



**Vermont
Judiciary**

Senate Committee on Economic
Development

Environmental Court Dispositional
Guidelines

February 14, 2023

File Date: **E Court Case Type: Act 250 and ANR de novo Appeal – Standard Matter *** **Docket Number:**

0-30 Days 1 Month	30-60 Days 2 Months	60-90 Days 3 Months	90-120 Days 4 Months	120-150 Days 5 Months	150-180 Days 6 Months	7 Months	8 Months	9 Months	10 Months	11 Months
Notice of Appeal Files	Notice of Pre-Trial conference issued	Supplemental Scheduling Order Issued after preliminary issues decided – set deadline for motions for summary judgment filing	Mediation Complete (if ordered) Discovery compete	A) No MSJ Trial Ready – Notice of Hearing issued	Proposed FCO Filed Hearing held	U/A	Decision Issued			
Docket number assigned	Initial pre-trial conference held with judge									
Judge assigned										
Case entered into computer	Scheduling Order issued (Includes Mediation)									
Initial letters sent										
Tracking system activated	Any Cross Appeal must be filed			B) Motion for Summary Judgment filed	Response to Motion for Summary Judgment	MSJ Under Advisement & Decision Issued	i) Appeal Complete			
Interested Parties served	Preliminary Issues decided: (Dismiss, Party Status...)									
Appellant Publishes Notice of Appeal if required							ii) Trial Ready – Notice of Hearing Issued	Proposed FCO Filed Hearing Held	U/A	Decision Issued
Within 20 Days of filing										
1. Appellant files SOQ										
2. Appearance Filed										

Useful Abbreviations: MSJ – motion for summary judgment; SOQ – statement of questions; FCO – proposed findings of fact and conclusions of law

File Date: E Court Case Type: ANR/NRB Environmental Enforcement Cases Docket Number:							
Case Sub-Types	0-30 Days 1 Month	30-60 Days 2 Months	60-90 Days 3 Months	90-120 Days 4 Months	120 – 180 Days 6 Months	7 Months	8 Months
1) AOD (Stop. Settlement)	Docket # and judge assigned. (Interveners may appear w/il 5 days. If none, Issue Order).	If interveners appear, Court decides if merits hearing is necessary. If so, move to sub-type #4 below.					
2) AO – no hrg. Requested/UC	[same as above] Service verified	Issue Order approving AO. (same rights of intervention)					
3) Emergency Orders requested (can be CC or UC)	[same & same]	Conduct hrg & issue Em. Order w/i 10 days.					
4) AO – expedited hearing required (CC)	Confirm contest by R.; conduct initial conference w/i 10 days. R. is entitled to hrg w/i/30 days, unless waived; if no waiver, hold hearing. If R. waives, issue Scheduling Order.		If expedited hearing waived, then parties complete discovery & mediation.	Results of mediation reported; Final conference; Pre-trial motions filed.	Motions U/A; pre-trial decisions issued; Remaining issues if any, set for trial	Trial held (historically 1-3 days)	Decision & JO issued.

Useful Abbreviations: R - Respondent

File Date	E Court Case Type: Municipal de novo Appeals ¹					Docket Number			
Classifications	0-30 Days 1 Month	30-60 Days 2 Months	60-90 Days 3 Months	90-120 Days 4 Months	120 – 180 Days 4- 6 Months	7 Months	8 Months	10 Months	12 Months
a) “Expedited” appeals (i.e.: no detailed discovery or substantive motions).	Docket # and judge assigned; service verified. Notice of pre-trial conference issued.	Conduct initial conference; Scheduling Order issued (may or may not include mediation). Any cross-appeal must be filed.	Parties complete discovery process; stipulate to mediator.	Results of mediation reported; conduct follow-up conference. Remaining discovery completed; Parties asked to submit unavailable days for trial.	Trial held (usually not more than 1 day).	Decision & JO issued			
b) Standard appeals (i.e.: detailed discovery, substantive pre-trial motions, or both).	[same as above]	[same as above]; SO to also include pre-trial motion schedule.	Preliminary motions and responses filed.	Preliminary issues decided: Dismiss, party status. Supplemental Schedule Order issued.	Final pre-trial motions filed; Responsive memoranda filed; Motions U/A	Pre-Trial decisions issued; Trial set for any remaining issues	Trial held (historically 1-3 days)	Decision & JO issued.	
c) Complex appeals (i.e.: Appeal from DRB/PC decision on subdivision.	[same as above]	[same as above]; if necessary b/c of # of parties, hold conference in person.	Address coordination of multiple appeals	Preliminary issues decided: Dismissal, party status. Parties complete discovery	Supplemental conference held Supp. Schedule Order issued.	Final pre-trial motions filed; Responsive memoranda filed; Motions U/A	Pre-trial decisions issued; Trial set for any remaining issues.	Trial held (historically 1-8 days)	Decision & JO issued.

