

Day is A Day Changes

Effective January 1, 2018

This is intended as a guide to catalogue where amendments were made to periods in the rules as part of the day-is-a-day changes. It does not absolve litigants from their responsibility to check the language of rules. In the event that the language of a rule differs from the language contained within this document, the language of the rule governs.

See the Judiciary website for the entire promulgation orders:

<https://www.vermontjudiciary.org/attorneys/rules/promulgated>

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Rules of Appellate Procedure

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
V.R.A.P. 3(e)- Time to file docketing statements	For appellant- 10 days after filing notice of appeal For appellee- 10 days after appellant's docketing statement is filed.	For appellant- 14 days after filing notice of appeal For appellee- 14 days after appellant's docketing statement is filed.
V.R.A.P. 4(a)(2)- Time for State to file an appeal in a criminal case	7 days	7 business days Conforms to 13 V.S.A. § 7403(e)
V.R.A.P. 4(b)(7)- Tolling time period to file a notice of appeal for a Rule 60(b) motion	10 days	28 days Conforms to changes in V.R.C.P. 50 and 52
V.R.A.P. 4(c)(1)- Time to file motion to reopen time to appeal based on lack of notice	7 days of receipt of notice of order	14 days of receipt of notice of order
V.R.A.P. 4(d)(3)- Limit on time to reopen or extend appeal period	10 days after date of order granting motion	14 days after date of order granting motion
V.R.A.P. 5(b)(5)(A), 5.1(a)(2), 6(a)(1)- Time to file motion for permission to bring interlocutory, collateral final order, or discretionary appeal	10 days after entry of order	14 days after entry of order
V.R.A.P. 5(b)(5)(A)- Time for State to bring interlocutory appeal in criminal action	7 days	7 business days Conforms to 13 V.S.A. § 7403
V.R.A.P. 5(b)(7)(A), 5.1(b)(2), 6(a)(4)- Time to request permission to appeal from Supreme Court if trial court denies	10 days from entry of denial	14 days from entry of denial
V.R.A.P. 5(b)(7)(C), 5.1(b)(4), 6(a)(6) - Time to file response to motion for permission to bring interlocutory, collateral final order, or discretionary appeal	5 days	14 days
V.R.A.P. 6(b)(2)- Time to request appeal by permission	10 days after entry of judgment	14 days

V.R.A.P. 6(b)(10)(B)- Time to pay entry fee if permission granted	10 days	14 days
V.R.A.P. 10(b)(1)- Time to order transcript	10 days	14 days
V.R.A.P. 10(b)(3)- Time for clerk to order transcript in life imprisonment case	10 days	14 days
V.R.A.P. 10(b)(5)- Time for appellee to designate additional parts of record, time for appellant to order and time for appellee to order	10 days	14 days
V.R.A.P. 10(d)- Time to respond to proposed statement (when transcript is unavailable)	10 days	14 days
V.R.A.P. 11(a)(2), (b)(1)- Time for superior court to forward record and to transmit appeal	15 days	14 days
V.R.A.P. 26(c)	3 calendar days added for certain kinds of service	3 days added for certain kinds of service Conforms to V.R.C.P. 6(a)
V.R.A.P. 27(a)(3)- Time to file a response to a motion	7 days	14 days
V.R.A.P. 28(i)(2)- Time to request permission to exceed word limits	5 days before filing date	7 days before filing date
V.R.A.P. 31(a)(3)- Time to file reply brief and any cross-appellant reply brief	10 days	14 days
V.R.A.P. 33.1(b)(2)- Time to notify Court of appearance by video	3 business days	7 days
V.R.A.P. 33.1(b)(3)- Time for nonincarcerated party to request to present oral argument by telephone	3 business days	7 days
V.R.A.P. 39(d)(2)- Time to file objection to bill of costs	10 days	14 days
V.R.A.P. 39(d)(2)(B)- Time to request review of unnecessary matter	7 days	14 days

V.R.A.P. 45.1(e)- Time before Court will consider motion to withdraw	Wait until party has had 7 days to respond	14 days
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Rules of Civil Procedure

Special Notes:

- The two-day notice period for a motion to dissolve a TRO obtained without notice is retained in view of the exigent circumstances likely present. V.R.C.P. 65(a).
- Additional Time for Certain Kinds of Service. Under V.R.C.P. 6(e), there is still 3 additional days when a party is required to act within a particular time after being served and service is made by mailing, leaving with the clerk, or sending by electronic means.

