

New England First Amendment Coalition

*The region's leading
defender of First Amendment
freedoms and government
transparency — the foundation
of a healthy democracy.*

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SENT VIA EMAIL TO THERESE.CORSONES@VERMONT.GOV

Supreme Court of Vermont
Attn: Hon. Paul L. Reiber
109 State Street
Montpelier, VT 05609-0701

RE: Remote Access to Criminal Proceedings

September 9, 2025

Dear Chief Justice Reiber,

We are writing on behalf of the New England First Amendment Coalition, a regional non-profit and non-partisan advocate for the public's right to know about government, and the Vermont Press Association. NEFAC's directors and advisors include many of Vermont's leading media attorneys and journalists. The VPA is based at St. Michael's College and represents about four dozen newspapers in the state.ⁱ

Pursuant to the Vermont Constitution, Chapter 11 §§ 30, 31 and 37, we request a rule change to those provisions allowing remote access to criminal proceedings. We urge the state's judiciary to adopt a default policy of livestreaming criminal proceedings, making them accessible to the press and the public unless extenuating circumstances counsel against doing so. Online access is typically provided to parties and witnesses who cannot go to the courthouse in person; it should be no different for the press and general public.ⁱⁱ

Currently, judges have discretion in determining whether to livestream public criminal proceedings. As a result, the opportunity for remote access has been highly inconsistent.ⁱⁱⁱ Decisions often seem arbitrary because judges are not required to justify the closing of a particular proceeding. At the very least, this creates barriers to transparency and frustrates the press's ability to fulfill its critical role of informing the public about newsworthy events.

The Vermont Judiciary has a long-standing policy of openness to the media. The Supreme Court livestreams all its arguments by default — a tremendous resource for the public — and cameras have been permitted in courtrooms since at least 1989.

Despite changes to the rules over the years to restrict certain kinds of general access — such as a prohibition against cellphones in the gallery — the court has continued to provide allowances for journalists.^{iv} The Judiciary, for example, allows authorized media teams to conduct their own livestreams, though members of the general public are prohibited from doing so.^v It's now time to allow this type of access for everyone.

The technology is already in place for courts to regularly and consistently livestream proceedings.^{vi} Since the pandemic, when there was no choice but to hold remote hearings, courts have used platforms like Webex for remote participation and some have even livestreamed proceedings on YouTube.

Livestreaming criminal proceedings is merely an extension of the kind of access that already exists in Vermont. If the press and public have a right to attend court proceedings


in person, there is no obvious reason not to extend that right to remote access. The public interest in having open online proceedings is clear:

- It enhances **transparency** and **accountability** by allowing the public and the press easy access to the justice system.
- It increases **efficiency** for journalists who might not be able to travel for extended periods of time to cover ongoing trials. Being able to watch the proceedings remotely is more feasible.
- It serves the principle of **openness** that animates our justice system.

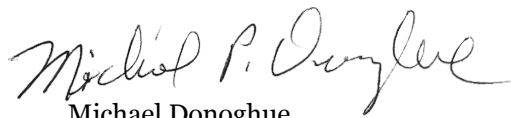
We recognize that not every proceeding can or should be livestreamed. We recommend, however, that unless a judge can provide a specific reason to limit remote access, such as legitimate privacy concerns, the standing policy should be to provide online access to the public and the press.

A presumption of openness is a hallmark of our criminal justice system and deeply rooted in the First Amendment. The Vermont Judiciary should aim to uphold that guiding principle by adopting a policy that expands access to — and continues to build confidence in — the court system.

Sincerely,



Justin Silverman
NEFAC Executive Director



Michael Donoghue
VPA Executive Director

ⁱ Please visit nefac.org for more information about the New England First Amendment Coalition, including a full list of its Board of Directors and advisors. Learn more about the Vermont Press Association at vtpress.org.

ⁱⁱ See *Participating in Remote Hearings*, Vermont Judiciary, <https://www.vermontjudiciary.org/about-vermont-judiciary/participating-remote-hearings> (last accessed Aug. 19, 2025).

ⁱⁱⁱ *Id.*

^{iv} See Iris Lewis, *New Court Rules Set Recording Restrictions for Media and Public*, VTDigger (Aug. 15, 2019), <https://vtdigger.org/2019/08/15/new-court-rules-set-recording-restrictions-for-media-and-public/>.

^v *Id.*

^{vi} See *Participating in Remote Hearings*, *supra* note 2.