

**STATE OF VERMONT  
VERMONT SUPREME COURT  
DECEMBER TERM, 2022**

**Order Permanently Adopting Amendments to Rule 79.2 of the Vermont Rules of Civil Procedure, Rule 53 of the Vermont Rules of Criminal Procedure, Rule 79.2 of the Vermont Rules of Probate Procedure, Rule 35 of the Vermont Rules of Appellate Procedure and Administrative Order 46**

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

1. That the amendments to Rule 79.2 of the Vermont Rules of Civil Procedure, promulgated on May 1, 2019, effective September 3, 2019, and further amended on September 4, 2019, be made permanent.

**Reporter's Note—2022 Amendment**

The amendments to Rule 79.2, promulgated on May 1, 2019, effective September 3, 2019, and further amended on September 4, 2019, provide guidelines for the possession and use of recording and transmitting devices in the courtroom to accommodate advances in technology. When adopted, the amendments contained a sunset provision and a requirement that the advisory rules committee report back to the Court on whether the amendments should be made permanent. The rules committee has not reported any objection to the current state of the rule or proposed any further revision. Therefore, the 2019 amendments are now made permanent.

2. That the amendments to Rule 53 of the Vermont Rules of Criminal Procedure, promulgated on May 1, 2019, effective September 3, 2019, be made permanent.

**Reporter's Note—2022 Amendment**

The amendments to Rule 53 promulgated on May 1, 2019, effective September 3, 2019, incorporate V.R.C.P. 79.2 to provide guidelines for the possession and use of recording and transmitting devices in the courtroom to accommodate advances in technology. When adopted, the amendments contained a sunset provision and a requirement that the advisory rules committee report back to the Court on whether the amendments should be made permanent. The rules committee has not reported any objection to the current state of the rule or proposed any further revision. Therefore, the 2019 amendments are now made permanent.

3. That the amendments to Rule 79.2 of the Vermont Rules of Probate Procedure, promulgated on May 1, 2019, effective September 3, 2019, be made permanent.

### **Reporter's Note—2022 Amendment**

The amendments to Rule 79.2, promulgated on May 1, 2019, effective September 3, 2019, incorporate V.R.C.P. 79.2 to provide guidelines for the possession and use of recording and transmitting devices in the courtroom to accommodate advances in technology. When adopted, the amendments contained a sunset provision and a requirement that the advisory rules committee report back to the Court on whether the amendments should be made permanent. The rules committee has not reported any objection to the current state of the rule or proposed any further revision. Therefore, the 2019 amendments are now made permanent.

4. That the amendments to Rule 35 of the Vermont Rules of Appellate Procedure, promulgated on May 1, 2019, effective September 3, 2019, be made permanent.

### **Reporter's Note—2022 Amendment**

The amendments to Rule 35, promulgated on May 1, 2019, effective September 3, 2019, and further amended on September 4, 2019, provide guidelines for the possession and use of recording and transmitting devices in the courtroom to accommodate advances in technology. When adopted, the amendments contained a sunset provision and a requirement that the advisory rules committee report back to the court on the whether the amendments should be made permanent. The rules committee has not reported any objection to the current state of the rule or proposed any further revision. Therefore, the 2019 amendments are now made permanent.

5. That Administrative Order 46, promulgated on May 1, 2019, effective September 3, 2019, be made permanent.

### **Reporter's Note—2022 Amendment**

Administrative Order 46 was promulgated on May 1, 2019, effective September 3, 2019, to establish standards for possession and use of recording and transmitting devices. The original promulgation order contained a sunset provision. Those amendments are now made permanent.

6. That these rules, as now made permanent, are effective immediately. The Reporter's Notes are Advisory.

7. 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 12<sup>th</sup> day of December, 2022.



Signed by the Vermont Supreme Court

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice

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William D. Cohen, Associate Justice

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Nancy J. Waples, Associate Justice