

**SUPREME COURT OF VERMONT
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TO: Members of the Vermont Bar
FROM: Lee Suskin, Court Administrator
RE: Promulgated & Proposed Rule Amendments
DATE: December 22, 2008

For your information, I enclose the following:

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

a. Emergency amendments to the Vermont Rules of Family Procedure incorporating changes made necessary by the enactment of Act No. 185 of 2007 (Adj. Session) which repealed 33 V.S.A. Chapter 55 covering juvenile proceedings and replaced it with 33 V.S.A. chapters 51-53.

These emergency amendments, promulgated on December 17, 2008, will become effective on January 1, 2009. These emergency amendments can be found on our website at:

<http://www.vermontjudiciary.org/rules/Promulgated/VRFP-Act185Changes.PROMULGATED.pdf>

b. Emergency amendments to the Vermont Rules of Probate Procedure Forms 72 and 80 made necessary to implement recent amendments to 14 V.S.A. Chapter 111, enacted by Act 186 of 2007 (Adj. Session).

These amendments, promulgated on December 17, 2008, will become effective on January 1, 2009. The Court's Advisory Committee on Rules for Probate Proceedings is directed to consider and report to the Court by September 30, 2009, on any comments that may be received on these emergency amendments. These emergency amendments can be found on our website at:

<http://www.vermontjudiciary.org/rules/Promulgated/vrppforms72and80.PROMULGATED.pdf>

c. Amendments to V.R.C.P. Form 1A (which simplified the form) and V.R.E.C.P. 5(b)(3) and (d)(2) (which corrected a drafting error in the original rule).

The amendments, promulgated on December 17, 2008, will become effective on February 17, 2009. These amendments can be found on our website at:

[http://www.vermontjudiciary.org/rules/Promulgated/vrcp-f1A_vrecp5\(b\)\(3\)and\(d\)\(2\)PROMULGATED.pdf](http://www.vermontjudiciary.org/rules/Promulgated/vrcp-f1A_vrecp5(b)(3)and(d)(2)PROMULGATED.pdf)

d. Emergency amendments to V.R.C.P. 77(d), V.R.Cr.P. 56(d) and V.R.P.P. 77(d) and V.R.A.P. 45(c) to allow the Court to take appropriate steps to reduce the costs of service in the face of economic exigencies.

The emergency amendments, promulgated on December 17, 2008, will become effective on January 1, 2009. The Court's Advisory Committees on Rules for Civil, Criminal and Probate Procedure have been directed to consider and report to the Court by September 30, 2009, on any comments that may be received on these emergency amendments. These amendments can be found on our website at:

[http://www.vermontjudiciary.org/rules/Promulgated/vrcp77\(d\)_vrcrp56\(d\)_vrpp77\(d\)_vrap45\(c\)noticebyclerk.PROMULGATED.pdf](http://www.vermontjudiciary.org/rules/Promulgated/vrcp77(d)_vrcrp56(d)_vrpp77(d)_vrap45(c)noticebyclerk.PROMULGATED.pdf)

e. Emergency Amendment to A.O. 38 which will allow video conferencing on a case by case basis as well as county by county basis. This amendment will allow the Court to take appropriate steps to reduce the costs of transports of lodged defendants in the face of economic exigencies.

This emergency amendment, promulgated on December 17, 2008, will become effective on January 1, 2009. The Court's Advisory Committees on Rules for Criminal and Family Procedure have been directed to consider and report to the Court by September 30, 2009, on any comments that may be received on this emergency amendment. This emergency amendment can be found on our website at:

http://www.vermontjudiciary.org/rules/Promulgated/A.O.38amendment_PROMULGATED.pdf

f. Emergency Amendment adding V.R.C.P. 80.1(b)(3)(b) to require the service of a notice to homeowners facing foreclosure of free resources available to assist them in trying to arrange to keep their homes.

This emergency amendment, promulgated on December 17, 2008, will become effective on January 1, 2009. The Court's Advisory Committees on Rules for Civil Procedure has been directed to consider and report to the Court by September 30, 2009, on any comments that may be received on this emergency amendment. The emergency amendment can be found on our website at:

[http://www.vermontjudiciary.org/rules/Promulgated/vrcp-80-1\(b\)\(3\)-foreclosurePROMULGATED.pdf](http://www.vermontjudiciary.org/rules/Promulgated/vrcp-80-1(b)(3)-foreclosurePROMULGATED.pdf)

II. 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.

III. 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.