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STATE OF VERMONT

Legislative Committee on Judicial Rules

Wednesday, June 19, 2024

State House

AGENDA

10:00 a.m. Approval of minutes of November 13, 2023 meeting.

10:05 a.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 December 12, 2023; promulgated May 6, 2024; effective January 1, 2025; not yet reviewed by LCJR).

a. V.R.Cr.P. 41.1(b) and (c). Electronic applications for nontestimonial identification orders.

10:20 a.m. **Hon. Kathryn Kennedy, 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.**

2. Promulgated Rules (proposed November 6, 2023; promulgated February 5, 2024; effective July 1, 2024; not yet reviewed by LCJR).

a. V.R.P.P. 7(e), 7(d). Permitting Probate Court to decide a motion without a hearing if no written opposition to the motion is received.

3. Promulgated Rules (proposed November 6, 2023; promulgated February 5, 2024; effective July 1, 2024); not yet reviewed by LCJR).

a. V.R.P.P. 16.1(b), 16.1(d)(2). Permitting court to limit mediation participants to parties and interested persons with an in interest in the issue being

mediated, and providing option of in-person, remote, or hybrid participation in the mediation.

10:35 a.m. **Hon. Kerry Ann McDonald-Cady, Superior Judge, Chair, Advisory Committee on, Vermont Supreme Court; Hon. Amy Davenport (Ret.), Reporter, Advisory Committee on Rules for Family Proceedings, Vermont Supreme Court.**

4. Proposed Rule (proposed December 12, 2023; comments due February 12, 2024; not yet reviewed by LCJR).

a. **V.R.F.P. 1(i)(2)(B).** Updating outdated terminology related to disabilities.

5. Proposed Rule (proposed March 6, 2024; comments due April 26; not yet reviewed by LCJR).

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

10:50 a.m. **Hon. John Dooley (Ret.), Chair, Committee on Electronic Filing, Vermont Supreme Court; Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.**

6. Promulgated Rule (proposed April 10, 2023; reviewed by LCJR June 19, 2023; promulgated November 6, 2023; effective January 8, 2024).

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.

7. Promulgated Rule (proposed November 6, 2023; promulgated April 1, 2024; effective July 1, 2024; not yet reviewed by LCJR).

a. **Vermont Rules for Electronic Filing 8(d).** Manner for filing exhibits in electronic filing system; requiring that each exhibit be submitted as a separate document instead of as one compiled document.

8. Promulgated Rules (proposed March 6, 2024; promulgated June 3, 2024; effective January 1, 2025; not yet reviewed by LCJR).

a. **Vermont Rules for Electronic Filing 2(c).** Clarifying that electronic case file is limited to the items in the Judiciary's electronic case management system.

b. **Vermont Rules for Electronic Filing 8(c).** Procedures for digital evidence exhibits that cannot be filed through electronic filing system.

11:10 a.m.

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

9. Promulgated Rule (proposed October 10, 2023; reviewed by LCJR November 13, 2023; promulgated February 5, 2024; effective immediately).

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.

10. Promulgated Rule (proposed March 6, 2023; reviewed by LCJR November 13, 2023; promulgated February 5, 2024; effective July 1, 2024).

a. **V.R.C.P. 9.2.** Deleting reference to Vermont Emergency Rental Assistance Program, which closed to new applications on October 1, 2022.

11. Promulgated Rules (proposed October 10, 2023; reviewed by LCJR November 13, 2023; promulgated April 1, 2024; effective July 1, 2024).

a. **V.R.A.P. 3(e) and 27(a)(e).** Making appellee's docketing statement optional and allowing a reply in response to a motion.

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

12. Promulgated Rules (promulgated April 1, 2024; effective July 1, 2024; not yet reviewed by LCJR).

a. **V.R.A.P. 28(g)(1).** Updating a cross-reference.

b. **V.R.S.C.P. 9(b)(2).** Updating a reference to the location of the exemptions list that are now in a form approved by the Court Administrator and available on the Judiciary website.

13. Promulgated Rule (proposed October 10, 2023; reviewed by LCJR November 13, 2023; promulgated June 3, 2024; effective January 1, 2025).

a. **V.R.C.P. 4(c), (d), (e), and (f).** Updating and clarifying procedures for service of process.

14. Proposed Rules (proposed June 3, 2024; comments due August 3, 2024; not yet reviewed by LCJR).

a. **V.R.C.P. 16.2 and 26(f).** Procedures involving scheduling orders and discovery conference orders.

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

11:40 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.**

15. Promulgated Rule (proposed October 10, 2023; reviewed by LCJR November 13, 2023; promulgated December 11, 2023; effective January 1, 2024).

- a. **V.R.P.A.C.R. 6(a)–(c)**. Revisions to exceptions to public access to court records.

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.