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
V.R.C.P. 3- Time to file complaint with court	20 days	21 days
V.R.C.P. 4(g)(3)- Time for service by publication	20 days	21 days
V.R.C.P. 4(l)(3)(F)- Time for return of waiver of service for defendant outside U.S.	60 days	42 days
V.R.C.P. 4.1(b)(2)- Time for order of approval to issue	After 5 days' notice	After 7 days' notice
V.R.C.P. 4.2(j)(3)- Time for trustee to serve disclosure	3 days before hearing	5 days
V.R.C.P. 6(d)- Time to serve opposing affidavit	1 day before hearing	7 days
V.R.C.P. 7(b)(4)- Time to file motion to present evidence	5 days	7 days
V.R.C.P. 12(a)(1)(A)- Time to answer	20 days 50 for certain kinds of service	21 days 49 for certain kinds of service
V.R.C.P. 12(a)(2)- Times to answer cross-claim, serve reply in answer, and serve reply if ordered	20 days, 20 days, 20 days	21 days, 21 days, 21 days
V.R.C.P. 12(a)(3)(A), (B)- Times to serve responsive pleading after ruling on motion or more definite statement	10 days, 10 days	14 days, 14 days
V.R.C.P. 12(e)- Time after which pleading may be stricken if definite statement not made	10 days	14 days
V.R.C.P. 12(f)- Time to make motion to strike	20 days	21 days

V.R.C.P. 13(j)- Transferred actions		abrogated
V.R.C.P. 15(a)- Time to amend pleading	20 days	21 days
V.R.C.P. 16.1(b)(3)- Times to order parties to appear for pretrial conference and court to make Rule 16 order	10 days, 10 days	14 days, 14 days
V.R.C.P. 16.1(b)(4)- Time to give notice of trial date	Two weeks	14 days
V.R.C.P. 17(c)- Times to give notice to assured and time to notify insurer or attorney	10 days, 10 days	14 days, 14 days
V.R.C.P. 23(f)- Time to request permission to appeal class certification	10 days	14 days
V.R.C.P. 26(f)- Discovery plan, time to file objection	15 days	14 days
V.R.C.P. 27(a)(2)- Time to serve notice	20 days	21 days
V.R.C.P. 30(b)(1)- Time to give notice of deposition	10 days	14 days
V.R.C.P. 30(b)(5)- Time to object	5 days	7 days
V.R.C.P. 32(d)(3)(C)- Time to file objections to form	5 days	7 days
V.R.C.P. 33(a)- Time for defendant to serve answers to interrogatories after service of summons and complaint	45 days after service	42 days
V.R.C.P. 34(b)- Time for defendant to serve response after service of summons and complaint	45 days after service	42 days
V.R.C.P. 36(a)- Time for defendant to answer or object after service of summons and complaint	45 days after service	42 days
V.R.C.P. 38(b)- Time to demand jury trial	10 days	14 days
V.R.C.P. 38(c)- Time for other party to demand jury trial	10 days	14 days
V.R.C.P. 40(a)(1)- Time to distribute calendar	20 days	21 days
V.R.C.P. 40(b)- Time to distribute progress calendar	20 days	21 days

V.R.C.P. 50(b) & (c)- Renewal of Motion for Judgment as a matter of law after trial	10 days after entry of judgment	28 days after entry of judgment No extensions for extending these times. V.R.C.P. 6(b)(2) Conforms to the new federal standard for motion practice, which was extended from 10 to 28 days
V.R.C.P. 52(a)(1), (3)- Time to request findings	5 days	7 days
V.R.C.P. 52(b)- Motion to amend findings	10 days after entry of judgment	28 days after entry of judgment No extensions for extending these times. V.R.C.P. 6(b)(2) Conforms to the new federal standard for motion practice, which was extended from 10 to 28 days
V.R.C.P. 53(d)(1)- Time to hold meeting	20 days	21 days
V.R.C.P. 53(e)(2)- Time for party to file written objection to master's report	10 days	21 days Amended for consistency with F.R.C.P. 53(f)(2)
V.R.C.P. 55(b)(4)- Time to provide written notice of default	3 days	5 days
V.R.C.P. 58(d)- Time to file objections	5 days	7 days
V.R.C.P. 59(b), (d) & (e)- Time to file motion for new trial, Grant of new trial sua sponte by court, and Time to file motion to alter or amend	10 days after entry of judgment	28 days after entry of judgment No extensions for extending these times. V.R.C.P. 6(b)(2) Conforms to the new federal standard for motion practice, which was extended from 10 to 28 days
V.R.C.P. 59(c)- When motion for new trial is based on affidavits, time for opposing party to file opposing	Time to file opposing affidavits was 10 days Could seek extension of additional 20 days	Time to file opposing affidavits now 14 days Can seek extension of additional 14 days

