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## STATE OF VERMONT

### Legislative Committee on Judicial Rules

Wednesday, October 16, 2024

#### State House

#### AGENDA

- 8:00 a.m. Approval of minutes of June 19, 2024, meeting.
- 8:05 a.m. **Hon. John Treadwell, Superior Judge, Chair, Advisory Committee on Criminal Rules, Vermont Supreme Court; Professor Shannon Heery, Esq., Reporter, Advisory Committee on Criminal Rules, Vermont Supreme Court.**
- 1. Promulgated Rules (emergency order promulgated August 9, 2022, effective September 6, 2022; promulgated September 9, 2024; effective immediately; not yet reviewed by LCJR).**
- a. **V.R.Cr.P. 24.** Making permanent the emergency rule that permits the court to impanel a reasonable number of alternate jurors.
- 8:20 a.m. **Hon. Dickson Corbett, Superior Judge, Chair, Advisory Committee on Rules of Evidence, Vermont Supreme Court; Professor Jennifer Rushlow, Esq., Reporter, Advisory Committee on Rules of Evidence, Vermont Supreme Court.**
- 2. Promulgated Rules (proposed October 10, 2023; reviewed by LCJR November 13, 2023; promulgated August 12, 2024; effective January 1, 2025).**
- a. **Amendments to Various Rules.** Removing gendered pronouns and making minor stylistic changes.
- 3. Proposed Rule (proposed October 8, 2024; comments due December 9, 2024; not yet reviewed by LCJR).**
- a. **V.R.E 502.** Extending lawyer-client evidentiary privilege to communications between a client and a lawyer referral and information service made for the

purpose of seeking professional legal services.

8:40 a.m.

**Hon. Kerry Ann McDonald-Cady, Superior Judge, Chair, Advisory Committee on Family Proceedings, Vermont Supreme Court; Hon. Amy Davenport (Ret.), Reporter, Advisory Committee on Rules for Family Proceedings, Vermont Supreme Court.**

**4. Promulgated Rules (proposed December 12, 2023; reviewed by LCJR June 19, 2024; promulgated August 12, 2024; effective January 1, 2025).**

a. **V.R.F.P. 1(i)(2)(B), (1)(7).** Updating outdated terminology related to disabilities.

**5. Promulgated Rule (proposed March 6, 2024; reviewed by LCJR June 19, 2024; promulgated August 12, 2024; effective January 1, 2025).**

a. **V.R.F.P 15(i).** Repeal of obsolete requirement that attorney's eCabinet registration number be included in filings.

**6. Proposed Rules (proposed August 12, 2024; comments due October 14, 2024; not yet reviewed by LCJR).**

a. **V.R.F.P. 4.1(a)(2) and (3); 4.3.** Conforming rules to legislation that amended procedures, authorized by the Federal Immigration and Nationality Act (INA), allowing a noncitizen youth to petition U.S. Citizenship and Immigration Services for Special Immigrant Juvenile Status (SIJS) and providing state courts with jurisdiction to make findings on the criteria when an SIJS petition is filed.

9:00 a.m.

**Allan Keves, Esq., Chair, Advisory Committee on Civil Rules, Vermont Supreme Court; Professor Pamela Vesilind, Esq., Reporter, Advisory Committee on Civil Rules, Vermont Supreme Court.**

**7. Promulgated Rule (Proposed June 3, 2023; reviewed by LCJR June 19, 2024; promulgated October 8, 2024; effective January 1, 2025).**

a. **V.R.C.P. 80.1(b)(3).** Filing of Verified Answer form in foreclosure proceedings.

**8. Proposed Rules (proposed October 8, 2024; comments due December 9, 2024; not yet reviewed by LCJR).**

a. **V.R.C.P. 4(c).** Option to use alternative process server for good cause shown.

b. **V.R.C.P. 9.2.** Making permanent the requirement that complaints in residential eviction proceedings comply with the requirements of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

- c. V.R.C.P. 11(e), 43, 56. Use of a declaration in place of an affidavit or notarized statement.
- d. Vermont Rules for Environmental Court Proceedings 5(b)(4)(A).  
Requiring service of the notice of appeal on the applicant immediately after the appellant files the notice of appeal and mails a copy to the municipal panel.
- e. Vermont Rules for Environmental Court Proceedings 3, 4(a)(2), (d)(6)(A), and (e)(5), 5(a)(2), (b)(1), (c), (f), (h)(1)(A), and (k)(1).  
Deleting references to 2010 Vermont Rules for Electronic Filing, which were replaced with the 2020 Vermont Rules for Electronic Filing.

9:30 a.m. **Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.**

Discussion regarding establishing regular schedule of Judicial Rules Committee meetings.

9:45 a.m. Adjourn

*If you have questions and/or comments, please contact Mike Ferrant  
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