

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: Appellate Bench-Bar Meeting, Promulgated Rules, Proposed Rule Amendments, and Miscellaneous Information

DATE: January 9, 2019

For your information, please find the following information:

- *Appellate Bench-Bar Meeting*
- [Order Amending Rule 902 to the Vermont Rules of Evidence](#)
- [Proposed Order Adding Rule 39 of the Vermont Rules of Probate Procedure](#)
- [Proposed Order Amending Comment to Rule 1.1 of the Vermont Rules of Professional Conduct](#)
- [Proposed Order Amending Rule 10 of Administrative Order No. 9](#)
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. APPELLATE BENCH-BAR MEETING

Please bring your lunch and join the Vermont Supreme Court for an appellate bench-bar meeting on Wednesday, January 30, 2019 from 12:00-1:30 p.m. in the Supreme Court courtroom at 111 State St. in Montpelier. There will be a CLE credit for the event. If you have questions, please contact Emily Wetherell, Deputy Clerk of the Supreme Court, at emily.wetherell@vermont.gov.

II. PROMULGATED RULE AMENDMENTS

- a. [Order Amending Rule 902 to the Vermont Rules of Evidence](#)

This Order was promulgated on January 7, 2019; effective March 11, 2019.

The addition of Rule 902(13) reflects the enactment of 12 V.S.A. § 1913, a statute pertaining to the admissibility of evidence contained in blockchain records. Rule 902(13) mirrors the language and conditions set forth in § 1913(b)(1), a section declaring that blockchain records are self-authenticating.

III. PROPOSED RULE AMENDMENTS

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

a. [Proposed Order Adding Rule 39 of the Vermont Rules of Probate Procedure](#)

Proposed Rule 39 would allow expedited proceedings in cases that potentially may be appealed de novo to the civil division. Under the proposed amendment, if both parties have appeared, the judge may make a determination on the merits without swearing-in the parties if the facts as represented by them on the record are undisputed and no party objects.

Comments on these proposed amendments should be sent by **March 11, 2019**, to the Hon. Jeffrey Kilgore, Chair of Advisory Committee on the Vermont Rules of Probate Procedure, at the following address:

Hon. Jeffrey Kilgore
Washington Probate Division
65 State Street
Montpelier, VT 05602
Jeffrey.Kilgore@vermont.gov

b. [Proposed Order Amending Comment to Rule 1.1 of the Vermont Rules of Professional Conduct](#)

This proposed amendment grew out of the work of the Vermont Commission on the Well-Being of the Legal Profession. This proposed amendment addresses behavioral health issues that adversely affect a lawyer's fitness to practice. The proposed amendment urges lawyers to be cognizant of the toll that the profession can take on its members if behavioral health issues are ignored. The proposed amendment is intended to remind lawyers that their behavioral health can impact clients and the administration of justice, and to encourage lawyers to employ preventive strategies and self-care.

Comments on these proposed amendments should be sent by **March 11, 2019**, to Michael Kennedy, Bar Counsel, at the following address:

Michael Kennedy, Bar Counsel
Professional Responsibility Program
32 Cherry Street, Suite 213
Burlington, VT 05401
Michael.Kennedy@vermont.gov

c. [Proposed Order Amending Rule 10 of Administrative Order No. 9](#)

This proposed amendment grew out of the work of the Vermont Commission on the Well-Being of the Legal Profession. The proposed amendment authorizes bar counsel to refer a disciplinary complaint to a lawyers' assistance program, which is consistent with an approach that emphasizes prevention, self-care, and treatment. It is also consistent with bar counsel's general authorization to seek to resolve matters via nondisciplinary methods or to refer complaints to nondisciplinary dispute resolution programs.

Comments on these proposed amendments should be sent by **March 11, 2019** to Michael Kennedy, Bar Counsel, at the following address:

Michael Kennedy, Bar Counsel
Professional Responsibility Program
32 Cherry Street, Suite 213
Burlington, VT 05401
Michael.Kennedy@vermont.gov

IV. 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.