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STATE OF VERMONT

Legislative Committee on Judicial Rules

Friday, August 3, 2020

AGENDA

10:00 a.m. Approval of Minutes of 12/6/19 meeting.

10:05 a.m. **Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court; Patricia Gabel, Esq., State Court Administrator, Vermont Supreme Court.**

1. Emergency Rule and Amendments (promulgated March 16, 2020; amendments promulgated on multiple dates thereafter; rule and amendments effective on promulgation).

a. **Administrative Order 49.** Declaration of judicial emergency by Supreme Court in response to the novel coronavirus, COVID-19, and the Governor's declaration of a state of emergency.

10:40 a.m. **Elizabeth Miller, Esq., Chair, Advisory Committee on Rules of Evidence, Vermont Supreme Court.**

2. Proposed Rule (proposed December 10, 2019; comments due February 10, 2020; not yet reviewed by LCJR).

a. **V.R.E. 807.** Testimony where victim is a minor or other vulnerable person.

11:00 a.m. **Hon. Jeffrey P. Kilgore, Probate Judge, Chair, Advisory Committee on Probate Rules, Vermont Supreme Court; Kinvin Wroth, Reporter, Advisory Committees on Civil and Probate Rules, Vermont Supreme Court.**

3. Promulgated Rules (proposed March 9, 2020; promulgated June 12, 2020; effective August 18, 2020; not yet reviewed by LCJR).

a. **V.R.P.P. 77(e).** Incorporation of exceptions from Rules for Public Access

to Court Records.

- b. **V.R.P.P. 66, 80.3, and 74.** Conforming rules to provisions of Vermont Trust Code and small estates statutes.
- c. **V.R.P.P. 80.9, 80.10, and 80.11.** Appointment of and representation by guardian ad litem and attorneys.
- d. **V.R.P.P. 3.1.** Modernization and clarification of terms, including clarification of “in forma pauperis.”

11:30 a.m.

Hon. Thomas Zonay, Superior Judge, Chair, Advisory Committee on Criminal Rules, Vermont Supreme Court; Hon. Judge Walter Morris (Ret.), Reporter, Advisory Committee on Rules of Criminal Procedure, Vermont Supreme Court.

4. Promulgated Rule (proposed October 1, 2019; reviewed by LCJR 12/6/19; promulgated May 4, 2020; effective July 6, 2020).

a. **V.R.Cr.P. 32(c)(4).** Procedures for objection to recommended probation conditions.

11:40 a.m.

Hon. Michael Kainen, Superior Judge, Chair, Advisory Committee on Family Rules, Vermont Supreme Court; Hon. Judge Amy Davenport (Ret.), Reporter, Advisory Committee on Family Rules, Vermont Supreme Court.

5. Promulgated Rule (proposed October 1, 2020; reviewed by LCJR 12/6/16; promulgated June 12, 2020; effective August 18, 2020).

a. **V.R.F.P. 4.3(f).** Enforcement of judgments or orders to pay money rendered in Family Division proceedings.

6. Promulgated Rule (proposed October 1, 2019; reviewed by LCJR 12/6/19; promulgated February 10, 2020; effective April 13, 2020).

a. **V.R.F.P. 6.2.** Establishment of single procedure for mental health proceedings.

7. Proposed Rule (proposed February 11, 2020, comments due April 13, 2020; not yet reviewed by LCJR).

- a. **V.R.F.P. 4.3(b).** Revision to nonparty motion for relief from parentage judgment in response to Vermont Parentage Act.

11:50 a.m.

Allan Keyes, Esq., Chair, Advisory Committee on Civil Rules; Vermont Supreme Court; Kinvin Wroth, Reporter, Advisory Committees on Civil and Probate Rules, Vermont Supreme Court.

8. Promulgated Rule (proposed October 1, 2019; reviewed by LCJR 12/6/19; promulgated February 10, 2020; effective April 13, 2020).

- a. V.R.C.P. 62(a)(3)(A). Grammatical change to remove ambiguity.

9. Promulgated Rule (proposed November 7, 2019; reviewed by LCJR 12/16/19; promulgated February 10, 2020; effective April 13, 2020).

- a. Vermont Rules of Small Claims Procedure 3, 7, 9, and 10. Service of small claims default judgment.

10. Promulgated Rules (proposed March 9, 2020; promulgated June 12, 2020; effective August 18, 2020; not yet reviewed by LCJR).

- a. V.R.C.P. 3.1; V.R.A.P. 24. Modernization and clarification of terms, including clarification of “in forma pauperis.”

11. Proposed Rules (proposed February 10, 2020; comments due April 13, 2020; not yet reviewed by LCJR).

- a. V.R.C.P. 26, 34, and 78. Protective orders and production of documents in discovery proceedings; time periods for responding to dispositive motions.

12:15 p.m.

Hon. Timothy Tomasi, Superior Judge, Chair, Vermont Rules for Public Access to Court Records, Vermont Supreme Court; Hon. Judge Dennis Pearson (Ret.), Reporter, Vermont Rules for Public Access to Court Records, Vermont Supreme Court.

12. Proposed Rule (proposed May 4, 2020; comments due July 6, 2020; not yet reviewed by LCJR).

- a. V.R.P.A.C.R. 6(b)(5). Expungement and sealing of criminal history records where judicial officer has found there is no probable cause for some, but not all, of the charges brought in single information.

12:30 p.m.

Adjourn

If you have questions and/or comments, please contact Mike Ferrant at 802-828-2271 or mferrant@leg.state.vt.us

