

**STATE OF VERMONT
VERMONT SUPREME COURT
JULY TERM, 2010**

**Order Promulgating Emergency Amendments to the Vermont Rules of Civil, Criminal,
Appellate, and Small Claims Procedure and the Vermont Rules for Family and
Environmental Court Proceedings**

Pursuant to Chapter II, Section 37, of the Vermont Constitution and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 1 of the Vermont Rules of Civil Procedure be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 1. SCOPE OF RULES

These rules govern the procedure in the ~~District~~ Civil and Criminal Divisions of the Superior Court and in the ~~superior courts~~ Judicial Bureau in all suits of a civil nature whether cognizable as cases at law or in equity, including actions transferred to the ~~superior courts~~ Civil Division from the ~~District Court~~ Criminal Division and appeals to the ~~District Court and superior courts~~ Civil and Criminal Divisions from any court, commission, board, agency, or department of the state or any political subdivision thereof, with the exceptions stated in specific rules and in Rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

Reporter's Notes—2010 Emergency Amendment

Rule 1 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. Provisions governing the former courts were repealed or amended by other sections of the Act. (Under §§ 7a, 238a, and 239(c) of the Act, the probate courts do not become the Probate Division of the Superior Court, and relevant repeals do not take effect until February 1, 2011.) By virtue of new 4 V.S.A. § 30(a)(1)(A), the Vermont Rules of Civil Procedure apply to cases in the Civil Division. Subparagraph (B) provides that the Civil Rules also apply to all civil matters in the Criminal Division, which, by virtue of new 4 V.S.A. § 32(c)(1)-(13), now has jurisdiction of a variety of proceedings, civil in nature, that were formerly within the jurisdiction of the District Court but are governed by the Civil Rules. See, e.g., V.R.C.P. 80.5, 80.6(i), 80.7, 80.9.

Pending a detailed set of amendments to the Civil Rules that would replace all terminology rendered obsolete by the provisions of Act 154, V.R.C.P. 83 is simultaneously amended to

provide “global” provisions that indicate the appropriate terminology to replace specific terms in the existing rules.

2. That Rule 83 of the Vermont Rules of Civil Procedure be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 83. DEFINITIONS

(a) Unless specified to the contrary, the following words whenever used in these rules shall have the following meanings:

(1)(A) With respect to proceedings in a the Civil Division of the Superior Court, the word "court" shall mean a majority of the judges, except that ~~with respect to the issuance of temporary orders on a petition for emergency relief when the court is not sitting and~~ in any matter in which by law pursuant to 4 V.S.A. § 36 or by these rules a Superior Judge is authorized to act alone, the words "court" or "judge" shall mean the Presiding Judge or a judge acting for that judge or any Superior Judge authorized to act alone, or a member of the Vermont bar acting for that judge. ~~A petition for emergency relief is present whenever the court is authorized to act ex parte.~~

(B) With respect to proceedings in the District Criminal Division of the Superior Court, (i) the word "court" shall mean the Judge of the District Court or any Supreme Court Justice, or any Superior Judge assigned to the unit in which the court is sitting, District Judge or a member of the Vermont bar acting for that judge; (ii) "Presiding Judge" shall be understood to mean the judge of the District Court presiding in the pending action or another judge or member of the Vermont bar presiding for that judge; (iii) ~~"Superior Judge" shall be understood to mean any District Judge.~~

(2) The word "clerk" shall mean the clerk of ~~courts in and for the county or territorial~~ the Superior Court for the unit, as the case may be, in which the action is pending.

(3) The term "plaintiff's attorney" or "defendant's attorney" or any like term shall include the party appearing without counsel.

(b) The following terms and variations of them wherever they appear in these rules have the indicated meaning unless the context clearly dictates a different meaning:

(1) "District Court" means "Criminal Division of the Superior Court."

(2) "District Judge" means "Superior Judge."

(3) "Superior Court" means "Civil Division of the Superior Court."

(4) "Superior Judge" means any Superior Judge presiding in a pending action or authorized by these rules to act in particular circumstances.

(5) "County," "territorial unit," and "circuit" mean "unit" of the Superior Court established by the Supreme Court pursuant to 4 V.S.A. § 30(b).

(6) “Court,” when not used in the sense intended in paragraph (1) of subdivision(a), means the Civil or Criminal division in the appropriate unit of the Superior Court established by the Supreme Court pursuant to 4 V.S.A. § 30(b) or a judicial tribunal established under the law of another state, as appropriate.

(7) “Term” shall have the meaning ascribed to it in 4 V.S.A. § 115.

