

DEVELOPMENTS IN VERMONT LAW

Editor's Note: In this issue of the Vermont Law Review we are inaugurating a new section on developments in Vermont law. This section will contain brief notes on recent and ongoing developments in all areas of the law. Rather than narrowly defining the law as cases, we will try to cover the law in all its forms—legislative and administrative as well as judicial. The developments notes will not only describe, analyze, and critique existing law, they will identify areas of the law that need to be developed and make suggestions about how this should be done. Thus the notes will both react to and interact with Vermont law by reporting and encouraging its development.

For this first developments section, we have chosen notes on the Vermont Constitution, on recent environmental legislation, and on a new rule of evidence. In an abbreviated format such as this we cannot hope to fully explore all the issues raised by developments in these areas. Instead, we try to explore a few interesting points and invite further dialogue with the Vermont legal community. Developments in Vermont Law is intended as a service for Vermont practitioners; we welcome your suggestions for developments to be covered in future issues.

VERMONT CONSTITUTION

THE PRINCIPLE PROBLEM: *STATE V. JEWETT* AND THE NEW JUDICIAL FEDERALISM

On August 9, 1985, the Vermont Supreme Court handed down a decision of considerable import to the Vermont legal community and, indeed, to the people of Vermont itself. In the opinion, *State v. Jewett*,¹ the court ordered rebriefing of the state constitutional arguments in a legality of arrest case. The court, after stating that the state constitutional arguments presented by the parties were inadequate, proceeded to delineate several methods by which at-

1. No. 83-478 (Vt. August 9, 1985).