affidavits and to extend time for good cause		
V.R.C.P. 62(a)(3)(A)- Time before enforcement or to file motion to stay	10 days	14 days
V.R.C.P. 62(a)(3)(A)- Time court may stay	20 days	21 days
V.R.C.P. 62(a)(3)(B)- Times for motion to stay and period court may stay	10 days and 20 days	14 days and 21 days
V.R.C.P. 64(b)(2)- Time for notice to defendant of motion	5 days	7 days
V.R.C.P. 65(a)- Times TRO will expire and amount of time court can extend	10 days, 10 days	14 days, 14 days
V.R.C.P. 68- Times for offer of judgment, to accept offer, and to serve offer	10 days, 10 days, 10 days	14 days, 14 days, 14 days
V.R.C.P. 72(a)- Time to enter notice of appearance in probate appeal	20 days	21 days
V.R.C.P. 72(f)(1)- Time to request interlocutory appeal of probate order in probate division	10 days	14 days
V.R.C.P. 72(f)(2)- Time to request review of denial of interlocutory review	10 days	14 days
V.R.C.P. 74(b)- Time for appellee to enter notice of appearance	20 days	21 days
V.R.C.P. 78(b)(1)- Times to file memo in opposition to written motion and to file response to memo	15 days and 10 days	14 days and 14 days
V.R.C.P. 79.1(b)- Time to confirm oral appearance in writing	5 days	7 days
V.R.C.P. 80.1(c)- Time to move for summary judgment in foreclosure action	10 days	14 days
V.R.C.P. 80.1(f)- Time to give notice of amount	6 days	7 days
V.R.C.P. 80.1(g)- Required statement on form of	10 days	14 days

judgment regarding time to request permission to appeal		
V.R.C.P. 80.1(m)- Time to request permission to appeal	10 days	14 days
V.R.C.P. 80.2(a)- Time to file petition for naturalization	20 days	21 days
V.R.C.P. 80.6(c)(3)- Time to answer in judicial bureau	20 days	21 days
V.R.C.P. 80.6(e)(1)- Time to answer to avoid default	20 days	21 days
V.R.C.P. 80.6(i)(5)- Time for clerk to certify decision	15 days after entry of judgment if no request for appeal OR 5 days after permission to appeal denied	14 days after entry of judgment if no request for appeal OR 7 days after permission to appeal denied
V.R.C.P. 80.6(l)(1)- Time for clerk to deliver copy of complaint to guardian for defendant under 18	10 days	14 days
V.R.C.P. 80.7(c)(2)(C)- Time to file writing with mailing address	10 days after service	14 days
V.R.C.P. 80.7(d)(1)- Times for State to file motion and for court to wait	5 days and 5 days	7 days and 7 days
V.R.C.P. 80.7(d)(2)- Time to send notice before hearing	10 days	14 days
V.R.C.P. 80.7(d)(3)- Time to file opposition	5 days	7 days
V.R.C.P. 80.9(b)(3)- Time for defendant to file answer	20 days	21 days
V.R.C.P. 80.10(e)- Time to schedule hearing	10 days	14 days
V.R.C.P. 80.11(e)(3)(B)- Times to provide information related to expert and to disclose rebuttal expert	15 days and 15 days	14 days and 14 days

