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TO: Members of the Vermont Bar
FROM: Lee Suskin, Court Administrator
RE: Promulgated Rule Amendments
DATE: February 15, 2008

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 Civil Procedure, Vermont Rules of Appellate Procedure and Vermont Rules of Small Claims Procedure.

V.R.C.P. 4.2(j)(3), Trustee Process Against Earnings, is amended to make clear that the creditor, not the court, must serve a trustee summons against earnings on the trustee.

V.R.C.P. 62(a)(1) and (4), Stay of Proceedings to Enforce a Judgment, make clear that, just as in original actions in the probate courts, there is no automatic stay of the listed orders when the decision of a probate appeal in the superior court is appealed to the Supreme Court.

V.R.A.P. 27(d), Motions, is amended to state that the form of a motion is governed by Rule 32(c), which covers motions and other papers, and is simultaneously amended to modernize the format specifications.

V.R.A.P. 28(c), Reply Briefs, is amended consistent with Fed. R. App. P. 28.1(4) to clarify that in cases involving cross appeals, the reply brief of the appellee is limited to the issues presented by the cross appeal.

V.R.A.P 28(h), Length of Briefs, is amended to reflect that page/text limitations in general are now contained in V.R.A.P 32(a)(7).

V.R.A.P 28.2(d), Citations, is added to permit citation of unpublished judicial dispositions.

The caption of **V.R.A.P 31** is amended so that the provisions of Rules 31(d), (e), on disqualification can be more easily located.

V.R.A.P 31(a), Time for Serving and Filing Briefs, is amended to state that the reply brief of the appellee in a case with a cross appeal must be served and filed within 20 days after service of the reply brief of the appellant.

V.R.A.P 31.1 has been abrogated. Its content is now set forth as V.R.A.P. 32(b).

V.R.A.P 32, Form of Briefs, the Printed Case, and Other Papers, has been abrogated and replaced with a modernized version to regulate the form and length of briefs and printed cases and the form of motions and other papers.

V.R.S.C.P. 3(e), Pleadings, Service of Pleadings, Default by Defendant, is amended to make clear that the affidavit supporting a motion for default judgment must be signed personally by the plaintiff or a person with personal knowledge of the facts attested to.

These amendments promulgated on February 5, 2008, and effective on April 7, 2008, can be found on our website at the following address:

[RULE AMENDMENTS RECENTLY PROMULGATED BY THE VERMONT SUPREME COURT](#)

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.