

**SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR**

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TO: Members of the Vermont Bar
FROM: Patricia Gabel, State Court Administrator
RE: Emergency Promulgated and Proposed Rule Amendments and Miscellaneous Information
DATE: April 24, 2017

For your information, please find the following:

- [Order Promulgating Emergency Amendments to Rule 77\(e\) of the Vermont Rules of Civil Procedure and Rule 6\(b\) of the Rules for Public Access to Court Records](#)
- [Proposed Order Amending Canon 4 § H\(2\) of Administrative Order No. 10, Vermont Code of Judicial Conduct and Proposed Amended Extra Judicial Income Form](#)
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

- a. [Order Promulgating Emergency Amendments to Rule 77\(e\) of the Vermont Rules of Civil Procedure and Rule 6\(b\) of the Rules for Public Access to Court Records](#)

This emergency Order, promulgated on April 20, 2017, effective April 24, 2017, brings court procedure into conformity with the policies underlying the Rules for Public Access to Court Records.

With the legislative repeal of 4 V.S.A. § 652(4) in 2013, the residual confidentiality provision of V.R.C.P. Rule 77(e), which precluded disclosure of records pertaining to the filing of an action until the action was disposed or at least one defendant was served, is superfluous, and is removed.

Rule 6(b)(25) of the Vermont Rules for Public Access to Court Records, which excluded from public access records related to the filing of a civil action prior to service, is removed to conform with the removal of the referenced confidentiality provision in Rule 77(e) of the Rules of Civil Procedure. Former paragraphs (26) to (36) are renumbered (25) to (35).

II. PROPOSED RULE AMENDMENTS

- a. [Proposed Order Amending Canon 4 § H\(2\) of Administrative Order No. 10, Vermont Code of Judicial Conduct and Proposed Amended Extra Judicial Income Form](#)

The proposed amendment to Canon 4 § H(2) clarifies that in addition to reporting compensation received as a result of extra-judicial activities, a judge is required to report income, including that from passive investments. The revised section states that disclosure is required for

rental income and income from accounts and investments individually valued over \$5,000 or gifts and debts owed in excess of \$500. The revision also requires a judge to disclose the place of employment of the judge's spouse or cohabiting partner.

The proposed amended Extra Judicial Income Form incorporates these changes.

Comments on the proposed rule amendment and or the proposed form changes should be sent by **June 23, 2017**, to Emily Wetherell, Deputy Clerk, at the Vermont Supreme Court, at the following address:

Emily Wetherell, Deputy Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609-0801
Emily.Wetherell@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 shall report to the Court Administrator within thirty days any change of the office mailing or electronic mail address” and that “notice sent to a reported address shall be 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, § 7; 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.