

**SUPREME COURT OF VERMONT
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TO: Members of the Vermont Bar
FROM: Robert Greemore, Court Administrator
RE: Promulgated Rule Amendments & Proposed Rule Amendments
DATE: December 16, 2009

For your information, I enclose the following:

I. RULE AMENDMENTS RECENTLY PROMULGATED BY THE VERMONT SUPREME COURT

a. Order Amending the Vermont Family Rules for Family Proceedings

The amendment to Rule 4(b)(2)(B) of the Vermont Rules of Family Proceedings makes clear that the clerk is to complete the notice of a hearing or case manager's conference after filing of the complaint and is to attempt to schedule the conference or hearing within 45 to 60, rather than 15 to 30, days after filing. The amended time period, which reflects current scheduling practice, is intended to assure that the hearing or conference will be held after the 20 day period for filing an answer, so that the defendant will have time to prepare.

Rule 4(g)(1) relating to the testimony of witnesses has been abrogated. By simultaneous amendment, its provisions have been incorporated in new Rule 17.

The amendment to Rule 9(a)(3) provides that in relief from abuse actions, depositions under V.R.C.P. 30 may be taken only on order for good cause shown.

The amendments to Rule 15 permit a lawyer acting pursuant to a limited representation agreement with a pro se client to enter a limited appearance in Family Court in certain specific situations.

The addition of Rule 17 makes clear that a family court judge or magistrate in any action or proceeding under the Family Rules may require or permit a witness or party to testify or participate by telephone.

These amendments, promulgated on December 10, 2009, and effective on February 12, 2010, can be found on our website at:

http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDVRF4_b_2_B_4_g_1_9_1_3_15_17dec09.pdf

b. Order Promulgating Extension of Emergency Amendment V.R.C.P. 80.1(b)(3) for Two Years

The emergency amendment adding V.R.C.P. 80.1(b)(3) has been found beneficial and is continued for two additional years while other amendments to Rule 80.1, designed to allow it to operate more fairly in the present financial climate, are being considered.

This extension, promulgated on December 10, 2009, and effective on January 1, 2010, and shall remain in effect until December 31, 2011, can be found on our website at:

http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDVRCP-extend%20R80.1_b_3_dec09.pdf

c. Order Abrogating Administrative Order No. 37 Experimental Rule for Mandatory Continuing Legal Education in Proceedings in all Courts in Chittenden County

This rule abrogated on December 10, 2009, effective immediately, can be found on our website at:

<http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROMULGATEDAO37abrogated.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 V.R.C.P. 80.1

These proposed amendments relate to foreclosure of mortgages and judgment liens.

Comments on these proposed amendments should be sent to the Chair of the Civil Rules Committee by February 15, 2010. The chair can be reached either by U.S. postal or email at the following address(es):

William Griffin, Esq., Chair
Civil Rules Committee
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
bgriffin@atg.state.vt.us

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

<http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDVRCP80.1December09.pdf>

b. Proposed Amendments to V.R.C.P. 62(a)(3) and V.R.E.C.P. 3(9) and (10).

The proposed amendment to 62(a) would provide consistency with 12 V.S.A. § 4854, as amended by Act 176 of 2007 (Adj. Sess.), § 52. The proposed amendments to Rule 3(9) and

(10) would renumber the present Rule 3(9) and add a new Rule 3(9) to include actions authorized by 24 V.S.A. § 4455, added by Act 54 of 2009 § 47 to revoke land use permits where the terms of the permit have been violated or the permit was obtained based on a misrepresentation of facts.

Comments on these proposed amendments should be sent to the Chair of the Civil Rules Committee by February 15, 2010. The chair can be reached either by U.S. postal or email at the following address(es):

William Griffin, Esq., Chair
Civil Rules Committee
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
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This proposed rule amendments can be found on our website at the following address:

<http://www.vermontjudiciary.org/LC/Statutes%20and%20Rules/PROPOSEDVRC62andVREC3.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.