Rules of Criminal Procedure

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
V.R.Cr.P. 12.1(a)- Time for defendant to provide written notice of intent to offer evidence of alibi, insanity or mental disease	10 days prior to trial	28 days
V.R.Cr.P. 12.1(a)- Time for prosecutor to reply	10 days	14 days
V.R.Cr.P. 29(c)- Time to make motion for judgment of acquittal	10 days	14 days
V.R.Cr.P. 32(c)(4)(A)- Time to object to facts in PSI	3 days prior to sentencing hearing	5 days
V.R.Cr.P. 33- Time to file motion for new trial (not newly discovered evidence)	10 days	14 days
V.R.Cr.P. 35(c)- Time for prosecutor to make motion to modify sentence	7 days	7 business days Conforms to 13 V.S.A. § 7042(b)
V.R.Cr.P. 45(d)- Time to file affidavit in opposition to motion	1 day before hearing	7 days before hearing Conforms to V.R.C.P. 6(d)
V.R.Cr.P. 47(b)(1)- Time to oppose written motion	10 days	14 days

Rules for Environmental Court Proceedings

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
V.R.E.C.P. 4(b)- Assurances of Discontinuance, time for AG to move to vacate	10 days	10 days NOTE: Was initially changed to 14 days, but changed back to 10 days by emergency order to conform to 10 V.S.A. § 8007(c)
V.R.E.C.P. 4(c)(1), (3)- Following emergency order, time for respondent to request hearing, and time for court to schedule hearing after filing	5 days	5 business days Conforms to 10 V.S.A. § 8009(d)
V.R.E.C.P. 4(d)(2)- Time to request hearing	15 days	14 days
V.R.E.C.P. 4(d)(4)(B)(ii)- Time to file pretrial memorandum	10 days	14 days
V.R.E.C.P. 4(d)(6)(A)- Time file appeal to Supreme Court from administrative order	10 days	14 days
V.R.E.C.P. 4(e)(2)- Time to request review of municipal solid waste orders	10 days	14 days
V.R.E.C.P. 5(b)(3)- Time to advise interested person to enter notice of appearance	20 days	21 days
V.R.E.C.P. 5(b)(4)(A)- Time to provide list of interested persons	5 working days	7 days
V.R.E.C.P. 5(b)(4)(B)- Time to publish copy of notice of appeal	10 days after service	14 days after service
V.R.E.C.P. 5(c)- Time to enter notice of appearance	20 days	21 days
V.R.E.C.P. 5(d)(1)- Time to appeal denial of party status from district commission	10 days	14 days
V.R.E.C.P. 5(e)- Time for permit to take effect	15 days	14 days
V.R.E.C.P. 5(f)- Time to file statement of questions	20 days	21 days

V.R.E.C.P. 5(h)(1)(B)- Time to send order for transcript to municipal panel	Within 10 days after filing	14 days
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Rules for Family Proceedings

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
V.R.F.P. 1(a)(3)- Time to hold pretrial hearing in delinquency proceeding	15 days	14 days
V.R.F.P. 1(a)(3)- Time to file memoranda in opposition	5 days	7 days
V.R.F.P. 1(d)(3)- Time to schedule pretrial hearing	15 days	14 days
V.R.F.P. 1(f)(2)- Time for party, other than child or State, to disclose witness	3 days prior to hearing	5 days
V.R.F.P. 2(a)(3)- Time to hold pretrial hearing in CHINS proceeding	15 days	14 days
V.R.F.P. 2(a)(3)- Time to file memoranda in opposition	5 days	7 days
V.R.F.P. 2(d)(4)- Time to schedule pretrial hearing	15 days	14 days
V.R.F.P. 2(d)(5)- Notice of deposition	10 days	14 days
V.R.F.P. 3(b)- Time for pretrial hearing in TPR proceeding	15 days	14 days
V.R.F.P. 4.0(b)(2)(B)(v)- Times for defendant to return waiver of service and answer	20 days	21 days
V.R.F.P. 4.0(g)(6)(A)- Time for party to file certificate of financial information	5 working days before court appearance	7 days
V.R.F.P. 4.1(a)(2)(B)- Time to schedule hearing	45 to 60 days after summons or complaint	42 to 60 days
V.R.F.P. 4.1(a)(2)(H)- Times for defendant to return waiver of service and answer	20 days	21 days
V.R.F.P. 4.1(b)(4)- Time to file affidavit of income and assets	5 working days before hearing	7 days
V.R.F.P. 4.2(b)(1)(A)(iii)- Times for defendant to return waiver of service and answer	20 days	21 days

