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TO: Members of the Vermont Bar  
FROM: Lee Suskin, Court Administrator  
RE: Promulgated and Proposed Rule Amendments  
DATE: March 19, 2008

For your information, I enclose the following:

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

- a. **Order making permanent Rule 80.10 of the Vermont Rules of Civil Procedure and the emergency amendment to Rule 3(c)(6) of the Vermont Rules of Criminal Procedure.** These emergency amendments and emergency rules, which implement legislation giving the superior court jurisdiction of proceedings on requests for orders against stalking and sexual assault by persons other than family or household members, have been made permanent.

This permanent rule and permanent amendment promulgated on March 13, 2008, and effective on May 12, 2008, can be found on our website at the following address:

[http://www.vermontjudiciary.org/rules/Promulgated/VRCP80.10andVRCrP3\(c\)\(6\)EmergencyMadePermanent.pdf](http://www.vermontjudiciary.org/rules/Promulgated/VRCP80.10andVRCrP3(c)(6)EmergencyMadePermanent.pdf)

- b. **Amendment to Administrative Order No. 30.** Location of the Family Court. This amendment corrected the location of the Family Court in Rutland County.

This amendment, promulgated on March 13, 2008, can be found on our website at the following address:

<http://www.vermontjudiciary.org/rules/Promulgated/AO30mendmentRutlandFamilyCourtLocation.pdf>

- c. **Order promulgating amendment to Vermont Rules of Civil Procedure.** Paragraph 2 of the Court's order of February 6, 2006, relating to **Rule 79.1(h), Limited Appearance of Attorneys**, has been amended to extend the effective date until April 10, 2009. The date for the Civil Rules Committee to report on the experience under V.R.C.P. 79.1(h) has been also extended until September 12, 2008.

This amendment, promulgated on March 13, 2008, can be found on our website at the following address:

[http://www.vermontjudiciary.org/rules/Promulgated/VRCP79.1\(h\).amendparagraph2\\_extendrule.pdf](http://www.vermontjudiciary.org/rules/Promulgated/VRCP79.1(h).amendparagraph2_extendrule.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. **V.R.P.P. 80.8. Accounting By an Agent Under a Power of Attorney.** This amendment is intended to accommodate a 2001 amendment of 4 V.S.A. § 311 giving the probate courts jurisdiction over accountings of attorneys in fact when there is no guardian and there is reason to believe that the principal is incompetent.

Comments on this proposed amendment should be sent to the Chair of the Probate Rules Committee by May 16, 2008. The chair can be reached either by U.S. postal or email at the following address(es):

Edward M. Goutas, Esq., Chair  
Probate Rules Committee  
Westminster District Probate Court  
PO Box 47  
Bellows Falls, VT 05101-0047  
edgoutas@comcast.net

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

<http://www.vermontjudiciary.org/rules/proposed/proposedVRPP80.8.pdf>

- b. **V.R.C.P. 55(b). Default.** This amendment would require an affidavit as to liability and damages before any default judgment against a non-appearing party.
- c. **V.R.C.P. Form 1A. Summons and Order of Publication.** This amendment would conform the form to the simplified language of V.R.C.P. Form 1 as amended in 2006 to make the form more understandable to the increasing number of pro se litigants.
- d. **V.R.E.C.P. 5(b)(3). Contents of Notice of Appeal.** This amendment would require that the notice of appeal warn interested persons of the need to enter an

appearance in order to participate in the appeal

- e. **V.R.E.C.P. 5(d)(2). Claims and Challenges of Party Status.** This amendment would correct a drafting error.

Comments on these proposed amendments should be sent to the Chair of the Civil Rules Committee by May 16, 2008. The chair can be reached either by U.S. postal or email at the following address(es):

Bill Griffin, Esq., Chair  
Civil Rules Committee  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609-1001  
[bgriffin@atg.state.vt.us](mailto:bgriffin@atg.state.vt.us)

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

[http://www.vermontjudiciary.org/rules/proposed/proposedVRCP55\(b\)\(1\)Form1A\\_5\(b\)\(3\)and\(d\)\(2\).pdf](http://www.vermontjudiciary.org/rules/proposed/proposedVRCP55(b)(1)Form1A_5(b)(3)and(d)(2).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](mailto:JUD-AttyLicensing@state.vt.us). Your cooperation is very much appreciated.

