STATE OF VERMONT
SUPREME COURT
MAY TERM, 2020

Order Promulgating Amendments to Administrative Order No. 49

Pursuant to the Vermont Constitution, Chapter II, § 30 and Administrative Order No. 48, it is hereby ordered:

1. That ¶ 2 of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

   2. For these reasons, the Court hereby declares a judicial emergency pursuant to Administrative Order 48. The emergency will go into effect immediately and will extend until ~~May 31~~September 1, 2020, unless extended by order of this Court. This Order supersedes any previously issued administrative directive or order, including orders issued in the Superior Court, related to COVID-19.

2. That, effective June 1, 2020, ¶ 3 of Administrative Order No. 49 be deleted in its entirety and replaced with the following:

   3. **Suspension of Jury Trials**: Jury trials in criminal cases are suspended until at least September 1, 2020. Jury summonses will not be sent before August 3, 2020. Jury trials in civil cases are suspended until January 1, 2021.

3. That, effective June 1, 2020, ¶ 4 of Administrative Order No. 49 be deleted in its entirety.

4. That the title of ¶ 5 of Administrative Order No. 49 be amended to read as follows (deleted matter struck through):

   5. **Remote participation in hearings ~~(in matters that are not suspended)~~**:

5. That, effective June 1, 2020, ¶ 11 of Administrative Order No. 49 be deleted in its entirety.

6. That ¶ 19 of Administrative Order No. 49 be added as follows:

   19. **Attorney Licensing:** Notwithstanding the provisions of A.O. 41 § 2(b), for the relicensing period ending June 30, 2020, attorneys who face financial hardship on account of the impact of the COVID-19 pandemic may defer payment of the relicensing fee until September 1, 2020. Attorneys must still complete the relicensing and CLE reporting through the online portal by the June 30 deadline.

7. That the following Explanatory Note be added:

Explanatory Note—May 13, 2020 Amendment

The May 13 amendment extends the judicial emergency until September 1, 2020. This does not signal that the existing provisions in the emergency order will necessarily remain in place until that time. The Court anticipates continued amendments to A.O. 49 to meet the evolving conditions. The extension until September 1 reflects a recognition that the public-health crisis that gave rise to this Order is not likely to fully resolve before September 1, and deviations from historical court practice, or modifications to at least some court rules, will be necessary through the upcoming summer.

The May 13 amendment lifts the blanket suspension of nonemergency court proceedings in superior courts and the judicial bureau, and amends ¶¶ 3, 4, 5, and 11 in recognition of that fact. Consistent with the expansion of operations plan, nonemergency hearings in all dockets may begin starting June 1, 2020, and courts may begin scheduling hearings on May 18, 2020. The amendment substitutes in ¶ 3 a continuing suspension of criminal jury trials until September 1, 2020, and civil jury trials until January 1, 2021, and provides that jury summonses shall not be sent prior to August 3, 2020. The lifting of the suspension of nonemergency hearings in ¶ 3 does not signal that hearings will immediately recommence in all dockets. The expansion of judicial operations accompanying the contemporaneous lifting of many of the restrictions in the Governor's Executive Order 01-20 will be gradual and deliberate. In light of the substantial backlog in urgent hearings, including those that were not formally suspended pursuant to former ¶ 3, courts will resume scheduling hearings taking into account staff availability; the impact of social distancing requirements on the availability of courtrooms; the suitability and availability of remote technologies for particular hearings; and the availability of parties, lawyers, and other participants.

Finally, the May 13 amendment provides that attorneys, who are due for relicensure by June 30 of this year and who have suffered hardship on account of the COVID-19 pandemic, may defer payment of their relicensing fee until September. The online portal for relicensure will be modified to reflect this option. Lawyers invoking the deferral option will be asked to certify that the pandemic has caused hardship, but will not be required to provide additional information about their finances.

8. That, except as otherwise indicated, this order is effective immediately and extends until September 1, 2020, unless extended by order of this Court.

9. That the Chief Justice is authorized to report this order to the General Assembly in accordance with the provisions of 12 V.S.A. §1, as amended.

Done in Chambers at Montpelier, Vermont this 13th day of May 2020.

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice