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Memo to Bar - Emergency Promulgated, Promulgated and Proposed Rule Amendments, Approved Financial Institutions and Miscellaneous Info

From: **JUD - CAO Memo to Bar** (JUD.CAOMemotoBar@vermont.gov)
Sent: Wed 1/13/16 8:19 AM
To: 'attylicensing@list.state.vt.us' (attylicensing@list.state.vt.us)

Memo to Bar - January 13, 2016

TO: Members of the Vermont Bar

FROM: Patricia Gabel, State Court Administrator

Emergency Promulgated Rule Amendment

Promulgated Rule Amendments

Proposed Rule Amendments

Approved Financial Institutions

Miscellaneous Information

For your information, please find the following:

Order Promulgating Emergency Amendments to V.R.C.P. 80.6(e)

Order Amending Rule 1 of Administrative Order No. 9

Order Promulgating the Continuation and Amendment of the Emergency Amendments to the Vermont Rules of Small Claims Procedure

Order Making Permanent Emergency Amendment to Rule 4(r)(3) of the Vermont Rules for Family Proceedings

Proposed Order Amending Rules 2(a) and 3(c) of the Vermont Rules for Family Proceedings

Proposed Order Amending Rule 28 of the Vermont Rules of Criminal Procedure

Approved Financial Institutions

Obligations Under A.O. 41

Cabinet Registration

PROMULGATED RULE AMENDMENTS

Order Promulgating Emergency Amendments to V.R.C.P. 80.6(e)

This emergency amendment brings Rule 80.6 into compliance with statutory changes in time to assure federal National Highway Traffic funding for the pilot phase of an e-citation project in the Judicial Bureau scheduled to begin April 1, 2016.

This emergency Order, promulgated on January 11, 2016, **effective April 1, 2016**, can be found on our website at the following address:

[Order Promulgating Emergency Amendments to V.R.C.P. 80.6\(e\)](#)

b. Order Amending Rule 1 of Administrative Order No. 9

This amendment increases the terms for the seven Professional Responsibility Board members from three to five years and staggers the appointments over a seven-year appointment cycle. The rule amendment also provides that a person may be appointed to serve the remainder of an unexpired term and then may serve no more than two consecutive five-year terms.

This Order, promulgated on January 11, 2016, **effective March 11, 2016**, can be found on our website at the following address:

Order Amending Rule 1 of Administrative Order No. 9

Order Promulgating the Continuation and Amendment of the Emergency Amendments to Vermont Rules of Small Claims Procedure

This Order continues emergency amendments promulgated on April 28, 2015, effective May 4, 2015. It further amends Rules 3, 7, 8, 9, and 10 regarding delivery of court documents electronically to registered filers.

This Order, promulgated on January 11, 2016, **effective March 11, 2016**, can be found on our website at the following address:

Order Promulgating the Continuation and Amendment of the Emergency Amendments to Vermont Rules of Small Claims Procedure

Order Making Permanent Emergency Amendment to Rule 4(r)(3) of the Vermont Rules for Family Proceedings

The emergency amendment to Rule 4(r)(3) of the Vermont Rules for Family Proceedings, promulgated as an emergency amendment effective July 1, 2015, has been made permanent.

This Order, promulgated on January 11, 2016, **effective March 11, 2016**, can be found on our website at the following address:

Order Making Permanent Emergency Amendment to Rule 4(r)(3) of the Vermont Rules for Family Proceedings

II. PROPOSED RULE AMENDMENTS

(NOTE: THE FOLLOWING AMENDMENT IS PROPOSED BY THE SUPREME COURT)

a. Proposed Order Amending Rule 2(a) of the Vermont Rules for Family Proceedings and adding Rule 3(c) to the Vermont Rules for Family Proceedings

The proposed addition of Rule 3(c) would authorize the Supreme Court by administrative order to consolidate venue for termination of parental rights proceedings and post-disposition proceedings in four contiguous counties or less. The amendment to Rule 2(a) would make Vermont Rule of Civil Procedure 82, concerning venue, inapplicable in these proceedings.

Comments on these proposed amendments should be sent by **February 16, 2016** to Emily Wetherell, Senior Staff Attorney at the Vermont Supreme Court, at the following address:

Emily Wetherell, Esq.

Vermont Supreme Court

109 State Street

Montpelier, VT

05609-0801

Emily.Wetherell@vermont.gov

This proposed amendment can be found on our website at the following address:

[Proposed Order Amending Rule 2\(a\) of the Vermont Rules for Family Proceedings and adding Rule 3\(c\) to the Vermont Rules for Family Proceedings](#)

(NOTE: THE FOLLOWING AMENDMENT IS PROPOSED BY THE RULE COMMITTEE AND HAS NOT BEEN REVIEWED BY THE SUPREME COURT.)

Proposed Order Amending Rule 28 of the Vermont Rules of Criminal Procedure

The proposed amendment to Rule 28 of the Vermont Rules of Criminal Procedure clarifies the requirements in actions in the Criminal Division of the Superior Court for court appointment of interpreters for persons with limited English proficiency (LEP) or hearing impairments comply with federal law.

Comments on these proposed amendments should be sent by **March 11, 2016** to P. Scott McGee, Esq., Chair of the Criminal Rules Committee, at the following address:

P. Scott McGee, Esq.

Hershensen, Carter, Scott & McGee

PO Box 909

Norwich, VT 05055-0909

smcgee@hcsmlaw.com

This proposed amendment can be found on our website at the following address:

[Proposed Order Amending Rule 28 of the Vermont Rules of Criminal Procedure](#)

II. LIST OF APPROVED FINANCIAL INSTITUTIONS

Rule 1.15B(a)(1) of the Vermont Rules of Professional Conduct requires lawyers to maintain their trust accounts only in financial institutions approved by the Professional Responsibility Board. Financial institutions which have not been so approved may obtain information as to how to become certified by contacting the Office of Disciplinary Counsel (802) 859-3000. For a complete list of Approved Financial Institutions, please click on the following link:

[List of Approved Financial Institutions](#)

In addition, in October 2014, the Professional Responsibility Board revised their handbook entitled "*Managing Client Trust Accounts, Rules, Regulations and Tips*." The link is below and attorneys are encouraged to review the handbook

[Managing Client Trust Accounts, Rules, Regulations and Tips](#)

III. MISCELLANEOUS

a. Obligation under A.O. 41

Attorneys are reminded that an “attorney shall report to the Court Administrator within thirty days any change of the office mailing or electronic mail address” and that “notice sent to a reported address shall be sufficient even if not received by the attorney because of failure to report the proper address or failure of delivery not caused by the court.” A.O. 41, § 7; See, A.O. 44, § 1.

Please email those changes to JUD.AttyLicensing@vermont.gov. Your cooperation is very much appreciated.

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov to your Safe Senders list.

b. eCabinet Registration

Administrative Order No. 44 requires attorneys in active status to register up to three email addresses in **eCabinet** for purposes of receiving notices of hearing and other documents. *You may include staff email addresses in the three email addresses that you specify. eCabinet registration is required whether you practice in court, or not.*

If you have already registered in **eCabinet**, the email address(es) you provided as part of that process will be used, and you need not do anything further.

If you have not already registered in **eCabinet**, please go to the <https://www.vermontjudiciary.org> website, click the **Electronic Filing and Registration** icon, click **Electronic Filing and Registration** on the *Electronic Services* screen, click **Register Now**, and follow the simple prompts. Attorneys will need their attorney license numbers to register. Helpful information about the Attorney Email Registration process is also available on the *Electronic Services* screen, including a listing of the Administrative Directives that detail when Notices of Hearing and other court documents are being sent via email to attorneys with cases in the units and divisions specified. Please contact jud.helpdesk@vermont.gov or call the Helpdesk at 802-828-4357 with any questions in the meantime.

You are also reminded that you are required to update the email address(es) and other contact information you have registered as soon as there are any changes, including changes to staff email addresses you may have included with your registration. To revise the information, please go to <https://www.vermontjudiciary.org/MasterPages/eservices-efiling.aspx>, click “**Electronic Filing and Registration**”, log into **eCabinet**, click “**Account**”, choose “**My Profile**”, and make the changes to your contact information accordingly.

Notification to JUD.AttyLicensing@vermont.gov or in **eCabinet** of a change to your contact information does not automatically notify the other. It is your responsibility to notify both. If you are a member of the Vermont Bar Association, you will also need to separately notify the VBA.