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STATE OF VERMONT

Legislative Committee on Judicial Rules

Tuesday, November 1, 2022

Room 9, State House

AGENDA

10:00 a.m. Approval of minutes of April 14, 2022 meeting.

10:05 a.m. **Hon. Thomas Carlson, 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.**

1. Promulgated Rules (proposed November 15, 2021; reviewed by LCJR April 14, 2022; promulgated April 18, 2022; effective June 20, 2022).

- a. **V.R.F.P. 18(d)(2).** Clarifying that mediation can take place remotely or in person.
- b. **V.R.F.P. 2(a)(2), (3), 6(a) and (c)(2)(3), 6.1(a) and (c)(1), and 8(h).** Revising cross-references and making other technical amendments.

2. Promulgated Rules (proposed May 10, 2022; promulgated September 13, 2022; effective November 14, 2022; not yet reviewed by LCJR).

- a. **V.R.F.P. 9(b), (g)(1).** Adding email addresses, if available, to contact information litigant is required to file with the court.
- b. **V.R.F.P. 1.1.** Procedure in Youthful Offender proceedings.

10:25 a.m. **Hon. John Treadwell, 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.**

3. Promulgated Rule (proposed August 3 2021; reviewed by LCJR October 21, 2021; promulgated April 18, 2022; effective June 20, 2022).

a. [V.R.Cr.P. 11\(a\)\(4\)](#). Procedure for preserving a post-conviction relief (PCR) challenge while pleading guilty or no contest if the State has not consented to preservation of the challenge under Rule 11(a)(3).

4. Promulgated Rule (proposed January 10, 2022; reviewed by LCJR April 14, 2022; promulgated May 9, 2022; effective September 6, 2022).

a. [V.R.Cr.P. 45\(a\)\(4\)\(A\) and \(e\)](#). Filing and service in Criminal Division.

5. Proposed Rules (proposed June 6, 2022; comments due August 8, 2022; not yet reviewed by LCJR).

a. [V.R.Cr.P. 26.2; A.O. 47](#). Video conference testimony in criminal proceedings upon agreement of parties and approval by court.

6. Emergency Promulgated Rule (promulgated August 9, 2022; effective September 6, 2022; comments due October 17, 2022; not yet reviewed by LCJR).

a. [V.R.Cr.P. 24\(d\)](#). Making permanent provisions of A.O.49 authorizing judges to seat alternate jurors in criminal trials.

10:45 a.m.

Hon. Timothy Tomasi, Superior Judge, Chair, Vermont Rules for Public Access to Court Records, Vermont Supreme Court; Petra Halsema, Esq., Reporter, Vermont Rules for Public Access to Court Records, Vermont Supreme Court.

7. Promulgated Rule (proposed February 7, 2022; reviewed by LCJR April 14, 2022, promulgated June 6, 2022, effective August 8, 2022).

a. [V.R.P.A.C.R. 6\(b\)\(14\)](#). Exemption of personally identifying information when victim was minor at time of offense.

8. Proposed Rules (proposed September 13, 2022; comments due November 14, 2022; not yet reviewed by LCJR).

a. [V.R.P.A.C.R. 6\(b\)\(9\) and 11\(c\)](#). Public access to filings and orders in relief from abuse proceedings. Renaming of Technology Services Center.

11:00 a.m.

Hon. Jeffrey P. Kilgore, Probate Judge, Chair, Advisory Committee on Probate Rules, Vermont Supreme Court.

9. Promulgated Rule (Proposed October 15, 2021; reviewed by LCJR April 14, 2022, promulgated May 9, 2022, effective July 11, 2022).

a. [V.R.P.P. 18\(d\)](#). Abrogating rule due to obsolete cross-reference.

10. Promulgated Rule (Proposed May 10, 2022; promulgated August 9, 2022, effective September 6, 2022).

- a. [V.R.P.P. 5, 6\(a\)\(4\), and 79.1](#). Filing and service by email.

11. Proposed Rule (proposed August 17, 2022; comments due October 17, 2022; previous version reviewed by LCJR April 14, 2022).

- a. [V.R.P.P. 66](#). Contents of estate inventories and standards for estate accountings.

11:10 a.m.

Allan Keyes, Esq., Chair, Advisory Committee on Civil Rules, Vermont Supreme Court; Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.

12. Promulgated Rules (proposed October 15 and December 13, 2021; reviewed by LCJR April 14, 2022; promulgated April 18, 2022; effective June 20, 2022).

- a. [V.R.C.P. 50\(b\)](#). Consideration of pure questions of law on appeal absent motion for renewal following judgment.
- b. [V.R.C.P. 68](#). Making permanent provisions of A.O. 49 permitting offers of judgment by the plaintiff.
- c. [V.R.S.C. 7, 8](#). Requiring personal service of judgments before financial disclosure hearings can be held, extending time period between new financial disclosure hearings, and modernizing and simplifying the contempt process for failure to appear at a disclosure hearing.

13. Promulgated Rule (reviewed by LCJR 9/24/15 (prior temporary version) and 6/14/16 meetings; promulgated June 15, 2016; effective August 15, 2016; permanent version promulgated May 9, 2022; effective July 11, 2022).

- a. [V.R.C.P. 80.11](#). Procedures for expedited actions in lower value or less complex cases.

14. Promulgated Rule (proposed January 10, 2022; reviewed by LCJR April 14, 2022; promulgated May 9, 2022; effective September 6, 2022).

- a. [V.R.A.P. 25](#). Filing of documents in Supreme Court.

15. Promulgated Rule (proposed December 13, 2021; reviewed by LCJR April 14, 2022; promulgated May 9, 2022; effective September 6, 2022).

- a. [V.R.C.P. 5, 6\(a\)\(4\), 29; 79.1](#). Filing and serving documents by e-mail; requirements for self-represented parties.

16. Promulgated Rule (proposed September 16, 2021; reviewed by LCJR

April 14, 2022; promulgated May 9, 2022; effective September 6, 2022).

a. **[Abrogating V.R.C.P. 6\(e\) and V.R.A.P. 26\(c\); amending V.R.A.P. 26\(d\)\(1\), 31\(a\).](#)** Modifying time limits for filing briefs and stipulating to extensions of time for filing.

17. Promulgated Rule (proposed March 7, 2022; reviewed by LCJR April 14, 2022; promulgated July 11, 2022; effective September 12, 2022).

V.R.C.P. 26(e)(4). Supplementation of expert disclosures and expert depositions; duty to correct or supplement discovery responses.

18. Promulgated Rules (proposed April 18, 2022; promulgated August 9, 2022; effective October 1, 2022; not yet reviewed by LCJR).

a. **[V.R.A.P. 9, 33.1, 34.](#)** Procedures for remote oral argument in Vermont Supreme Court.

19. Promulgated Rules (proposed July 13, 2022; promulgated September 13, 2022; effective October 1, 2022; not yet reviewed by LCJR).

a. **[V.R.S.C.P. 6, 80.6\(n\).](#)** Remote hearings for small claims actions and Judicial Bureau proceedings; correcting and updating terminology.

b. **[V.R.C.P. 9.2, 9.3.](#)** Special procedures in residential eviction proceedings and certain foreclosure actions.

11.45 a.m. **Teri Corsones, Esq., Court Administrator, Vermont Supreme Court; Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.**

Discussion of amendments to A.O. 49 and associated Court Rules.

12:00 p.m. Adjourn

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