

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF CIVIL PROCEDURE
AGENDA FOR MEETING OF FEBRUARY 25, 2022**

Revised 2/23/22

The Civil Rules Committee will meet virtually at 9:00 a.m., Friday, February 25, 2022, to consider the following agenda:

1. Approval of the draft minutes of the meetings of January 7 and 28, 2022.
2. Proposed amendments to be considered for promulgation.

A. Proposed order amending V.R.C.P. 5, 6(a)(4), 29, and 79.1. Electronic Service and Filing. Sent out for comment on December 13, 2021, with comments due February 14, 2022. See https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRCP%205_6%28a%29%284%29_29_79.1--FOR%20COMMENT.pdf. Chairman Keyes to report on comments received.

B. Proposed order amending V.R.A.P. 25 and deleting V.R.A.P. 25(a)(2). Sent out for comment on January 10, with comments due on February 14, 2022. See <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRAP25--FOR%20COMMENT.pdf>. Chairman Keyes to report on comments received.

C. #21-1. Proposed amendment to V.R.C.P. 50(b) (See *Blondin v. Milton Town School District*, 2021 VT 2, 13, n.10). Sent out for comment on October 15, with comments due on December 15, 2021. See <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSED%20VRCP50%28b%29--FOR%20COMMENT.pdf>. Chairman Keyes to report on comments received.

D. #20-13. Proposed amendments of V.R.C.P. 55, 62, regarding service of default judgments. Sent out for comment on December 13, 2021, with comments due February 14, 2022. See https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRCP55_62--FOR%20COMMENT.pdf, Chairman Keyes to report on comments received.

E. Amendments of V.R.S.C.P. 7 and 8 proposed by Civil Division Oversight Committee. Sent out for comment on December 13, 2021, with comments due February 14, 2022. See https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRSCP7_8--FOR%20COMMENT.pdf. Chairman Keyes to report on comments received.

F. #20-11. Methods of expediting civil trials. Proposed amendment of V.R.C.P. 68 allowing either party to serve an offer of judgment. Sent out for comment on December 13, 2021, with comments due February 14, 2022. See https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRCP68--FOR%20COMMENT_0.pdf. Chairman Keyes to report on comments received.

G. #20-9A. Order eliminating papers served electronically from the 3-day extension of time provided by V.R.C.P. 6(e) and V.R.A.P. 26(c) and amending V.R.A.P. 26(d)(1) and 31(a). Recommended for promulgation at meeting of November 19, 2021. See <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRCP6%28e%29%20VRAP26%28c%29Abrogation%20and%20Amending%20VRAP26%28d%29%281%29%20and%2031%28a%29--FOR%20COMMENT.pdf>. Professor Wroth to report on status of parallel amendment to V.R.Cr.P. 45, pending comments due on February 14, 2022.

3. Amendment proposals to be considered for circulation for comment

A. V.R.C.P. 79.1. Civil Division Oversight Committee amendment proposal regarding out-of-state lawyers. Chairman Keyes and Mr. Weimer to report.

B. #14-8. V.R.C.P. 4.1, 4.2, 69, 69.1. Collection and Enforcement of Judgments. Chairman Keyes and Mr. Avildsen to report.

C. #20-9B. Amendments made necessary to conform the Civil Rules to the 2020 Vermont Rules on Electronic Filing, promulgated December 10, 2019, effective March 2, 2020, as amended, Subcommittee (Ms. Badgewick, Chairman Keyes, and Ms. Spero) to report.

D. #20-9A. Order eliminating papers served electronically from the 3-day extension of time provided by V.R.C.P. 6(e) and V.R.A.P. 26(c) and amending V.R.A.P. 26(d)(1) and 31(a). Recommended for promulgation at meeting of November 19, 2021. Professor Wroth to report in status in light of proposed parallel amendment of V.R.Cr.P. 45(e)

E. #22-1. Proposed amendment of V.R.C.P. 26(e). Mr. Dumont to prepare formal draft.

F. #22-2. V.R.C.P. 80.6. Correction of cross-references. Professor Wroth to present proposed draft amendment.

G. #22-4. V.R.C.P. 80.11. Issues raised by expiration date. Chairman Keyes to report.

4. Order recently promulgated

#22-3. Addition of § 22g to A.O. 49 re homeowner foreclosure assistance. Approved at Committee's special meeting of January 28, and recommended to the Court on February 2, promulgated February 7, effective February 22, 2022. Professor Wroth to report.

5. Reports

A. Remote Jury Trials. Special Advisory Committee on Remote Hearings. Mr. Dumont to report.

B. Committee consideration of other A.O. 49 provisions that might be made permanent. Request of Supreme Court.

6. Other business.

7. Date of next meeting. To be determined.