

CONSTITUTION OF THE STATE OF VERMONT

AS ESTABLISHED JULY 9, 1793, AND AMENDED THROUGH DECEMBER
14, 2010

CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT

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§ 30. [SUPREME COURT; JURISDICTION]

The Supreme Court shall exercise appellate jurisdiction in all cases, criminal and civil, under such terms and conditions as it shall specify in rules not inconsistent with law. The Supreme Court shall have original jurisdiction only as provided by law, but it shall have the power to issue all writs necessary or appropriate in aid of its appellate jurisdiction. The Supreme Court shall have administrative control of all the courts of the state, and disciplinary authority concerning all judicial officers and attorneys at law in the State.

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§ 37. [RULE-MAKING POWER]

The Supreme Court shall make and promulgate rules governing the administration of all courts, and shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. Any rule adopted by the Supreme Court may be revised by the General Assembly.

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The Vermont Statutes Online

Title 12: Court Procedure

Chapter 1: Rules Of Court

§ 1. Rules of pleading, practice and procedure; forms

The supreme court is empowered to prescribe and amend from time to time, general rules with respect to pleadings, practice, evidence, procedure and forms for all actions and proceedings in all courts of this state. The rules thus prescribed or amended shall not abridge, enlarge or modify any substantive rights of any person provided by law. The rules when initially prescribed or any amendments thereto, including any repeal, modification or addition, shall take effect on the date provided by the supreme court in its order of promulgation, unless objected to by the joint committee on judicial rules as provided by this chapter. If objection is made by the joint committee on judicial rules, the initially prescribed rules in question shall not take effect until they have been reported to the general assembly by the chief justice of the supreme court at any regular, adjourned or special session thereof, and until after the expiration of 45 legislative days of that session, including the date of the filing of the report. The general assembly may repeal, revise or modify any rule or amendment thereto, and its action shall not be abridged, enlarged or modified by subsequent rule.

§ 2. Definitions

As used in sections 3 and 4 of this chapter:

(1) "Adopting authority" means the chief justice of the supreme court or the administrative judge, where appropriate;

(2) "Court" means the supreme court, except in those instances where the statutes permit rules to be adopted by the administrative judge, in which case, the word "court" means the administrative judge;

(3) "Rule" means a statement of general applicability which implements, interprets or prescribes law or policy. It includes, but is not limited to, judicial or administrative orders such as those issued under sections 31 and 37 of the Constitution of the state of Vermont and all substantive or procedural requirements of a court, which affect one or more persons who are not employees of the court, which are used by the court in the discharge of its duties. It shall not include judicial orders or opinions issued in the resolution of a case or controversy.

§ 3. Legislative Committee on Judicial Rules

(a) There is created a joint legislative committee to be known as the Legislative Committee on Judicial Rules. The Legislative Committee on Judicial Rules shall be composed of eight members of the General Assembly to be appointed for two-year terms ending on February 1 of odd-numbered years as follows: four members of the House of Representatives to be appointed by the Speaker of the House, and four members of the Senate to be appointed by the Committee on Committees. The Committee shall elect a Chair and a Vice Chair from among its members.

(b) The Committee shall meet as necessary for the prompt discharge of its duties and may use the staff and services of the Legislative Council. The Committee shall adopt rules to govern its operation and organization. A quorum of the Committee shall consist of five members. For attendance at a meeting when the General Assembly is not in session, members of the Legislative Committee on Judicial Rules shall be entitled to the same per diem compensation and reimbursement for necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

(c) The Legislative Committee on Judicial Rules may hold public hearings on a proposed or previously adopted rule on its own initiative. The Committee shall give public notice of any hearing at least 10 days in advance and shall notify the Court. Any public hearing shall be scheduled at a time and place chosen to afford opportunity for affected persons to present their views.

(d) In addition to its powers under section 4 of this title concerning rules, the Committee may, in a similar manner, conduct public hearings, object, and notify the Court of objections concerning existing rules. A rule reviewed under this subsection shall remain in effect until amended or repealed.

(e) Rules or amendments thereto promulgated by the Supreme Court, including any repeal, modification, or addition to existing rules, shall be submitted to the Joint Committee on Judicial Rules at least 60 days prior to their effective date.

§ 4. Review by legislative committee

(a) The legislative committee on judicial rules, by majority vote of the entire committee, may object to proposed rules or amendments and recommend that the court amend or withdraw the proposal. The court shall be notified promptly of the objections. The court may respond in writing to the committee. After receipt of a response the committee may withdraw or modify its objections.

(b) The committee shall report on each proposal with the committee's recommendations, annually to the general assembly on or before January 10.

§ 5. Dissemination of electronic case records

(a) The court shall not permit public access via the Internet to criminal or family case records. The court may permit criminal justice agencies, as defined in 20 V.S.A. § 2056a, Internet access to criminal case records for criminal justice purposes, as defined in section 2056a.

(b) This section shall not be construed to prohibit the court from providing electronic access to:

(1) court schedules of the Superior Court, or opinions of the Criminal Division of the Superior Court;

(2) State agencies in accordance with data dissemination contracts entered into under Rule 6 of the Vermont Rules of Electronic Access to Court Records; or

(3) decisions, recordings of oral arguments, briefs, and printed cases of the Supreme Court.