STATE OF VERMONT
SUPREME COURT
MARCH 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 ¶¶ 7 of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

> **7. Access to Court Buildings:** Access to Judiciary buildings will be managed as follows:
>
> a. ~~From the date of this order until March 30, 2020~~ While this order is in effect, no person will be permitted to enter a courthouse except as follows:
>
> - Individuals seeking to file documents with the court in person may file them in the receptacles provided at the entryway to each courthouse. Individuals will not be permitted to enter the courthouse to file documents, and filings will not be accepted at the counter. These individuals will be provided with the appropriate court forms as necessary if requested.
> - Individuals who seek to enter for the purpose of participating in or attending a hearing (that has not been suspended pursuant to this order) will be permitted to enter.
> - Where the Judiciary shares space with other state agencies, entry shall be permitted to such other agencies only in accord with policies mutually agreed to between the Commissioner of Buildings and General Services and the State Court Administrator. Where the Judiciary shares a common entrance to space occupied by county government offices in a county courthouse, entry shall be permitted to such county offices only in accord with policies mutually agreed to between Assistant Judges and the State Court Administrator for county buildings.
>
> b. Any individual for whom the answer to any question below is yes shall not enter a Vermont Judiciary courthouse. Individuals will be questioned by the screener at the courthouse door. In some cases, they may be asked to call the court docket clerk at the phone number posted on the court door.
>
> - In the past few days, have you felt unwell, especially with respiratory symptoms (cough, high temperature, shortness of breath, difficulty breathing, and initial flu-like symptoms, such as fever, coughing, breathing difficulties, fatigue, and myalgia)?
> - In the past 14 days have you:

- Been in contact with a person infected with novel coronavirus (COVID-19)?
- Been to one of the affected countries or regions (listed at https://www.healthvermont.gov/covid19): ~~China, Iran, South Korea, Europe, the United Kingdom, Ireland, and Japan~~
- Been to a healthcare facility (hospital, walk-in clinic, emergency room) where people infected with COVID-19 are treated?

The Judiciary will modify these screening question as necessary to conform to evolving public health guidance.

2. That ¶¶ 14-16 of Administrative Order No. 49 be added to read as follows:

14. **Committees, Boards, and Commissions Established or Governed by Supreme Court Rules**:

a. **Scope:** This section applies to the committees, subcommittees, boards, commissions, and similar bodies (collectively, "committees") established or governed by the Supreme Court. This includes those established or governed by the following Supreme Court Administrative Orders: 9 (Professional Responsibility Program), 17 (Civil Rules Committee), 20 (Criminal Rules Committee), 23 (Evidence Rules Committee), 24 (Probate Rules Committee), 29 (Family Rules Committee), 35 (Judicial Ethics Committee), and 40 (Public Access to Court Records Committee). It also includes those established by the following Supreme Court Rules: Rules of the Supreme Court for Disciplinary Control of Judges (Judicial Conduct Board), the Rules of Admission to the Bar (Board of Bar Examiners and Character and Fitness Committee), and the Rules for Mandatory Continuing Legal Education (Board of Mandatory Continuing Legal Education).

b. **Continuing Operations**: Committees will continue to perform their core functions to the extent possible consistent with this section and their obligation to mitigate the risks associated with the COVID-19 pandemic.

c. **Committee Meetings:** All in-person committee meetings are suspended. Committees are authorized to meet remotely, by telephone or video, and, where required pursuant to applicable rules, must take reasonable steps to facilitate public observation or participation. They are also authorized to conduct business by email. Notwithstanding any rule to the contrary, committees may act through remote means (video, telephone, email) without facilitating public observation where reasonably necessary to respond to urgent matters. In addition, assistance panels convened under Rule 4 of the Administrative Order 9 may continue to meet if participation is accomplished through video or audio means and not in person.

d. **Committee Hearings:**
   i. In the discretion of the Board or Committee, and subject to staffing limitations, probable cause hearings and nonevidentiary hearings may be conducted by the Judicial Conduct Board, Professional Responsibility Board, Board of Bar Examiners, and Character and Fitness Committee, or any panels of these committees, if all persons participate through remote means.
   ii. Effective immediately, and notwithstanding any rule or timeline inconsistent with this guidance, all evidentiary hearings before the Judicial Conduct Board, Professional Responsibility Board, Board of Bar Examiners, and Character and Fitness Committee, or any panels of these committees, will be postponed while this order is in effect.
   iii. In any pending matter, if necessary to protect the public, the Supreme Court, on its own motion or pursuant to a party's motion or the parties' joint request, may except a hearing from the restriction on evidentiary hearings. In doing so, the Court may order that the hearing be held remotely by telephone or video if all parties, their representatives, witnesses, and adjudicators can participate remotely, and may place other restrictions on the conduct of the hearing as justice requires. Before exercising its discretion, the Court will confer with the Court Administrator or designee to ensure that sufficient staffing is reasonably available to support any proceedings authorized by the Court.

e. **Board of Bar Examiners—Oaths of Admission:**
Pursuant to Rule 20(e) of the Vermont Rules for Admission to the Bar, the oath of admission may be administered by one of the authorized individuals remotely in real time using video.

f. **MCLE Rule Waivers:**
For the license renewal period ending June 30, 2020:
   i. The 10-hour limit on the number of self-study hours that can be claimed for a reporting period, as specified in Mandatory Continuing Legal Education Rules § 5(a)(2), is suspended for the 2018-2020 reporting period.
   ii. The limits on the number of hours that can be claimed under § 5(b)(10) for a reporting period, including both the limits for specific types of activities and the 10-hour limit on the total number of hours for all such activities, are suspended for the 2018-2020 reporting period.

g. **Email Filings**:
Notwithstanding any court rule or administrative order to the contrary, parties may file documents with any board or committee subject to this rule by email, subject to the following requirements. Filings must be sent as an attachment to the email address associated with the board or committee on the Vermont Judiciary web site. The subject line must indicate the case or subject matter of the filing. Further details concerning the method of filing by email will be posted on

the vermontjudiciary.org website, and may change from time to time. Parties and lawyers should check the guidance on the website before filing by email.

15. Venue

Pursuant to 4 V.S.A. § 37(b), the court promulgates the following emergency rule. Notwithstanding any statute or court rule inconsistent with this rule,

a. The Chief Superior Judge, in consultation with the Court Administrator, may assign venue for status conferences, minor hearings, or other nonevidentiary proceedings to any court in the state, as necessary in light of operational accommodations arising from the COVID-19 pandemic, provided that all participants are afforded the opportunity to participate remotely; and
b. The Chief Superior Judge, in consultation with the Court Administrator, may assign a change in venue in any matter during this judicial emergency as necessary to ensure access to justice for the parties or to promote the fair and efficient administration of justice.

3. That this order is effective immediately and extends until April 15, 2020, unless extended by order of this Court.

4. 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 24th day of March 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