

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR

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TO: Members of the Vermont Bar

FROM: Patricia Gabel, Esq., State Court Administrator

RE: Promulgated Rules, Proposed Rule Amendments, Public Hearing on Proposed Rule Amendment and Miscellaneous Information

DATE: February 11, 2019

For your information, please find the following information:

- [Order Promulgating Amendment to Rule 18\(d\) of the Vermont Rules for Family Proceedings](#)
- [Order Abrogating and Replacing the Vermont Rules of Public Access to Court Records and Abrogating the Rules Governing Dissemination of Electronic Case Records and Rule 77\(e\) of the Vermont Rules of Probate Procedure - Public Hearing 3/11 at 3 p.m.](#)
- [Proposed Amendments to Rule 24 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court](#)
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

- a. [Order Promulgating Amendment to Rule 18\(d\) of the Vermont Rules for Family Proceedings](#)

This Order was promulgated on February 4, 2019; effective April 8, 2019.

Rule 18(d)(1) is amended to clarify the process for appointment of a mediator when appointment has been ordered under subdivision (b). Under subparagraph (A), represented parties may choose the mediator. Under subparagraph (B), if the parties do not agree on a choice, or one or more of them is self-represented, the parties and the court may agree on a mediator from the Family Division Mediation Program's list of mediators. If the parties cannot agree on an individual, the court may appoint a mediator from the list. If no mediator from the list is available, the court may appoint a mediator whose credentials are at least comparable to those for inclusion on the list. Those credentials include domestic-violence training.

II. PROPOSED RULE AMENDMENTS

(NOTE: THE FOLLOWING AMENDMENTS HAVE BEEN PROPOSED AND HAVE NOT BEEN APPROVED BY THE SUPREME COURT.)

- a. [Order Abrogating and Replacing the Vermont Rules of Public Access to Court Records and Abrogating the Rules Governing Dissemination of Electronic Case Records and Rule 77\(e\) of the Vermont Rules of Probate Procedure](#)

The proposed Order abrogates and replaces the Vermont Rules of Public Access to Court Records and Abrogates the Rules Governing Dissemination of Electronic Case Records and Rule 77(e) of the Vermont Rules of Probate Procedure. These proposed rules cover records in both physical and electronic form and their adoption is timed to coincide with the implementation of a new case-management system that will support electronic filing and electronic case files in all dockets and all courts. In many parts, these rules retain the content of the former rules. In other parts, they amend the prior version or adopt entirely new content because of the shift to electronic case records.

Rule 1 contains a scope, purpose, and construction statement, explaining the joint responsibility of providing public access while protecting confidentiality. Rule 2 contains definitions. Rule 3 provides a general policy to grant access and delineates the custodian of records. Rule 4 provides the means of access to physical and electronic case and administrative records. Rule 5 sets out specific rights of access and includes an appendix listing the statutes and court rules providing specific rights of access. Rule 6 sets forth the exceptions to public access for case records, the inspection procedure, denial procedure, grievances, access during appeals, and access to statistical reports. The appendix to Rule 6 lists the statutes and court rules providing restrictions or prohibitions to public access. Rule 7 relates to filing of case records and states the responsibilities of the filer and the Judiciary. Rule 8 is about administrative records. Rule 9 sets out exceptions to the general access policy and contains the method and standards for granting access, sealing, or redacting records. Rules 10-13 are adopted from the Rules Governing Dissemination of Electronic Case Records. They contain provisions on electronic-case-record compilations, electronic-case-record reports, electronic-data-dissemination contracts.

There will be a public hearing on this proposed order on March 11, 2019 at 3:00 p.m. at the Pavilion Auditorium at 109 State St. Montpelier VT.

Comments on these proposed amendments should be sent by **April 12, 2019**, to Hon. Walter M. Morris, at the following address:

Hon. Walter M. Morris, Jr.
Vermont Supreme Court
109 State Street
Montpelier, VT 05609-0801
walter.morris@vermont.gov.

b. [Proposed Amendments to Rule 24 of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court](#)

Under this proposed amendment to Rule 24, a legal intern who is admitted in another U.S. jurisdiction, while still subject to the general supervision requirements of the Rule, may now appear in court without the presence of the supervising attorney and may sign documents in connection with the pending matter without the co-signature of the supervising attorney. This amendment essentially gives such legal interns the same authority as that given to nonresident attorneys admitted pro hac vice pursuant to Administrative Order No. 41, but without the need to submit a pro hac vice application and fee for each case in which the legal intern wishes to appear. In doing so, the amendment aims to reduce administrative, staffing, and financial obstacles that may otherwise prevent qualified legal interns, especially those working for state agencies, from appearing as legal counsel.

Comments on this proposed amendment should be sent by **April 12, 2019**, to Andrew Strauss, Licensing Counsel of the Office of Attorney Licensing, at the following address:

Andrew Strauss, Licensing Counsel
Office of Attorney Licensing
Costello Courthouse
32 Cherry Street, Suite 213
Burlington, VT 05401
Andrew.Strauss@vermont.gov

III. MISCELLANEOUS

a. *Court Forms*

Court forms are constantly being updated. Please refer to the judiciary website for the most up-to-date forms. <https://www.vermontjudiciary.org/court-forms>

b. *Obligation under A.O. 41*

Attorneys are reminded that an “attorney must report to the State Court Administrator within thirty days any change of the office mailing or electronic mail address” and that “[n]otice sent to a reported address is sufficient even if not received by the attorney because of failure to report the proper address or failure of delivery not caused by the court.” A.O. 41, § 4(c); see A.O. 44, § 1.

Please email those changes to JUD.AttyLicensing@vermont.gov. Your cooperation is very much appreciated.

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov to your Safe Senders list.

c. *eCabinet Registration*

Administrative Order No. 44 requires attorneys in active status to register up to three email addresses in **eCabinet** for purposes of receiving notices of hearing and other documents. *You may include staff email addresses in the three email addresses that you specify. eCabinet registration is required whether you practice in court or not.*

If you have already registered in **eCabinet**, the email address(es) you provided as part of that process will be used.

If you have not already registered in **eCabinet**, please go to <https://efiling.eservices.crt.state.vt.us/>, click **Register Now**, and follow the simple prompts. Attorneys will need their attorney license numbers to register. Helpful information about the Attorney Email Registration process is also available on the *Electronic Filing* page of the judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>. Please contact jud.helpdesk@vermont.gov or call the Helpdesk at 802-828-4357 with any questions in the meantime.

You are also reminded that you are required to update the email address(es) and other contact information you have registered as soon as there are any changes, including changes to staff email addresses you may have included with your registration. To revise the information, please go to <https://efiling.eservices.crt.state.vt.us/>, log into **eCabinet**, click “**Account**,” choose “**My Profile**,” and make the necessary changes to your contact information.

Notification to JUD.AttyLicensing@vermont.gov or in **eCabinet** of a change to your contact information does not automatically notify the other. It is your responsibility to notify both. If you are a member of the Vermont Bar Association, you will also need to separately notify the VBA.