Reporter’s Notes—2010 Emergency Amendment

Rule 83 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. See Reporter’s Notes to simultaneous emergency amendment of Rule 1.

The present rule is redesignated as subdivision (a), and its provisions are amended in various respects to conform with the new structure established by the Act. Note that “presiding judge” in amended Rule 83(a) refers to the traditional role of a superior judge sitting with assistant judges, which is carried forward in new 4 V.S.A. § 36. For purposes of the rules, the term does not mean the presiding judge of each unit to be assigned by the administrative judge pursuant to 4 V.S.A. § 73(a) for administrative functions pursuant to § 73(c).

New subdivision (b) is intended to provide “global” definitions that indicate the appropriate terminology to replace specific terms in the existing rules. Note that the definitions may not always apply in context. When a term is used in a sense different than that contemplated by these provisions, context should dictate the meaning to be given it.

3. That Rule 1 of the Vermont Rules of Criminal Procedure be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 1. SCOPE

These rules govern the procedure in the ~~superior courts and the District~~ Criminal Division of the Superior Court in all criminal proceedings, with the exceptions stated in Rule 54.

Reporter’s Notes—2010 Emergency Amendment

Rule 1 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. Provisions governing the former

courts were repealed or amended by other sections of the Act. (Under §§ 7a, 238a, and 239(c) of the Act, the probate courts do not become the Probate Division of the Superior Court, and relevant repeals do not take effect until February 1, 2011.) By virtue of new 4 V.S.A. § 30(a)(1)(B), the Vermont Rules of Criminal Procedure apply to criminal matters in the Criminal Division, but the Vermont Rules of Civil Procedure apply to all civil matters in the Criminal Division, which, by virtue of new 4 V.S.A. § 32(c)(1)-(13), now has jurisdiction of a variety of proceedings, civil in nature, that were formerly within the jurisdiction of the District Court but are governed by the Civil Rules. See, e.g., V.R.C.P. 80.5, 80.6(i), 80.7, 80.9.

Pending a detailed set of amendments to the Criminal Rules that would replace all terminology rendered obsolete by the provisions of Act 154, V.R.Cr.P. 54(c) is simultaneously amended to provide “global” provisions that indicate the appropriate terminology to replace specific terms in the existing rules.

4. That Rule 54 of the Vermont Rules of Criminal Procedure be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 54. APPLICATIONS AND DEFINITIONS

* * * * *

(c) **Definitions.** Unless specified to the contrary, the following words wherever used in these rules shall have the following meanings:

(1) The word "court" or “judge” shall mean

~~(i) the Judge of the District Court or any Supreme Court Justice, Superior Judge, District Judge, or member of the Vermont bar acting for him; or~~

~~(ii) a majority of the judges of a superior court, except that whenever by law or by these rules, the Presiding Judge or a Superior Judge is authorized to act alone, the word "court" shall mean such judge.~~

(A) With respect to proceedings in the Criminal Division of the Superior Court, any Supreme Court Justice, a Superior Judge assigned to the unit in which the court is sitting, or a member of the Vermont bar acting for that judge. "Presiding Judge" shall mean the judge presiding in the pending action or another judge or member of the Vermont bar presiding for that judge.

(B) With respect to proceedings in the Civil Division of the Superior Court, a majority of the judges, except that in any matter in which by law or by these rules a Superior Judge is authorized to act alone, the words "court" or “judge” shall mean the Presiding Judge or a judge acting for that judge, or any Superior Judge authorized to act alone, or a member of the Vermont bar acting for that judge.

(2) The word "clerk" shall mean the clerk of ~~the District Court in and for the territorial unit or the clerk of courts in and for the county~~ the Superior Court for the unit in which the proceedings are pending.

(3) The term "defendant's attorney" or any like term shall include a defendant appearing without counsel.

(4) The term "judicial officer" shall mean a Superior ~~or District~~ Judge, or a member of the Vermont bar acting for a ~~District~~ that Judge.

(5) The terms "prosecuting officer," "prosecuting attorney," and any like term shall mean the Attorney General and his deputies or assistants, the state's attorneys and their deputies, town grand jurors, attorneys given authority to prosecute by any municipal charter or ordinance, and special prosecutors authorized by law or appointed by any duly constituted authority.

(6) The term "law enforcement officer" shall mean any state police officer, sheriff, deputy sheriff, special deputy sheriff, municipal police officer, or constable, and any other person authorized to make an arrest by the state or a political subdivision of the state, provided the offense is one for which the person is otherwise authorized by law to make an arrest.

