

**SUPREME COURT OF VERMONT  
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**TO:** Members of the Vermont Bar  
**FROM:** Robert Greemore, Court Administrator  
**RE:** Emergency, Promulgated and Proposed Rule Amendments  
**DATE:** August 18, 2010

For your information, I enclose the following:

**I. EMERGENCY RULE AMENDMENTS RECENTLY PROMULGATED BY THE VERMONT SUPREME COURT**

**a. Order Promulgating Vermont Rules for Electronic Filing as Emergency Rules and Promulgating Emergency Amendments to the Vermont Rules of Civil Procedure and the Vermont Rules for Dissemination of Electronic Case Records**

The Vermont Rules for Electronic Filing were adopted as emergency rules to provide a framework for the initiation of the Judiciary's eCabinet electronic filing system in the Superior Court Civil Division for the Rutland and Windsor county units on October 18, 2010. Conforming emergency amendments to affected provisions of Vermont Rules of Civil Procedure and Rules for Dissemination of Electronic Case Records are being adopted simultaneously.

The use of eCabinet will be permissive for most Rutland and Windsor civil dockets in all cases filed between October 18, and December 6, 2010. Use of the system will be mandatory, with certain exceptions provided in Rule 2, in all cases on those dockets filed on or after December 6, 2010. It is anticipated that use of the system will be permissive in the remaining county units of the Civil Division in all cases on those dockets filed on or after December 6, 2010, and mandatory in those units in all cases on those dockets filed on or after February 7, 2011.

These rules and emergency amendments, promulgated on August 17, 2010, and effective October 1, 2010, can be found on our website at the following address:

[http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATED\\_vciv-vrdecr-vref-emrgcy%20rules.pdf](http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATED_vciv-vrdecr-vref-emrgcy%20rules.pdf)

Comments on these rules and emergency amendments can be sent by **September 30, 2010** to:

Kinvin Wroth, Reporter  
Rules Committees  
Vermont Law School  
Chelsea Street  
South Royalton, VT 05068  
[kwroth@vermontlaw.edu](mailto:kwroth@vermontlaw.edu)

**b. Order Promulgating Amendments to the Vermont Rules of Probate Procedure and Forms and A.O. No. 18**

The emergency amendment of V.R.P.P. 77(d) allowing the Supreme Court to provide for methods of notice by the register which reduces the cost of service, promulgated by the Court on December 17, 2008, effective January 1, 2009, has been made permanent.

V.R.P.P. 80.8 has been added to implement the grant of jurisdiction to the probate courts in 4 V.S.A. § 311, as amended by Act 135 of 2001 (Adj. Sess.), § 1, over “accountings of attorneys in fact where no guardian has been appointed and the agent has reason to believe the principal is incompetent.”

The emergency amendment of V.R.P.P. Form 72 originally adopted to implement amendments of 14 V.S.A., ch. 111, enacted by Act 186 of 2007 (Adj. Sess.), effective July 1, 2008, has been made permanent. The form has been further revised to substitute the statutory citation for the amount of the entry fee, rather than the specific amount; to add a statement advising the petitioner of the requirement to obtain consents for background checks; and to clarify that Attachment 5 consists of the signed consent forms.

V.R.P.P. Form 74 has been amended to conform the list of powers requested by the petitioner to those requested by a petitioner for a guardian for an adult person in Form 72, which reflect recent statutory amendments.

The emergency amendment of V.R.P.P. Form 80, originally adopted to implement amendments to 14 V.S.A., ch. 111, enacted by Act 186 of 2007 (adj. Sess.), which took effect July 1, 2008, has been made permanent. The form has been further revised to make clear that the guardian’s account must be rendered annually and at any other time required by the court.

The emergency amendment to A.O. 18 to establish a mechanism for the Administrative Judge to designate which probate judge will be assigned to perform the duties of an incapacitated probate judge, promulgated on January 13, 2009, effective on that date, has been made permanent.

These rule amendments, promulgated on August 17, 2010, and effective October 18, 2010, can be found on our website at the following address:

[http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDV.R.P.P.77\\_d\\_80.8\\_Forms72\\_74\\_80\\_AO18.pdf](http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDV.R.P.P.77_d_80.8_Forms72_74_80_AO18.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 Vermont Rules of Probate Procedure**

The proposed amendments of V.R.P.P. 3, 17, 60.1, 66, and 67, and Forms 110-112 (including new Forms 110A and 110B) would conform to the Vermont Trust Code, 14A V.S.A. §§ 101-1204, enacted by Act 20 of 2009 § 1.

The proposed amendments of V.R.P.P. 13 and Forms 19, 46, 47, and 48 would conform the rule and forms to 14 V.S.A. ch. 42, enacted by Act 55 of 2009, § 5, to replace 14 V.S.A., chs. 41-45.

The proposed amendments of V.R.P.P. 80.6(a) and Form 122 would implement the requirement of 15 V.S.A. § 817, enacted by Act 58 of 2009, § 12, that the probate court request information from the department of public safety as to whether a petitioner for name change is listed on the sex offender registry and allow appearance by the department if the petitioner is listed.

The proposed amendment of V.R.P.P. Forms 2 and 5 would incorporate references to forms to be attached to them.

The proposed amendment of V.R.P.P. Form 3 would eliminate language concerning authentication of foreign administrator.

The proposed amendment of V.R.P.P. Forms 57, 57A would restore language to the Forms for clarity.

The proposed addition of Form 115 would implement 2004 and 2006 legislation that added 14 V.S.A. § 2314(c) and (e) providing for removal of a trustee on petition of a co-trustee or a majority of the beneficiaries, now repealed and incorporated in 14A V.S.A. § 706.

Comments on these proposed amendments should be sent to the Chair of the Probate Rules Committee by October 18, 2010. The chair can be reached either by U.S. postal or email at the following address(es):

Hon. Joanne M. Ertel  
Hartford Probate Court  
62 Pleasant Street  
Woodstock, VT 05091  
[Joanne.Ertel@state.vt.us](mailto:Joanne.Ertel@state.vt.us)

These proposed rule amendments can be found on our website at the following address:

[http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDVRRPPandforms\\_final.pdf](http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDVRRPPandforms_final.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](mailto:JUD-AttyLicensing@state.vt.us). Your cooperation is very much appreciated.