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STATE OF VERMONT

Legislative Committee on Judicial Rules

Monday, June 19, 2023

State House

Room 10

*Unless otherwise noted, all meetings are livestreamed at
<https://legislature.vermont.gov/committee/streaming/shared-joint-committees>*

AGENDA

10:00 a.m. Approval of minutes of April 12, 2023 meeting.

10:05 a.m. **Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.**

1. Proposed Rules (proposed September 13, 2022; reviewed by LCJR November 1, 2022; promulgated February 6, 2023; effective April 10, 2023).

[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.](#)

10:15 a.m. **Hon. John Treadwell, Superior Judge, Chair, Advisory Committee on Criminal Rules, Vermont Supreme Court.**

2. Promulgated Rule (proposed June 6, 2022; reviewed by LCJR November 1, 2022; promulgated June 5, 2023; effective September 5, 2023).

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

3. Proposed Rules (proposed March 6, 2023; comments due May 8, 2023; not yet reviewed by LCJR).

[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.

4. Proposed Rules (proposed May 8, 2023; comments due July 10, 2023; not yet reviewed by LCJR).

[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.

10:30 a.m.

Teri Corsones, Esq., Court Administrator, Vermont Supreme Court;
Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.

5. Proposed Rule (proposed April 10, 2023; comments due June 12, 2023; not yet reviewed by LCJR).

[a. Vermont Rules for Electronic Filing 5.](#) Procedures for electronic filing of motions and supporting documents; provisions regarding acceptance and rejection of electronic filings, including errors that can result in rejection or failed submissions.

10:45 a.m.

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

6. Promulgated Rules (promulgated December 12, 2022; effective February 13, 2023; not yet reviewed by LCJR; parallel Small Claims rule reviewed April 14, 2022).

[a. V.R.C.P. 79.1\(e\); V.R.Cr.P. 44.2\(b\); V.R.P.P. 79.1\(d\); V.R.F.P. 15\(e\).](#) Providing that admission pro hac vice is a matter of course on motion supported by the pro hac vice licensing card issued by the Court Administrator.

7. Emergency Rule (promulgated December 12, 2022; effective January 1, 2023; not yet reviewed by LCJR).

[a. V.R.C.P. 56\(b\).](#) Clarifying that a party may file a motion for summary judgment at any time until 30 days after the close of discovery.

11:00 a.m.

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

8. Proposed Rules (proposed December 13, 2022; comments due February 13, 2023; not yet reviewed by LCJR).

- a. **V.R.C.P. 43.1; 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 Civil and Family Divisions.

<https://www.vermontjudiciary.org/PROPOSED-VRCP43.1-FORCOMMENT>

<https://www.vermontjudiciary.org/PROPOSED-VRFP17-FORCOMMENT>

9. Proposed Rules (proposed April 10, 2023; comments due June 12, 2023; not yet reviewed by LCJR).

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

11:20 a.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.

10. Emergency Rule (promulgated December 12, 2022; effective January 1, 2023; not yet reviewed by LCJR).

- a. **V.R.P.P. 80.10(c)(3).** [Time limit for objection to appointment of guardian ad litem.](#)

11. Promulgated Rule (proposed August 17, 2022; reviewed by LCJR November 1, 2022; promulgated April 10, 2023; effective July 3, 2023).

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

12. Proposed Rules (proposed May 8, 2023; comments due July 10, 2023; not yet reviewed by LCJR).

- a. **V.R.P.P. 5.1.** [Notice requirements for beneficiaries of a decedent's estate or trust and interested parties in a guardianship.](#)

- b. **V.R.P.P. 40(d)(3).** [Procedure regarding motions to disqualify a probate judge.](#)

11:40 a.m. **Hon. Jeffrey P. Kilgore, Probate Judge, Chair, Advisory Committee on Probate Rules, Vermont Supreme Court; Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.**

13. Proposed Rules (proposed April 10, 2023; comments due June 12, 2023; not yet reviewed by).

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.

12:00 noon **Adjourn**

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