(7) The word "law" includes statutes and judicial decisions.

(8) The term "civil action" means a civil action in a ~~superior court or the District~~ the Civil Division of the Superior Court.

(9) The word "oath" includes affirmations as provided by law.

(d) The following terms and variations of them wherever they appear in these rules have the indicated meaning unless the context clearly dictates a different meaning:

(1) "District Court" means "Criminal Division of the Superior Court."

(2) "District Judge" means "Superior Judge."

(3) "Superior Court" means "Civil Division of the Superior Court."

(4) "Superior Judge" means any Superior Judge presiding in a pending proceeding or authorized by these rules to act in particular circumstances

(5) "County," "territorial unit," and "circuit" mean "unit" of the Superior Court established by the Supreme Court pursuant to 4 V.S.A. § 30(b).

(6) "Court," when not used in the sense intended in paragraph (1) of subdivision (c), means the Civil or Criminal division in the appropriate unit of the Superior Court established by the Supreme Court pursuant to 4 V.S.A. § 30(b) or a judicial tribunal established under the law of another state, as appropriate.

(7) “Term” shall have the meaning ascribed to it in 4 V.S.A. § 115.

Reporter’s Notes—2010 Emergency Amendment

Rule 54(c) is amended, and Rule 54(d) is added, to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. See Reporter’s Notes to simultaneous emergency amendment of Rule 1.

Rule 54(c)(1) has been revised to track the comparable provisions of amended V.R.C.P. 83(a)(1), and its subparagraphs have been redesignated as (A) and (B). Note that “presiding judge” in amended Rule 54(c)(1)(A) and (B) refers to the traditional role of a superior judge sitting with assistant judges, which is carried forward in new 4 V.S.A. § 36. For purposes of the Rules, the term does not mean the presiding judge of each unit to be assigned by the administrative judge pursuant to 4 V.S.A. § 73(a) for administrative functions pursuant to § 73(c). Paragraphs (2), (4) and (8) are amended in various respects to conform with the new structure established by the Act.

New subdivision (d) is intended to provide “global” definitions that indicate the appropriate terminology to replace specific terms in the existing rules. Note that the definitions may not always apply in context. When a term is used in a sense different than that contemplated by these provisions, context should dictate the meaning to be given it.

5. That Rule 1 of the Vermont Rules of Appellate Procedure be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 1. SCOPE OF RULES; DEFINITIONS

(a) Scope of rules. These rules govern the procedure of the Supreme Court in appeals from the Superior Courts, ~~the District Court, the Family Court,~~ and the Probate Courts; ~~in appeals from the Environmental Court~~ and from the former District, Family, and Environmental courts, except as modified by ~~the Vermont Rules for Environmental Court Proceedings~~ express provisions of rules governing procedure in those courts; in proceedings for review or enforcement of orders of administrative agencies, boards, commissions, and officers of the state or a political subdivision thereof; and in applications for writs or other relief which the Supreme Court or a justice thereof is competent to give.

(b) Rules Not To Affect Jurisdiction. These rules shall not be construed to extend or limit the jurisdiction of the Supreme Court as established by law.

(c) Definitions. The terms and variations of them set forth in V.R.C.P. 83, V.R.Cr.P. 54(c) and (d), V.R.F.P. 13(c), V.R.E.C.P. 6, and V.R.S.C.P. 1(b), so far as applicable in appeals to the Supreme Court from actions and proceedings governed by those rules, have the meaning indicated in those rules unless the context clearly dictates a different meaning.

Reporter's Notes—2010 Emergency Amendment

Rule 1 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. Provisions governing the former courts were repealed or amended by other sections of the Act. (Under §§ 7a, 238a, and 239(c) of the Act, the probate courts do not become the Probate Division of the Superior Court, and relevant repeals do not take effect until February 1, 2011.) By virtue of new 4 V.S.A. § 30(a)(1)(B), the Vermont Rules of Criminal Procedure apply to criminal matters in the Criminal Division, but the Vermont Rules of Civil Procedure apply to all civil matters in the Criminal Division, which, by virtue of new 4 V.S.A. § 32(c)(1)-(13), now has jurisdiction of a variety of proceedings, civil in nature, that were formerly within the jurisdiction of the District Court but are governed by the Civil Rules. See, e.g., V.R.C.P. 80.5, 80.6(i), 80.7, 80.9.

Rule 1(a) makes clear that the Vermont Rules of Appellate Procedure continue to apply to appeals that are pending, or may be brought, from proceedings in the former Superior, District, Family and Environmental courts.