V.R.F.P. 4.3(b)(2)(C)- Time to schedule a hearing in action for wage withholding	10 days	14 days
V.R.F.P. 4.3(b)(2)(C)- Time for obligor to request hearing	10 days	20 days Consistent with 15 V.S.A. § 783(a)(4)
V.R.F.P. 4.3(d)(6)(B)(ii)- Time to serve written objections to master's report	10 days	14 days
V.R.F.P. 4.3(e)(6)- Time to file written objections to PCC plan proposed by parent coordinator	10 days	14 days
V.R.F.P. 8(g)(3)(B)- Time to file and serve statement of questions	15 days	14 days
V.R.F.P. 9(e)- Time to request hearing after entry of denial of ex parte temporary order	5 business days	7 days
V.R.F.P. 9(e)- Time to schedule hearing	10 days from date of request	14 days
V.R.F.P. 15(a)(2)- Time to file written notice of appearance by attorney	5 days	7 days
V.R.F.P. 15(a)(4)- Time to enter written notice of pro se appearance	5 days	7 days
V.R.F.P. 15(d)- Time to file documents if not attending child support hearing	5 days	7 days
V.R.F.P. 15(g)- Time for new attorney to enter notice of appearance	15 days	14 days
V.R.F.P. 16(b)(2)- Time to allow respondent to reply	15 days	14 days
V.R.F.P. 16(c)(4)(D)(i)- Time to review case of someone held in custody for contempt	15 days	14 days
V.R.F.P. 18(d)(7)- Time for agreement to be filed with court	10 days	14 days

Rules of Probate Procedure

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
V.R.P.P. 4(e)- Time to make service by publication of notice	20 days	21 days
V.R.P.P. 6(c)- Time to file affidavit in opposition to motion	1 day before hearing	7 days before hearing Conforms to V.R.C.P. 6(d)
V.R.P.P. 7(b)(4)- Time to file opposition to motion	10 days	14 days
V.R.P.P. 7(c)- Time to file pleading or motion before hearing	5 days	7 days
V.R.P.P. 12(b)- Time to serve further pleading	10 days	14 days
V.R.P.P. 15(a)- Time to amend an answer	20 days	21 days
V.R.P.P. 15(a)- Time to answer amended petition	10 days	14 days
V.R.P.P. 52(b)- Time to file motion to amend findings	10 days	14 days Initially changed to 28, but by emergency order, changed to 14
V.R.P.P. 53(d)(1)- Time to hold meeting	20 days	21 days
V.R.P.P. 53(e)(2)(iii)- Time to serve written objections	10 days	14 days
V.R.P.P. 58- Time within which to file objections to be served with judgment	5 days	7 days
V.R.P.P. 60(c)- Time to file motion to alter or amend	10 days	14 days Initially changed to 28, but by emergency order, changed to 14
V.R.P.P. 64(a)- Time to file copy of notice to creditors with court	10 days	14 days
V.R.P.P. 64(d)- Time to file written statement	10 days	14 days
V.R.P.P. 64(e)- Time to file written statement about assets	10 days	14 days

V.R.P.P. 66(e)- Time within which to file objection to be heard at hearing	3 days	7 days
V.R.P.P. 72(b)(2)- Time to allow answer before hearing	15 days	14 days
V.R.P.P. 80(c)- Time to file answer	20 days	21 days
V.R.P.P. 80(c)- Time to answer in certain circumstances	50 days	49 days

Rules of Small Claims Procedure

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
V.R.S.C.P. 10(c)(2)- Time to order transcript for appeal	15 days	14 days
V.R.S.C.P. 10(e)(2)- Time to request permission to appeal to Supreme Court	10 days	14 days
V.R.S.C.P. 10(e)(3)- Time within which decision final if no request for appeal filed	10 days	14 days
V.R.S.C.P. 12- Times for creditor to notify of satisfaction, for debtor to move for satisfaction, and for creditor to object	20 days	21 days

Rules Governing Qualification, List, Selection and Summoning of All Jurors

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
Rule 9(a)- Time to return completed questionnaire	10 days	14 days

Rules for Mandatory Continuing Legal Education

Rule	Former Time Period (did not include weekends or holidays for periods 10 days or under)	New Time Period (counts every day unless specified as business days)
§ 9(d)- Time for attorney to respond to statement of noncompliance	15 days	14 days
§ 9(e)- Time to give notice of hearing	10 days	14 days
§ 10(b)- Time to file compliance form	15 days	14 days