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STATE OF VERMONT

Legislative Committee on Judicial Rules

Monday, November 13, 2023

State House

AGENDA

3:00 p.m. Approval of minutes of June 19, 2023 meeting.

3:00 p.m. **Hon. John Treadwell, Superior Judge, Chair, Advisory Committee on Criminal Rules, Vermont Supreme Court; Hon. Walter Morris (Ret.), Reporter, Advisory Committee on Criminal Rules, Vermont Supreme Court.**

1. Promulgated Rules (proposed March 6, 2023; reviewed by LCJR June 19, 2023; promulgated July 10, 2023; effective October 2, 2023).

- a. **V.R.Cr.P. 26(c) and (d).** Notice requirements when State seeks to introduce evidence of other crimes, wrongs, or acts in a criminal case.

2. Promulgated Rules (proposed May 8, 2023; reviewed by LCJR June 19, 2023; promulgated October 10, 2023; effective January 1, 2024).

- a. **V.R.Cr.P. 47(b) and (c), 45(d).** Procedures for filing motions and responses; manner and timing of filing affidavits accompanying motions; statement of findings in writing or on the record by the court.

3:15 p.m. **Hon. Jeffrey P. Kilgore, Probate Judge, Chair, Advisory Committee on Rules of Probate Procedure, Vermont Supreme Court; Hon. Judge Joanne Ertel (Ret.), Reporter, Advisory Committee on Rules of Probate Procedure, Vermont Supreme Court.**

3. Promulgated Rule (proposed April 10, 2023; reviewed by LCJR June 19, 2023; promulgated July 10, 2023; effective October 2, 2023).

- a. [V.R.P.P. 43.1](#). Permanent rule changes to govern remote participation in court proceedings in the Probate Division.

4. Promulgated Rules (proposed April 10, 2023; reviewed by LCJR June 19, 2023; promulgated July 10, 2023; effective October 2, 2023).

- a. Vermont Rules for Electronic Filing [3\(c\), 12](#); [V.R.P.P. 5\(e\), 78](#).

Procedures in probate proceedings when court must review paper copies of certain documents.

5. Proposed Rule (proposed July 10, 2023; comments due September 11, 2023; not yet reviewed by LCJR).

- a. [V.R.P.P. 47\(e\)](#). Updating language regarding production of transcripts in probate proceedings to conform to parallel provisions in other courts.

3:30 p.m.

Scott Griffith, Esq., Chair, Special Advisory Committee on Remote Hearings, Vermont Supreme Court; Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.

6. Promulgated Rules (V.R.F.P. 17 and V.R.C.P. 43.1 proposed December 13, 2022; reviewed by LCJR June 19, 2023; promulgated July 10, 2023; effective October 2, 2023; V.R.F.P. 1(a)(1) and A.O. 47 not yet reviewed by LCJR).

- a. [V.R.F.P. 1\(a\)\(1\); V.R.F.P. 17](#). As a result of study by Special Advisory Committee on Remote Hearings, permanent rule changes to govern remote participation in court proceedings in the Family Divisions.
- b. [V.R.C.P. 43.1](#). As a result of study by Special Advisory Committee on Remote Hearings, permanent rule changes to govern remote participation in court proceedings in the Civil Divisions.
- c. [Administrative Order 47](#). Technical standards for remote and hybrid participation in court proceedings.

3:45 p.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.

16. Proposed Rules (proposed October 10, 2023; comments due December 11, 2023; not yet reviewed by LCJR).

a. Amendments to Various Rules. Removing gendered pronouns and making minor stylistic changes.

4:00 p.m. **Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.**

8. Promulgated Order (promulgated October 10, 2023; effective January 1, 2024; not yet reviewed by LCJR).

a. Administrative Order 11. Procedures relating to Court rules, including, unless otherwise provided: (1) adopting regularized effective dates of either July 1 or January 1 for all rules; and (2) requiring at least 60 days from the date of promulgation before a rule becomes effective.

4:15 p.m. **Allan Keyes, Esq., Chair, Advisory on Civil Rules, Vermont Supreme Court; Professor Pamela Vesilind, Esq., Reporter, Advisory Committee on Civil Rules, Vermont Supreme Court.**

9. Emergency Rule (promulgated August 14, 2023; effective August 14, 2023; not yet reviewed by LCJR).

a. V.R.S.C.P. 2. Amending rules to conform to recent statutory increase of jurisdictional limit in small claims proceedings to \$10,000.00.

10. Promulgated Rules (promulgated October 10, 2023; effective January 1, 2024; not yet reviewed by LCJR).

a. V.R.A.P. 28(e), (30). Requiring a printed case for most appeals whether or not there is an appeal volume.

11. Promulgated Rule (promulgated October 10, 2023; effective January 1, 2024; not yet reviewed by LCJR).

a. V.R.C.P. 64. Deleting obsolete references.

12. Proposed Rules (proposed October 10, 2023; comments due December 11, 2023; not yet reviewed by LCJR).

a. V.R.C.P. 4(c)–(f), 55, 62(b), 80.1(f). Procedures involving service of default judgments, and updating language regarding service of process to reflect current practice and terminology.

13. Proposed Rule (proposed October 10, 2023; comments due December 11, 2023; not yet reviewed by LCJR).

- a. [V.R.C.P. 9.3.](#) Abrogating Covid-era rule relating to foreclosure since final applications are now being processed and rule will be obsolete when agency ceases disbursing funds in early 2024.

14. Proposed Rule (proposed October 10, 2023; comments due December 11, 2023; not yet reviewed by LCJR).

- a. [V.R.C.P. 11\(a\).](#) Requiring pleadings, written motions, or documents that require a signature to also include the signer's telephone number.

15. Proposed Rules (proposed October 10, 2023; comments due December 11, 2023; not yet reviewed by LCJR).

- a. [V.R.A.P. 3\(e\), 27\(a\)\(3\).](#) Making appellee's docketing statement optional and allowing a reply in response to a motion.

4:45 p.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 Rules (promulgated October 10, 2023; effective January 1, 2024; not yet reviewed by LCJR).

- a. [V.R.P.A.C.R. 2, 5\(i\), 6\(a\)–\(c\), 7\(a\), and 9\(a\)\(b\).](#) Revisions to exceptions to public access to court records.

5:00 p.m.

Adjourn

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