

**SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR**

ROBERT GREEMORE
Acting Court Administrator &
Director of Administrative Services
bob.greemore@state.vt.us

PATRICIA GABEL, ESQ., DIRECTOR
Court Improvement & Innovation
patricia.gabel@state.vt.us

Mailing Address:
109 State Street
Montpelier, VT 05609-0701

RENNY PERRY, DIRECTOR
Trial Court Operations
renny.perry@state.vt.us

Telephone: (802)828-3278
FAX: (802)828-3457
TDD (802)828-3234

ROBERT YERGEAU, DIRECTOR
Research & Information Services
robert.yergeau@state.vt.us

vermontjudiciary.org

TO: Members of the Vermont Bar
FROM: Robert Greemore, Acting Court Administrator
RE: Promulgated and Proposed Rule Amendments
DATE: May 12, 2009

For your information, I enclose the following:

I. RULE AMENDMENTS RECENTLY PROMULGATED BY THE VERMONT SUPREME COURT

a. Order making permanent Rule 79.1(h) of the Vermont Rules of Civil Procedure and amending Rule 31(e)(2) of the Vermont Rules of Appellate Procedure

By order of March 13, 2008, Rule 79.1(h), permitting a lawyer acting pursuant to a limited representation agreement with a *pro se* client to enter a limited appearance in the Superior Court, was extended until April 10, 2009. This amendment makes the rule permanent.

The amendment to Rule 31(e)(2) of the Vermont Rules of Appellate Procedure clarifies the procedure on a motion to disqualify a Supreme Court justice when more than two justices are challenged.

These amendments, promulgated on May 7, 2009, will become effective on July 6, 2009.

These amendments can be found on our website at:

[http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROMULGATED-VRCP79.1\(h\)andvrao31\(e\)\(2\).pdf](http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROMULGATED-VRCP79.1(h)andvrao31(e)(2).pdf)

b. Order amending Rules 16.2, 26(b) and (f), 33(c), 34, 37(f), 45, 50(b) of the Vermont Rules of Civil Procedure

The amendments to the Vermont Rules of Civil Procedure 16.2, 26, 33(c), 34, 37(f) and 45 incorporate recent amendments to the Federal Rules of Civil Procedure concerning discovery of electronically stored information. The amendment to V.R.C.P. 50(b) incorporates recent changes in F.R.C.P. 50 related to the timing of a motion for judgment after trial.

These amendments, promulgated on May 7, 2009, will become effective on July 6, 2009.

These amendments can be found on our website at:

[http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROMULGATED-VRC16.2_26\(b\)and\(f\)_33\(c\)_34_37\(f\)_45_50\(b\).pdf](http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROMULGATED-VRC16.2_26(b)and(f)_33(c)_34_37(f)_45_50(b).pdf)

c. Order amending Rule 55(b) of the Vermont Rules of Civil Procedure

The amendment to Rule 55(b) of the Vermont Rules of Civil Procedure requires an affidavit as to liability and damages before a default judgment may be entered against a non-appearing party.

This amendment, promulgated on May 7, 2009, will become effective on July 6, 2009.

This amendment can be found on our website at:

[http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROMULGATED-VRC55\(b\)\(1\).pdf](http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROMULGATED-VRC55(b)(1).pdf)

II. PROPOSED RULE AMENDMENTS (NOTE: THE FOLLOWING PROPOSED AMENDMENTS ARE PROPOSED BY THE RULES COMMITTEES AND HAVE NOT BEEN REVIEWED BY THE SUPREME COURT.)

a. Proposed amendments to the Rules of Admission to the Bar of the Vermont Supreme Court.

Comments on these proposed amendments should be sent to the Chair of the Board of Bar Examiners by **July 10, 2009**. The chair can be reached either by U.S. postal or email at the following address(es):

Margaret O'Donnell, Esq., Chair
Board of Bar Examiners
2418 Airport Road, Suite 2
Barre, VT 05641
Meg.odonnell@vtmednet.org

This proposed rule amendment can be found on our website at the following address:

[http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROPOSED-RulesofAdmission6_7\(b\)_9\(g\)_9\(h\)\(1\)\(2\)_13\(a\)\(3\)_13\(b\)\(2\)\(B\)_13\(b\)\(3\)\(B\)and13\(b\)\(4\)\(C\)M1-26-09.pdf](http://www.vermontjudiciary.org/LC/Statues%20and%20Rules/PROPOSED-RulesofAdmission6_7(b)_9(g)_9(h)(1)(2)_13(a)(3)_13(b)(2)(B)_13(b)(3)(B)and13(b)(4)(C)M1-26-09.pdf)

III. REMINDER TO REDACT SOCIAL SECURITY NUMBERS

The Supreme Court is concerned with protecting the privacy of social security numbers of persons involved in court proceedings.

In 2001, the Court promulgated procedural rules requiring attorneys and self-represented litigants to redact the social security number from any paper before filing it with the trial court unless the SSN was specifically requested by the trial court. See V.R.C.P. 5(g); V.R.Cr.P. 49(c).

The Supreme Court has asked the Advisory Committee on the Rules of Civil Procedure to propose a procedural rule that social security numbers be redacted from all papers filed with the Supreme Court prior to filing.

Pending promulgation of such a rule, the Court at this time requests that the social security number be redacted from any paper filed with the Supreme Court, and in particular the Court requests that the SSN be redacted from all papers in the printed case, even if the SSN was requested by the trial court and was included on the paper filed with the trial court.

IV. OTHER REMINDERS

Attorneys are reminded of their obligation under A.O. 41 to keep this office informed of their current mailing and email addresses.

You may send changes to JUD-AttyLicensing@state.vt.us. Your cooperation is very much appreciated.