

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF CIVIL PROCEDURE
AGENDA FOR MEETING OF MARCH 3, 2023**

The Civil Rules Committee will meet virtually at 9:00 a.m., Friday, March 3, 2023, to consider the following agenda:

1. Approval of draft minutes of the meeting of January 20, 2023:

2. Action items.

- A. # 23-2 Rules 9.1 and 9.2 (Special Pleading in eviction and foreclosure) The promulgation order directs “That the Advisory Committee on the Rules of Civil Procedure is directed to review the operation of these rules and to advise the Court when appropriate, but in any event, not later than July 1, 2023, whether these rules should be terminated in whole or in part, extended, revised, or made permanent. In the absence of further order, these rules will be void and of no further effect in any civil action commenced after September 30, 2025.” (Emphasis added) Chair Keyes to report.
- B. #20-13. Proposed amendments of V.R.C.P. 55, 62, regarding service of default judgments; PROPOSEDVRCPP55 62--FOR COMMENT due February 14, 2022. Draft promulgation order with reporters notes and amendments to Rules 4, 55, 62 and 80.1 considered at last meeting edited and revised for clarity and readability to be sent out for public comment. Chair Keyes and Prof. Vesilind to report.

3. Suggested amendments for Committee consideration.

- A. #22-6. Update the so-called “Discovery - Alternate Dispute Resolution Stipulation”, Rule 16.2. /Rule 26(f) Scheduling Orders/Discovery plan, Rule 16.3 Mediation and/ or and amend AO 39 to conform to current mediation practice. [Proposal of Civil Division Oversight Committee. Judge Toor email of 6/9/2022.] Ms. Badgewick and Mr. Weimer to report on status of their review.
- B. # 22-8. Regularize effective dates of promulgated rules. Proposal of Lisa Shelkrot. Chair Keyes to report on response of other rules committees.
- C. #23-3. Clean-up of Rule 64.
- D. # 23-4. Rule 79.1. Fee for post-judgment motion to withdraw. 32 VSA sec 1431(e)--Inquiry of Mr. Koeninger.

4. Reports, news, and trailing agenda items

- B. Any news from Civil Oversight, Electronic Filing Rules or Evidence Rules Committees? Ms. Damone, Mr. Koeninger or Mr. Dumont, and Ms. McAndrew to report.
- C. “Update from the Rules Committee” to be presented as VBA webinar **March 29?** Chair Keyes to report.

- D. #23-1 [Tabled] Remote Deposition oaths. 2022 legislation allows remote administration of oaths by specially licensed notaries located in Vermont. OPR Emergency Administrative Rules for Notaries Public and Remote Notarization (Eff. 9/9/2022; Expires 3/9/2023) define “Remotely Located Individual” to mean an individual or individuals located in Vermont who is/are not in the physical presence of the notary public who perform(s) a notarial act.” We are awaiting clarification whether OPR will issue new rules allowing notaries in Vermont to administer oaths to individuals located outside the state. See V.R.C.P. 28(a) (persons before whom depositions may be taken)

5. New business

6. Date of next meetings. May 12; June 2, September 8, November 3, January 5

7. Adjourn