSINESS**

**Rule 702**

The Advisory Committee discussed amendments to Federal Rule of Evidence 702 and whether there was interest in amending the Vermont rule in a similar fashion. The Advisory Committee decided not to pursue amendments at this time.

**Rule 106**

The Advisory Committee discussed amendments to Federal Rule of Evidence 106 and whether there was interest in amending the Vermont rule in a similar fashion. Judge Corbett will circulate a draft amendment for discussion at the next Advisory Committee meeting.

The next meeting of the committee will take place on May 3, 2024, at 2:00 PM via Microsoft Teams.