

**SUPREME COURT OF VERMONT
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TO: Members of the Vermont Bar
FROM: Patricia Gabel, Esq., State Court Administrator
RE: Emergency Promulgated Rule Amendment
DATE: December 20, 2021

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EMERGENCY PROMULGATED RULE AMENDMENT

[Emergency Order Amending Rule 5\(d\) of the Vermont Rules for Electronic Filing](#)

This Order was promulgated on December 20, 2021; effective immediately.

Under the prior language of Rule 5, all electronic filings were reviewed prior to entry into the Judiciary's electronic case management system in accordance with the rule's requirements and Rule 7 of the Vermont Rules for Public Access to Court Records. Rule 5(d) is amended following entry of the decision and order of the U.S. District Court for the District of Vermont in Courthouse News Service, et. al. v. Patricia Gabel, et. al., Case No. 2:21-cv-00132 on November 19, 2021. The amendments comport with new procedures for the processing of the initial civil complaint, essentially providing for public access to the same, prior to clerk review and acceptance pursuant to Rule 5(d). The amendments do not alter an electronic filer's obligations under Rule 5(b), including compliance with Rule 5(b)(5) and (6).

On Friday, December 10, 2021, initial civil complaints began to be processed so they were automatically entered in the Judiciary's electronic case management system without prior staff review and acceptance. Previously, all electronic filings, including initial complaints and associated documents in such cases, were reviewed by staff before being entered into the electronic case management system. Some initial civil complaints are excepted from the automatic entry, including those in small claims actions, stalking/sexual assault actions, and those within the original jurisdiction of the Supreme Court, or within the jurisdiction of criminal division, family division, environmental division, probate division, or the judicial bureau.

The rule amendment is effective immediately given the need to comply in a timely way with the injunction. The rule amendments will cease to be in effect if the injunction is terminated or modified.