

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

**PATRICIA GABEL, ESQ.**  
State Court Administrator  
[patricia.gabel@vermont.gov](mailto:patricia.gabel@vermont.gov)

**Mailing Address**  
Office of Court Administrator  
109 State Street  
Montpelier, VT 05609-0701

**Telephone:** (802) 828-3278  
**FAX:** (802) 828-3457

[www.vermontjudiciary.org](http://www.vermontjudiciary.org)

**TO:** Members of the Vermont Bar  
**FROM:** Patricia Gabel, State Court Administrator  
**RE:** Promulgated and Proposed Rule Amendments, Approved Financial Institutions and Miscellaneous Information  
**DATE:** May 10, 2017

For your information, please find the following:

- [Promulgation Order A.O. 9, Rule 1](#)
- [Promulgation Order A.O. 14](#)
- [Promulgation Order A.O. 44](#)
- [Promulgation Order A.O. 45](#)
- [Proposed Day is a Day](#) (Appellate, Civil, Criminal, Environmental, Family, Juror, Probate, and Small Claims)
- *Approved Financial Institutions*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

## **I. PROMULGATED RULE AMENDMENTS**

### *a. [Promulgation Order A.O. 9, Rule 1](#)*

This Order, **promulgated on May 8, 2017, effective July 10, 2017**, adds paragraph (4) to Rule 1(E) to make clear that the Professional Responsibility Board has the responsibility to review the Rules of Professional Conduct and to make proposals to the Court to amend those rules. The amendment reiterates the obligation under Administrative Order 11 to provide the proper notice and opportunity to comment on amendment proposals and notifies individuals that requests for changes should be directed to the Board.

### *b. [Promulgation Order A.O. 14](#)*

This Order, **promulgated on May 8, 2017, effective immediately**, replaces Justice Dooley with Justice Carroll as the justice responsible to entertain motions for Area I.

### *c. [Promulgation Order A.O. 44](#)*

This Order, **promulgated on May 8, 2017, effective May 15, 2017**, updates cross references to Administrative Order 41, concerning licensing of attorneys, which has been revised, reorganized, and renumbered. The reference to attorneys admitted for a government study license has been removed because that type of license is no longer available under A.O. 41.

d. *Promulgation Order A.O. 45*

This Order, **promulgated on May 8, 2017, effective May 15, 2017**, updates a cross reference to Administrative Order 41, concerning licensing of attorneys, which has been revised, reorganized, and renumbered.

## II. PROPOSED RULE AMENDMENTS

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

*Proposed Day is a Day* (*Appellate, Civil, Criminal, Environmental, Family, Juror, Probate, and Small Claims*)

The proposed amendments to various rules adopt the “day is a day” rule, a simplified method of computing time periods adopted in 2009 amendments to the federal rules. Under the former rules, a period of 11 days or more was computed differently than a period of 10 days or less. The shorter time periods did not count intervening Saturdays, Sundays, or legal holidays. Under the amended rules, all deadlines are computed the same way no matter the length—all days, including intermediate Saturdays, Sundays, and legal holidays, are counted. If the period ends on a Saturday, Sunday, or legal holiday, the deadline falls on the next business day.

Because periods of 10 days or less would be shortened by the inclusion of intermediate Saturdays, Sundays, and legal holidays, the shorter time periods have been extended. Most time periods are proposed to be changed to use multiples of 7 so that time periods will end on a week day. In general, the proposed amendments change periods of 3 days to 5 days, 5 days to 7 days, 10 and 15 days to 14 days, 20 days to 21 days, 45 and 50 days to 42 and 49 days. Thirty-day time periods remain unchanged. Several 10-day time periods are proposed to be enlarged to 28 days for consistency with the federal standard for motion practice.

The proposed amendments retain the language of the former rules making the computation provisions apply to a time period in “any applicable statute.” By Act 11 of 2017, the Legislature amended a number of statutory procedural time periods of 10 days to 14 days and of less than 10 days to be expressly “business days.” For consistency, the proposed amendments add “business days” to time periods in rules that were taken from one of the amended statutes and a definition of “business day” is added.

The proposed amendments to V.R.C.P. 6(e) and V.R.Cr.P. 45(e), providing an additional 3 days for actions required after service, adopt the simplified language of F.R.C.P. 6(d) and F.R.Cr.P. 45(c), as amended in 2005 and 2007, and follow the federal rule in effect until December 2016 by adding the additional 3 days after service by electronic means if permitted or required under V.R.C.P. 5(b)(4).

Comments on the proposed rule amendment and or the proposed form changes should be sent by **July 10, 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](mailto:Emily.Wetherell@vermont.gov)

### III. MISCELLANEOUS

#### *a. List of Approved Financial Institutions*

Rule 1.15B(a)(1) of the Vermont Rules of Professional Conduct requires lawyers to maintain their trust accounts only in financial institutions approved by the Professional Responsibility Board. Financial institutions which have not been so approved may obtain information as to how to become certified by contacting the Office of Disciplinary Counsel (802) 859-3000. For a complete list of Approved Financial Institutions, please click on the following link and select “Attorney Trust Accounts”:

<https://www.vermontjudiciary.org/about-vermont-judiciary/boards-and-committees/professional-responsibility>

#### *b. 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>

#### *c. 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](mailto:JUD.AttyLicensing@vermont.gov). Your cooperation is very much appreciated.

To ensure you continue to receive these emails, please add [JUD.AttyLicensing@vermont.gov](mailto:JUD.AttyLicensing@vermont.gov) to your Safe Senders list.

#### *d. 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](mailto: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](mailto: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.