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STATE OF VERMONT

Legislative Committee on Judicial Rules

Thursday, April 14, 2022

109 State St., Room 267

AGENDA

4:30 p.m. **Hon. Michael Kainen, 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. Proposed Rules (proposed November 15, 2021; comments due January 18, 2022; not yet reviewed by LCJR).

- 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.

4:45 p.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.**

2. Promulgated Rule (proposed April 5, 2021; reviewed by LCJR June 16, 2021; promulgated November 15, 2021; effective January 18, 2022).

- a. **V.R.Cr.P. 7.** Amendment of indictment or information prior to trial.

3. Proposed Rule (proposed January 10, 2022; comments due February 14, 2022; not yet reviewed by LCJR).

- a. **V.R.Cr.P. 45(a)(4)(A) and (e).** Filing and service in Criminal Division.

5:00 p.m.

Hon. Timothy Tomasi, Superior Judge, Chair, Vermont Rules for Public Access to Court Records, Vermont Supreme Court; Hon. Judge Dennis Pearson (Ret.), Reporter, Vermont Rules for Public Access to Court Records.

4. Promulgated Rules (reviewed by LCJR October 10, 2021; promulgated February 7, 2022; effective April 11, 2022).

- a. **V.R.P.A.C.R. 5(c) and (d), 6(b), 9.** Right of access to records for lawyers and guardians ad litem; exception to public access for motions for ex parte relief, records subject to a motion for in camera review, and records containing trade secrets or other confidential business information; and hearings on motions to seal or redact.

5. Proposed Rule (proposed February 7, 2022; comments due April 11, 2022; not yet reviewed by LCJR).

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

5:15 p.m.

Hon. Jeffrey P. Kilgore, Probate Judge, Chair, Advisory Committee on Probate Rules, Vermont Supreme Court; Kinvin Wroth, Reporter, Advisory Committees on Civil and Probate Rules, Vermont Supreme Court.

6. Proposed Rules (proposed October 15, 2021; comments due December 15, 2021; not yet reviewed by LCJR).

- a. **V.R.P.P. 66.** Contents of estate inventories and standards for estate accountings.

7. Proposed Rules (proposed February 9, 2022; comments due April 11, 2022; not yet reviewed by LCJR).

- a. **V.R.P.P. 18(d).** Abrogating rule due to obsolete cross-reference.

5:30 p.m.

Allan Keyes, Esq., Chair, Advisory Committee on Civil Rules, Vermont Supreme Court; Kinvin Wroth, Reporter, Advisory Committees on Civil and Probate Rules, Vermont Supreme Court.

8. Promulgated Rules (proposed October 15, 2021; reviewed by LCJR June 16, 2021; promulgated December 13, 2021; effective February 14, 2022).

- a. **V.R.C.P. 3.1, 4, 84.** Abrogating the Appendix of Forms and establishing the “Forms Library” on the Judiciary website as the primary source of forms.

- b. [V.R.C.P. 56](#). Clarifying requirements for summary judgment motions and oppositions to summary judgment motions.

9. Promulgated Rule (proposed September 1, 2021; reviewed by LCJR June 16, 2021; promulgated December 13, 2021; effective February 14, 2022).

- a. [V.R.C.P. 11\(e\)](#). Use of declaration in place of notarization.

10. Promulgated Rules (proposed September 16, 2021; reviewed by LCJR June 16, 2021; promulgated December 13, 2021; effective February 14, 2022).

- a. [V.R.C.P. 43\(e\), 54\(d\)\(2\)\(C\)](#). Correcting and updating cross-references.

11. Proposed Rules (proposed October 15, 2021; comments due December 15, 2021; not yet reviewed by LCJR).

- a. [V.R.C.P. 50\(b\)](#). Consideration of pure questions of law on appeal absent motion for renewal following judgment.

12. Proposed Rules (proposed December 13, 2021; comments due February 14, 2022; not yet reviewed by LCJR).

- a. [V.R.C.P. 55, 62](#). Service of default judgment on defaulting party.
- b. [V.R.C.P. 68](#). Making permanent provisions of A.O. 49 permitting offers of judgment.
- 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.
- d. [V.R.C.P. 5, 6\(a\)\(4\), 29; Vermont Rule of Electronic Filing 11\(c\)](#). Filing and serving documents by e-mail.
- e. [V.R.C.P. 79.1](#). Requirements for self-represented parties.

13. Proposed Rule (proposed January 10, 2022; comments due February 14, 2022; not yet reviewed by LCJR).

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

14. Proposed Rules (proposed March 7, 2022; comments due May 9, 2022; not yet reviewed by LCJR).

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

- b. [V.R.C.P. 80.6\(c\)\(4\)](#). Correcting cross-reference.
- c. [V.R.S.C. 79.1\(e\)](#). 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.

6:30 p.m.

Adjourn

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