¹ Appeals from appropriate municipal panels (i.e.: zoning boards of adjustment, development review boards and planning commissions; see 24 VSA §§ 4460 and 4471) include review of all different types of municipal permit applications. The majority of the de novo appeals of municipal permit applications fall into four general categories: (1) appeals from a zoning administrator’s determination of whether a proposed project is permitted under the ordinance; (2) appeals from decisions on variance or waiver requests; (3) appeals from subdivision decisions; and (4) appeals from decisions on conditional use and site plan applications. Although the nature of the application can affect the timeline to disposition, most de novo appeals can follow a similar timeline to disposition depending upon whether (a) detailed discovery is requested or substantive pre-trial motions are filed, (b) the de novo appeal follows an “expedited” track (i.e.: no detailed discovery or substantive pre-trial motions); or (c) the appeal is “complex” (i.e.: coordinated with one or more other municipal and state permit appeals or involving 15 or more parties).

File Date:	E Court Case Type: Municipal Enforcement Cases				Docket Number:			
Case Sub-Types	0-30 Days 1 Month	30-60 Days 2 Months	60-90 Days 3 Months	90-120 Days 4 Months	6 Months	7 Months	9 Months	10 Months
1) Municipal enforcement action (no NOV issued or appeal filed.)	Docket # and judge assigned; service verified.	Conduct initial conference; issue Scheduling Order	Set & conduct trial. (Note: only issues are penalties & injunctive relief).	Decision & JO issued.				
2) Appeal from Notice of Violation (NOV) With or without municipal enforcement action	[same as above]	[same as above];	Parties complete discovery process; stipulate to mediator.	Results of mediation reported; conduct follow-up conference. Remaining discovery competed; Pre-trial motions filed	Responsive memoranda filed; Motions U/A	Pre-Trial decisions issued; Trial set for any remaining issues	Trial held (historically 1-3 days) If enf. action also pending, must decide penalty & inj. relief claims, as well as NOV issues	Decision & JO issued.

Useful Abbreviations: NOV – notice of alleged zoning violation; JO – judgment order.

File Date:		E Court Case Type: On-the-Record Appeal			Docket Number:	
0-30 Days 1 Month	30-60 Days 2 Months	60-90 Days 3 Months	90-120 Days 4 Months	120 – 150 Days 5 Months	150 – 180 Days 6 Months	180 – 210 Days 7 Months
Notice of Appeal Filed Docket number assigned Judge assigned Case entered into computer Initial letters sent Tracking system activated Interested Parties served Within 10 days of filing, Appellant must order transcript (copy of order is filed with Court) With 20 days of filing 1) Appellant files SOQ; 2) Appearances filed	Notice of pre-trial conference issued. Initial pre-trial conference held with judge Scheduling Order issued Municipal/Clerk/Officer files the Record Any Cross Appeal must be filed	Mediation Competed (if ordered)	Appellant Brief filed Appellee Brief filed	Appellant Reply Brief filed Oral Argument (if requested)	Under Advisement	Decision Issued

Useful Abbreviations: SOQ – statement of questions