

## STANDING ORDER - BENNINGTON PROBATE DIVISION

Participation in probate proceedings is governed by V.R.P.P. Rule 43.1, as amended.

Effective October 2, 2023 Rule 43.1(a)(1) will provide: “All proceedings will be scheduled for remote participation by parties, counsel, witnesses, and other necessary participants unless otherwise ordered pursuant to this rule.” The Court’s current practice is consistent with amended Rule 43.1 as all hearings are scheduled as remote hearings unless the Judge specifically requests an in-person hearing. The adoption of amended Rule 43.1 will not affect the Court’s current scheduling practices.

This *Standing Order* implements a policy whereby certain hearings are scheduled as in-person hearings, without the necessity of the Judge specifically requesting an in-person hearing. This policy is intended to make the scheduling process more routine and predictable.

When a hearing is scheduled to take place in person, all parties, interested persons, witnesses and legal counsel must appear in person at the designated courthouse. A party or interested person may, by motion, ask the Court for permission to participate remotely. A party or interested person may, by motion, ask the Court for permission for counsel, a witness or other person to participate remotely. When a hearing is noticed to be an in-person hearing, the parties, interested persons, attorneys and witnesses must appear in person unless and until the Court orders otherwise.

The following hearings shall be scheduled for in-person hearings:

1. Hearing on *Order to Render*,
2. Hearing on *Order to Show Cause*,
3. Evidentiary hearing on motion to **disallow** a last will & testament,
4. Evidentiary hearing on removal of a guardian or fiduciary,
5. Evidentiary hearing on motion to **disallow** an interim or final accounting, and
6. Evidentiary hearing on disputed decree of distribution.

The foregoing list is not exhaustive, and the Court may, as circumstances require, order any case or matter to be scheduled for an in-person hearing.

A party or interested person may request an in-person hearing for any hearing or matter except a status conference.

This *Standing Order* shall become effective on **September 15, 2023**.

Electronically signed 7/18/2023 12:05 PM pursuant to V.R.E.F. 9(d)



Lon T. McClintock, Judge  
Vermont Superior Court  
Probate Division, Bennington Unit