

**VERMONT SUPREME COURT**  
**ADVISORY COMMITTEE ON RULES OF PROBATE PROCEDURE**  
**AGENDA FOR MEETING OF NOVEMBER 3, 2022**

1. Approval of draft minutes of the meeting of September 29, 2022
2. Pending Matters:
  - a. Draft review of amendment adding V.R.P.P 5(f)(2) and proposed new V.R.P.P. 78 before forwarding to VSC for comment. Including email from Judge Morris, Reporter Vermont Rules for Electronic Filing Committee.
  - b. Draft review amendment to V.R.P.P 5.1(b)(1) before forwarding to VSC for comment.
  - c. Draft review of adding V.R.P.P 7(e) before forwarding to VSC for comment.
3. Continuing agenda items
  - a. Consideration of proposed amendment of V.R.C.P. 43.1. At the last meeting consideration was tabled as the Civil Rules Committee was working on a redraft.
  - b. Proposed amendment to V.R.P.P. 13. At the last meeting a subcommittee of Mr. Gawne, Ms. Menard, Judge Scanlon, and Mr. Langan was formed to prepare a revised draft.
  - c. Proposed amendment to V.R.P.P. 89.9. At the last meeting a subcommittee of Judge Kilgore and Judge Kennedy was formed to prepare a revised draft.
  - d. Revised proposed draft of V.R.P.P. 66. At the last meeting it was voted to defer action on the item until the end of the comment period on October 17, 2022.)
  - e. Need for Rules to implement Act 17 of 2020, §§ 28-29 (adding 4 V.S.A. § 35(27), providing concurrent jurisdiction with Family Division of judicial determination issued under new 14 V.S.A. ch. 111, subch 14 regarding the custody and care of children under federal Immigration legislation. The Family Rules Committee has appointed Judge Davenport, Judge Carlson, Jody Racht, and Marshall Pahl to serve on the subcommittee. The Probate Rules Committee previously appointed, Judge Kilgore and Judge Kennedy to serve on the subcommittee.
  - f. Inconsistency between 12 V.S.A. § 557 and 14 V.S.A. § 1203. The matter was referred to Judge Glover, immediate past chair of the Probate Oversight Committee.
  - g. Possible amendment to V.R.P.P. 16.1 to include remote mediation. The 8/9/22 Amendment to AO. 13, paragraph 13 which governed remote mediation was deleted. V.R.F.P amended Rule 18(d)(2), effective June 2, 2022 as follows:  
(2) The mediation will be carried out on a schedule prepared by the parties in consultation with the mediator and approved by the court unless the court subsequently, on the request of the parties and mediator, approves a modification.  
Parties may participate in mediation using remote technology at the discretion of the mediator or by order of the court.  
A copy of Probate Rule 61.1
  - h. Amendment to Rules 3, 4, and 17. Next steps?
  - i. Rules Committee Reporter job description.
4. New agenda items
5. Other business
6. Date of next meeting