

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

**ROBERT GREEMORE**  
Court Administrator  
*bob.greemore@state.vt.us*

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

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

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

**CAROL HARRISON, DIRECTOR**  
Financial Operations  
*carol.harrison@state.vt.us*

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

**Telephone:** (802) 828-3278  
**FAX:** (802) 828-3457  
**TDD:** (802) 828-3234  
**Website:** *www.vermontjudiciary.org*

**TO:** Members of the Vermont Bar  
**FROM:** Robert Greemore, Court Administrator  
**RE:** Promulgated Rule Amendments & Proposed Rule Amendments  
**DATE:** February 25, 2010

For your information, I enclose the following:

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

**a. Order Promulgating Amendments to the Vermont Rules of Criminal Procedure**

The amendment to V.R.Cr.P. 16(c) exempts law enforcement officers who have participated in an investigation from the rule limiting prosecution access to witnesses first included on a defense witness list.

The amendment to V.R.Cr.P. 18(b) is added to require prosecution of pre-trial release violations in the county or circuit of the court that imposed the conditions of release unless defendant is charged with a new offense.

The amendment of V.R.Cr.P. 24(d) adds language permitting the court to retain alternate jurors after the jury retires in order to ensure the availability of a sufficient number of jurors if a sitting juror is unable to complete deliberations.

The amendments to V.R.Cr.P. 32(a) and (b) eliminate gender references and permit the clerk to sign a judgment reflecting the court's ruling from the bench.

The amendment to V.R.Cr.P. 32(c) provides defense attorneys notice and an opportunity to attend PSI interviews of the defendant.

These amendments, promulgated on February 24, 2010, and effective on April 26, 2010, can be found on our website at:

<http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDVRCrP16.1 c 18 b 24 d 32 a b c .pdf>

**b. Order Promulgating Permanent Amendments to the Vermont Rules for Family Proceedings, Vermont Rules of Appellate Procedure, and Administrative Orders No. 4**

The emergency amendments to Rules 1-3, 6, and 12 of the Vermont Rules for Family Proceedings promulgated on December 17, 2008, effective January 1, 2009, have been made permanent.

The emergency amendments to V.R.A.P. 3(d), 8(c)(2), 10(b)(7), and 26(b) and (d) and A.O. 4, § 4(c)(1), intended to implement 33 V.S.A. chapters 51-53 as enacted by Act 185 of 2007 (Adj. Sess.), promulgated on June 17, 2009, have been made permanent.

These amendments, promulgated on February 24, 2010, and effective April 26, 2010, can be found on our website at:

[http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDPERMANENTVRFPI-3 6 12 VRAP3 d 8 c 2 10 b 7 26 b and d AO4 c 1 PERMANENT February10.pdf](http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDPERMANENTVRFPI-3%206%2012%20VRAP3%20d%208%20c%202%2010%20b%207%2026%20b%20and%20d%20AO4%20c%201%20PERMANENT%20February10.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 for Mandatory Continuing Legal Education**

The proposed amendments to § 3(b) and 4(a)(1) are intended to address the issue of accessibility to quality professionalism courses while respecting the underlying intent and objective of the rule: to create a forum in which legal professionals explore and reflect on the meaning and goals of professionalism in contemporary legal practice. The requirement in Rule 3 that professionalism courses be “face to face” was eliminated, and replaced by the option of attending via “teleconference, interactive television or on-line.” Rule 4(a)(1) was further amended to make it clear that, in order to qualify as “live” credit, the instructor and attendees must be able to participate and interact simultaneously, in real time.

The proposed amendments to §§ 6 (b), (c) and (d) and 7(b) and are intended to improve efficiencies during the relicensing period of attorneys by removing the requirement that the form which indicates compliance with the Continuing Legal Education Rules be in the form of an affidavit. This will allow for on-line continuing legal education reporting.

The proposed amendment to § 8(b) would clarify the intent that the twenty hours required for reinstatement to active status must include the categories and restrictions of the standard reporting requirements in §§ 3 and 4 of the Rules for Mandatory Continuing Legal Education.

Comments on these proposed amendments should be sent to the Chair of the Board of Mandatory Continuing Legal Education by March 26, 2010. The chair can be reached at the following address:

Hon. Karen Carroll, Chair  
Board of Continuing Legal Education  
2418 Airport Road, Suite 2  
Barre, VT 05641

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

[http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDMCLE3\\_b\\_4\\_a\\_6\\_b\\_-\\_d\\_7\\_b\\_8\\_b\\_2-10.pdf](http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDMCLE3_b_4_a_6_b_-_d_7_b_8_b_2-10.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.