

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES FOR PUBLIC
ACCESS TO COURT RECORDS**

Minutes of Meeting, April 3, 2026

The meeting of the Advisory Committee on the Rules for Public Access to Court Records commenced at approximately 9:00 a.m. via videoconference. Present were Committee Chair Judge Timothy Tomasi and members Tanya Marshall, Laura LaRosa, Marcia Schels, Amanda Stites, Mike Tarrant, Mark Davis, Judge Benjamin Battles, Kim Velk, and Mark Davis. Also present were Justice Christina Nolan, Court Administrator Teri Corsones, and Petra Halsema, Reporter.

1. Chair Tomasi: Meeting Opening

Judge Tomasi welcomed our new Supreme Court liaison, Justice Christina Nolan, and our new representative from the Vermont Bar Association, Executive Director Kim Velk.

2. Approval of Minutes from the January 9, 2026 meeting.

Upon motion by Mike Tarrant, seconded by Tanya Marshall, the minutes of the January 9, 2026 meeting were unanimously approved.

3. Amendment Governing Public-Access Status of Inquests and Nontestimonial Orders

J. Tomasi informed the Committee that the Supreme Court promulgated the amendments to Rule 6(b)(18) and (19) on February 10, 2026, and they will become effective on July 1, 2026.

4. Reference to 20 V.S.A. § 2056a in PACR Rule 6 Appendix

The appendix to PACR Rule 6, “Statutes and Court Rules Providing Restrictions or Prohibitions on Public Access to Judicial-Branch Records,” lists 20 V.S.A. § 2056a with the following explanation: “Criminal History Records obtained through the National Criminal Information Center, as provided in 20 V.S.A. § 2056a(c), are not considered publicly accessible by that agency, 28 CFR § 20.33(b). Disclosure of such records may result in cancellation of access to them.” When the draft 2026 appendices were circulated earlier this winter, Justice Dooley commented that “this issue arose 10 years ago when DPS told the judiciary of its position. Prior to that, this information was routinely given to media and anyone else. We agreed temporarily to make it confidential while the Court Administrator investigated this. The rationale as stated in the

annex reference says DPS thinks is confidential but not what the judiciary thinks.” Teri Corsones decided to refer this issue to the Committee for discussion.

J. Tomasi explained that the provision was added to the appendix because the US DOJ took the position that NCIC records were nonpublic. Since then, the DOJ security policy (https://le.fbi.gov/file-repository/cjis_security_policy_v6-0_20241227.pdf/view) has been amended to state that “[criminal justice information] introduced into the court system pursuant to a judicial proceeding that can be released to the public via a public records request is not subject to the CJIS Security Policy.” U.S. Dep’t of Justice, Criminal Justice Information Services (CJIS) Security Policy (Dec. 27, 2024), at 10. The question is therefore whether we still need the reference to 20 V.S.A. § 2056a in the appendix, since the policy appears to say that once the records are in the court system, they are subject to court rules for public access.

Tanya Marshall noted that this issue has been active in the executive branch, and that the Legislature has been amending the definition of criminal history records in 13 V.S.A. § 7601. Laura LaRosa explained that since 2018, the courts have treated criminal history records as confidential due to 20 V.S.A. § 2056a. This was the position taken by VCIC’s Director when he met with the Committee around that time. Mark Davis noted that press are able to go the court to obtain criminal history records and that law enforcement frequently releases the information and felt that there is a general interest in making these public. J. Battles suggested that it might be helpful to see what other states have done. Teri Corsones noted that the proposed miscellaneous judiciary bill, H.937, would remove the provision in 12 V.S.A. § 5 prohibiting criminal case records from being disseminated via the internet, effective July 2027.

The Committee decided that further research into the issue was needed and that this item would be added to the agenda for the next meeting. No change will be made to the appendix at this time.

5. Subcommittee on Financial Guardians for Minors

The Efilng Rules Committee is requesting a volunteer from this Committee to join a subcommittee to address a few issues regarding financial guardians, who are appointed by the probate division pursuant to 14 V.S.A. § 2659. The statute allows appointment of a financial guardian for a minor who owns real or personal property. Under the statute, the financial guardian has “the care and management of the estate of the minor,” but not custody over the minor. The appointment is not case-specific and could require the financial guardian to be aware of or involved in multiple cases if the minors have a financial

interest in the outcome of a court case. There are issues unaddressed by the rules, including whether financial guardians are required to efile and what level of access a financial guardian may obtain to a case under V.R.E.F. 4(c) and V.R.P.A.C.R. 5(d). The matter was discussed at the meeting the Efilng Rules Committee earlier this month and that committee thought the best way to address it would be through a subcommittee with members of all three rules committees.

Mike Tarrant volunteered to join the subcommittee. Tanya Marshall also indicated that she would be willing to help. J. Tomasi will forward their names to the Reporter of the Efilng Rules Committee.

6. New Business; Set Next Meeting.

No new business. The next meeting will be held remotely on August 7 at 9:00 a.m.