

VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES
FOR ELECTRONIC FILING

Minutes for: December 12, 9:00am

Committee Attendance:

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

Also present (nonvoting): Emily Wetherell, Reporter; Teri Corsones, Esq., Court Administrator; J. Nancy Waples, Supreme Court Liaison

1. Approval of Minutes from September 12, 2025

Attorney Rose moved to approve the minutes; Attorney Levine seconded the motion; All voted in favor.

BUSINESS ITEMS:

2. Update on Efiling for PRB Hearing Panel Cases (Reporter Wetherell)

Proposed amendments to the efilng rules and A.O. 9 needed to implement efilng for PRB hearing panels went out for comment. Comment period closed October 3, 2025. Although there was a comment to the companion A.O. 9 amendments, there were no comments received for the proposed changes to the efilng rules.

[PROPOSED-VREF1\(g\),2\(h\),3,5\(d\),6\(c\)--FORCOMMENT.pdf](#)

J. Dooley explained that the project to get efilng implemented for PRB hearing panels was delayed for a period to get PRB rules in conformance with how practice worked, particularly as to private admonitions. There is a current amendment to A.O. 9 to make clear that if disciplinary proceeding ends in private admonition, then all materials become confidential. Because PRB has

transmitted the amendments to A.O. 9 to the Court, J. Dooley requested that the efilings rules also be sent. The committee raised no objections.

J. Barrett moved to ask the Court to promulgate the amendments; Ms. Schels seconded the motion; All voted in favor.

3. Court Notices to Self-Represented Litigants.

Proposed change to 2020 V.R.E.F. 11(f) sent out for comment in October and comments due by December 6, 2025.

[PROPOSED-VREF11\(f\)--FORCOMMENT.pdf](#)

J. Dooley reported there were no comments on the proposed amendment.

J. Shafritz wondered whether there was a different rule about what is the official notice to parties from the court and whether this will change what is considered the official notice? J. Dooley explained that this does not change existing practice and is meant to revise the rule to be in conformance with practice.

J. Shafritz moved to ask the Court to promulgate the amendment; Ms. Schels seconded; All voted in favor.

4. Promulgated Amendment to V.R.E.F. 9(d)

Amendment was promulgated on October 6, 2025, and will be effective January 1, 2026.

[PROMULGATED-VREF9\(d\)--STAMPED.pdf](#)

5. Emergency Promulgated Amendment to V.R.E.F. 5(d)

Due to developments in the litigation with CNS, an emergency amendment to V.R.E.F. 5(d)(1)(B) was promulgated on October 6, 2025. The rule was also sent out for comment and the committee was directed to report back to the Court on whether to make the change permanent.

<https://www.vermontjudiciary.org/sites/default/files/documents/PROMULGATED-EmergencyAmendmentVREF5--STAMPED--FORCOMMENT.pdf>

J. Dooley explained that this amendment resulted from litigation with Courthouse News Service. The change was made on an emergency basis but also sent out for comment and no comments were received.

Ms. Corsones explained the background and process for the promulgation of the emergency amendment. Efilings was rolled out around the same time that the pandemic struck. There were delays in processing of cases due to the confluence of many factors, including reduced staffing, a new efilings system, and the pandemic. Usually, cases are processed and made public within one business day, but the delays were longer at that point. CNS filed suit and the US District Court

issued an injunction preventing any pre-access review. So, the efilng rule was amended in 2021 on an emergency basis to remove pre-access review for civil cases. It took almost two years for the Second Circuit to rule on the case, and it decided that the injunction was overly broad. There have been improvements to the review process to speed up the pre-access review process since then. This emergency amendment reinstates pre-access review for confidential information. A memo to the bar was sent out explaining the purpose behind the emergency promulgation.

Attorney Rose moved to ask the Court to make the rule permanent; Ms. Schels seconded; All voted in favor.

6. Other Business

Hyperlinks in documents- subcommittee to amend V.R.E.F. 7(a)(7) and V.R.A.P. 32(a)(1)(E)

Ms. Wetherell explained background to rule. When efilng was first implemented there was a technical impediment to including any kind of link in documents to be efiled. The court users group noted that some documents are being accepted into the efilng system with links and asked for the rule to be amended to allow this. The judiciary's Change Advisory Board referred the matter to the efilng committee.

Because there is an appellate rule that has similar language, J. Dooley suggested a subcommittee to work on any amendment. J. Shafritz and Jon Rose and J. Fenster all volunteered, and J. Fenster indicated that he would defer to J. Shafritz, who is also on civil rules.

Ms. Wetherell will contact Chair of Civil Rules to get a subcommittee in place.

2026 MEETING DATES (Fridays at 9am)

March 13

June 19 (need to change due to Juneteenth holiday), moved to June 26

September 11

December 11

Adjourned 9:45am