

Rep. Martin LaLonde, Chair
Rep. Thomas Burditt
Rep. Maxine Grad
Rep. Linda Joy Sullivan



Sen. Joe Benning, Vice Chair
Sen. Alison Clarkson
Sen. Kesha Ram
Sen. Richard Sears

STATE OF VERMONT

Legislative Committee on Judicial Rules

Wednesday, June 16, 2021

Meeting will be live streamed [HERE](#)

AGENDA

10:00 a.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, Vermont Supreme Court; Hon. Judge Walter Morris (Ret.), Reporter, Advisory Committee on Rules of Criminal Procedure, Vermont Supreme Court.**

1. Promulgated Rules (proposed September 14, 2020; reviewed by LCJR December 8, 2020; promulgated April 14, 2021; effective June 14, 2021).

- a. **V.R.P.A.C.R. 6(b); Rules 4(c) and 10 of Vermont Rules Governing Qualifications, List, Selection, and Summoning of All Jurors; V.R.Cr.P. 24(a)(2); V.R.C.P. 47(a)(2).** Confidentiality of responses by potential jurors to questionnaires completed when determining qualification for jury service.

10:10 a.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.**

2. Promulgated Rule (promulgated March 8, 2021; effective May 12, 2021; not yet reviewed by LCJR).

- a. **V.R.F.P 2(a)(2) and 4.0(b)(2)** . Eliminating references to “in forma pauperis” and replacing with “waiver of filing fee and service costs.”

10:20 a.m. **Hon. Thomas Zonay, 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.**

3. Promulgated Rule (proposed October 7, 2020; reviewed by LCJR December 8, 2020; promulgated April 5, 2021; effective June 7, 2021).

a. **V.R.Cr.P. 11(a)(3).** Procedure for preserving a post-conviction relief (PCR) challenge for post-conviction review.

4. Proposed Rule (proposed April 5, 2021; comments due June 8, 2021; not yet reviewed by LCJR).

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

10:30 a.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.**

5. Promulgated Rule (proposed January 5, 2021; promulgated April 5, 2021; effective June 7, 2021; not yet reviewed by LCJR).

a. **V.R.P.P. 73.** Referral of Probate Division matter to the Civil Division with the consent of the Civil Division in order to conserve judicial resources as authorized by 14 V.S.A. § 118.

10:40 a.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.**

6. Promulgated Rule (proposed December 7, 2020; promulgated March 8, 2021; effective May 12, 2021; not yet reviewed by LCJR).

a. **V.R.C.P. 80.1(f).** Updating cross-reference to V.R.C.P. 55, which describes required procedures in default proceedings against a minor or incompetent person.

7. Promulgated Rule (proposed October 7, 2020; reviewed by LCJR December 8, 2020; promulgated March 8, 2021; effective May 12, 2021).

a. **V.R.C.P. 80.5(e).** Fee for reproduction of video in DUI cases.

8. Proposed Rules (proposed January 5, 2021; comments due March 8, 2021; not yet reviewed by LCJR).

- a. **V.R.C.P. 7(b), 56(c), and 78.** Consolidates and modernizes procedures governing filing of motions, including procedures for response time, oral argument, and evidentiary hearings. Eliminates Rule 78, which requires presiding judge of each superior court to establish “motion days” at regular intervals.

11:00 a.m.

Hon. John A. Dooley, Associate Justice (Ret.), Vermont Supreme Court, Chair, Special Advisory Committee on Rules for Electronic Filing; Hon. Walter Morris (Ret.), Reporter.

9. Proposed Rules (proposed June 21, 2019; comments due August 19, 2019; not yet reviewed by LCJR).

a. **V.R.A.P. 1, 3, 4, 5, 5.1, 6, 9, 10, 11, 12, 13, 14, 21, 24, 25, 26, 27, 28, 30, 30.1, 31, 32, 34, 39, 44, 45, 45.1.** Changes to appellate rules in order to accommodate electronic filing and the electronic case management system, which are scheduled to be implemented in the Supreme Court in August 2021.

b. **Vermont Rules for Electronic Filing 1, 3, 5, 6, 7, 10.** Makes Rules for Electronic Filing applicable to the Vermont Supreme Court, with limited exceptions for factors unique to Supreme Court practice.

11:30 a.m.

Adjourn

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