Rule 1(c) is added to reflect the fact that, pending a detailed set of amendments to the procedural rules governing the various divisions of the Superior Court that would replace all terminology rendered obsolete by the provisions of Act 154, relevant provisions of the existing rules have been simultaneously amended to provide “global” provisions that indicate the appropriate terminology to replace specific terms in those rules. Note that the definitions incorporated in Rule 1(c), to the extent applicable, supersede those set forth in V.R.A.P. 13(b) designed to accommodate terminology in the Appellate Rules to appeals from the Probate Courts and former Family and Environmental courts.

6. That Rule 1 of the Vermont Rules of Small Claims Procedure be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 1. SCOPE OF RULES; DEFINITIONS

(a) Scope of Rules. These rules govern the procedure in the Civil Division of the Superior Courts in all small claims actions brought under chapter 187 of Title 12, Vermont Statutes Annotated. These rules are the only procedural rules governing such actions except to the extent that other rules are expressly adopted by reference. These rules shall be construed to secure the simple, informal, and inexpensive disposition of every action subject to them.

(b) Definitions. The terms and variations of them set forth in V.R.C.P. 83, so far as applicable in actions governed by these rules, have the meaning indicated in that rule unless the context clearly dictates a different meaning.

Reporter's Notes—2010 Emergency Amendment

Rule 1 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. Provisions governing the former courts were repealed or amended by other sections of the Act. (Under §§ 7a, 238a, and 239(c) of the Act, the probate courts do not become the Probate Division of the Superior Court, and relevant repeals do not take effect until February 1, 2011.) By virtue of new 4 V.S.A. § 30(a)(1)(A), the Vermont Rules of Civil Procedure apply to cases in the Civil Division; though specific provision for the applicability of the Vermont Rules of Small Claims Procedure in the Civil Division is not made in the Act, the Supreme Court continues to be empowered by 12 V.S.A. § 5531(a) to make rules for small claims proceedings.

Rule 1(b) is added to reflect the fact that, pending a detailed set of amendments to the Civil Rules that would replace all terminology rendered obsolete by the provisions of Act 154, V.R.C.P. 83 is simultaneously amended to provide “global” provisions that indicate the appropriate terminology to replace specific terms in the existing rules.

7. That Rule 13 of the Vermont Rules for Family Proceedings be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 13. SCOPE; APPLICABILITY; DEFINITIONS

(a) Family ~~Court~~ Division. These rules govern the procedure in the Family Division of the Superior Court, except that guardianship proceedings and adoption actions transferred to the Family ~~court~~ Division pursuant to 4 V.S.A. § 455 shall be governed by the Vermont Rules of Probate Procedure.

(b) Probate Court. Family Court Rules 6 and 6.1 govern the procedure in the probate courts to the extent set forth in those rules.

(c) Definitions. The following terms and variations of them wherever they appear in these

rules, or other rules made applicable under provisions of these rules, have the indicated meaning unless the context clearly dictates a different meaning:

(1) “Family court” means “Family Division of the Superior Court.”

(2) “Court” means a majority of the judges, except that in any matter in which pursuant to 4 V.S.A. § 36 or these rules a Superior Judge is authorized to act alone, the words “court” or “judge” shall mean the Presiding Judge or a judge acting for that judge or any Superior Judge authorized to act alone, or a member of the Vermont bar acting for that judge.

(3) “Clerk” shall mean the clerk of the Superior Court for the unit in which the action is pending.

(4) “Superior Judge” means any Superior Judge presiding in a pending action or authorized by these rules to act in particular circumstances

(5) “County,” “territorial unit,” and “circuit” mean “unit” of the Superior Court established by the Supreme Court pursuant to 4 V.S.A. § 30(b).

(6) “Court,” when not used in the sense intended in paragraph (2) of this subdivision, means the appropriate division in the appropriate unit of the Superior Court established by the Supreme Court pursuant to 4 V.S.A. § 30(b) or a judicial tribunal established under the law of another state.

(7) “Term” shall have the meaning ascribed to it in 4 V.S.A. § 115.

(8) “Case manager” mean a case manager provided to the Family Division pursuant to 4 V.S.A. § 691(a).

Reporter’s Notes—2010 Emergency Amendment

Rule 13 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. Provisions governing the former courts were repealed or amended by other sections of the Act. (Under §§ 7a, 238a, and 239(c) of the Act, the probate courts do not become the Probate Division of the Superior Court, and relevant repeals do not take effect until February 1, 2011.) By virtue of new 4 V.S.A. § 30(a)(1)(C), the Vermont Rules for Family Proceedings apply to cases in the Family Division.

