

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: Promulgated Rule Amendments and Miscellaneous Information
DATE: September 21, 2017

For your information, please find the following “*Day is a Day*” Amendments:

- [Appellate](#)
- [Civil](#)
- [Criminal](#)
- [Environmental](#)
- [Family](#),
- [Juror](#)
- [MCLE](#)
- [Probate](#)
- [Small Claims](#)
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

“*Day is a Day*” Amendments to [Appellate](#), [Civil](#), [Criminal](#), [Environmental](#), [Family](#), [Juror](#), [MCLE](#), [Probate](#), and [Small Claims](#)

These Orders were promulgated on September 20, 2017, **effective January 1, 2018**. The 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 changed to use multiples of 7 so that time periods will end on a week day. In general, the 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 enlarged to 28 days for consistency with the federal standard for motion practice

The 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).

The 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 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.

II. 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.