

I am Chair of the Advisory Committee on Civil Rules. Tucker Anderson referred me to you.

I write to seek some clarification of H.512, regarding remote oaths administered by a Vermont notary to a witness outside the state.

I understand H. 512, as passed the house, is intended to permit a Vermont notary who acquires a special endorsement to administer an oath to a "remotely located individual" whether or not the individual is physically located in or outside the State.

It would be helpful if the current language of the bill could be clarified to be quite specific that a "remotely located individual" can be outside the State of Vermont. Currently this is only a matter of interpretation based on special provisions applying to a "remotely located individual" who is outside the United States.

Adding the phrase "whether or not in or outside in the State" to the definition of "remotely located individual" might be one way to make the intent clear.

This clarification would be helpful to deposition practice.

Our rules on depositions are applicable in criminal, family and other proceedings, as well as civil. It is important that deposition testimony, especially when used as substantive testimony in court, be given under proper oath. Typically, a deposition stenographer or an attorney who possesses a notary license, *as a notary*, administers the oath in depositions used in court proceedings pursuant to our court rules.

The extension of authority to remotely administer oaths to person outside the state will be important to deposition practice in Vermont because currently under emergency regulation of the Secretary of State, a Vermont notary may not administer an oath to a person physically outside the state. And under our current court rules a person taking a remote deposition of a witness outside the state ordinarily must find an officer authorized to administer oaths "by the laws of the place where the examination is held," which is deemed to the place where the witness is located.

Therefore, in light of these practical obstacles, I think the bar will welcome the proposed extension of authority to Vermont notaries to remotely administer oaths to individuals located outside the State, especially if this intent is clarified.

I can suggest alternative language if you like. And will appreciate if you can bring my views to the attention to the Senate Committee or tell me how I may do so directly.

Thank you.

ARK

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