Pending a detailed set of amendments to the Family and Civil Rules that would replace all terminology rendered obsolete by the provisions of Act 154, V.R.F.P. 13(c) is added to provide “global” provisions that indicate the appropriate terminology to replace specific

terms in the existing rules. Note that “presiding judge” in amended Rule 13(c)(2) refers to the traditional role of a superior judge sitting with assistant judges, which is carried forward in new 4 V.S.A. § 36. For purposes of the Rules, the term does not mean the presiding judge of each unit to be assigned by the administrative judge pursuant to 4 V.S.A. § 73(a) for administrative functions pursuant to § 73(c).

8. That Rule 1 of the Vermont Rules for Environmental Court Proceedings be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 1. SCOPE OF RULES

These rules govern the procedure in the Environmental Division of the Superior Court ~~created by 4 V.S.A., Chapter 27,~~ in all matters within the original or appellate jurisdiction of the court and the procedure in appeals from the Environmental ~~Court~~ Division to the Supreme Court. The rules shall be construed and administered to ensure summary and expedited proceedings consistent with a full and fair determination in every matter coming before the court.

Reporter’s Notes—2010 Emergency Amendment

Rule 1 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. Provisions governing the former courts were repealed or amended by other sections of the Act. By virtue of new 4 V.S.A. §30(a)(1)(D), the Vermont Rules for Environmental Proceedings apply to cases in the Environmental Division.

Pending a detailed set of amendments to the Environmental Court Rules that would replace all terminology rendered obsolete by the provisions of Act 154, V.R.E.C.P. 6 is simultaneously amended to provide “global” provisions that indicate the appropriate terminology to replace specific terms in the existing rules.

9. That Rule 6 of the Vermont Rules for Environmental Court Proceedings be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 6. DEFINITIONS

(a) Unless specified to the contrary, or indicated otherwise in the context:

(1) The words "court," "judge," or similar terms, when used in these rules and in provisions of the Vermont Rules of Civil and Appellate Procedure incorporated in these rules shall mean the Environmental ~~Court~~ Division or one of the judges of that ~~court~~ division or a judge acting for that judge or any Superior Judge authorized to act alone, or a member of the Vermont bar acting for that judge.

(2) The word “clerk” when used in these rules and in provisions of the Vermont Rules of Civil and Appellate Procedure incorporated in these rules shall mean the clerk of the Environmental ~~Court~~ Division of the Superior Court.

(3) The words "case manager" when used in these rules shall mean a case manager provided to the Environmental Division pursuant to 4 V.S.A. § ~~4004(f)~~ 691(a).

(4) The word "tribunal" means an officer, agency, department, board, panel, or other body from which an appeal lies under these rules.

(b) The following terms and variations of them wherever they appear in these rules, or other rules made applicable under provisions of these rules, have the indicated meaning unless the context clearly dictates a different meaning:

(1) “Superior Court” means “Civil Division of the Superior Court.”

(2) “Superior Judge” means any Superior Judge presiding in a pending action or authorized by these rules to act in particular circumstances

(c) Other terms used in these rules shall have the meanings ascribed to them in 6 V.S.A. §§ 4802, 4861; 10 V.S.A. §§ 8002, 8502; and 24 V.S.A. §§ 4303, 4465(b).

Reporter’s Notes—2010 Emergency Amendments

Rule 6 is amended to implement Act 154 of 2009, § 7 (Adj. Sess.), An Act Relating to Restructuring of the Judiciary, effective July 1, 2010, which enacted 4 V.S.A. § 30 establishing a single Superior Court of statewide jurisdiction with Civil, Criminal, Family, and Environmental divisions to replace the former Superior, District, Family and Environmental courts. See Reporter’s Notes to simultaneous emergency amendment of Rule 1.

Rule 6(a) is amended in various respects to conform with the new structure established by the Act.

New subdivision (b) is intended to provide “global” definitions that indicate the appropriate terminology to replace specific terms in the existing rules. Note that the definitions may not always apply in context. When a term is used in a sense different than that contemplated by these provisions, context should dictate the meaning to be given it.

10. That these emergency amendments are prescribed and promulgated to become effective immediately. The Reporter’s Notes are advisory.

11. That the Court finds that these emergency amendments must be promulgated without resort to the notice and comment procedure set forth in Administrative Order No. 11, because they

are necessary to implement provisions of Act 154 of 2009 (Adj. Sess.), approved June 3, 2010, which took effect on July 1, 2010.

12. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 1st day of July, 2010.

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice