

**Vermont Legal Aid, Inc.**  
264 North Winooski Ave.  
Burlington, Vermont

**MEMORANDUM**

**TO:** Maxine Grad, Chair of House Judiciary Committee  
and House Judiciary Committee members

**FROM:** Mairead O'Reilly, Staff Attorney, Vermont Legal Aid, Inc.  
802-383-2225  
[mcoreilly@vtlegalaid.org](mailto:mcoreilly@vtlegalaid.org)

**SUBJECT:** An Act Relating to Miscellaneous Judiciary Procedures

**DATE:** February 21, 2022

---

Dear Madame Chair and House Judiciary Committee Members,

Vermont Legal Aid appreciates the invitation to testify about Section 6 of the Miscellaneous Judiciary Procedures bill, found in draft 1.1.

Our agency fully supports the Sec. 6 amendment to 32 V.S.A. § 1431: Fees in Supreme and Superior Courts, as it would codify an important clarification regarding filing fees for expungement and sealing petitions. Specifically, the amendment clarifies that only one type of record clearance petition shall require payment of a \$90 filing fee: petitions to seal a DUI#1 offense, filed pursuant to 13 V.S.A. § 7602(a)(1)(C).

Vermont Legal Aid and other stakeholders involved in the expungement clinic work, including the Attorney General's Office, had previously understood current law to require payment of a \$90 filing fee only when petitions to seal DUI #1s were filed pursuant to 13 V.S.A. § 7602(a)(1)(C), and not to be required for a petition to seal an offense under 33 V.S.A. § 5119(g).

However, recent experiences with some courts across Vermont demonstrated that our understanding conflicted with the judiciary's understanding. In the last 2 years, expungement clinic volunteers noticed that some courts understood the provision in 32 V.S.A. § 1431 to require a filing fee for petitions to seal *any* DUI offense, even those filed pursuant to 33 V.S.A. § 5119(g).

The language as drafted in this bill reflects a consensus position reached by Vermont Legal Aid, the AGO and the Judiciary. This amendment will help avoid further confusion among expungement clinic participants, volunteer lawyers and court staff.

We appreciate the committee's willingness to address this important access to justice issue.

Sincerely,

Mairead C. O'Reilly, Esq.