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STATE OF VERMONT

Legislative Committee on Judicial Rules

Friday, December 12, 2025

State House Room 10 and Zoom

AGENDA

10:00 a.m. **Hon. Kathryn Kennedy, Probate Judge, Chair, Advisory Committee on Rules of Probate Procedure, Vermont Supreme Court; Hon. Judge Joanne Ertel (Ret.), Reporter, Advisory Committee on Rules of Probate Procedure, Vermont Supreme Court.**

1. Emergency Rule (promulgated October 6, 2025; effective January 1, 2026; comments due December 6, 2025; not yet reviewed by LCJR).

V.R.P.P. 80.3(g). Correcting cross-references.

<https://www.vermontjudiciary.org/PROMULGATED%20-EmergencyAmendmentVRPP803--FORCOMMENT>

2. Promulgated Rules (proposed March 11, 2025; reviewed by LCJR July 24, 2025; promulgated October 6, 2025; effective January 1, 2026).

V.R.P.P. 54(a). Types of orders appealable from the Probate Division to the Civil Division.

<https://www.vermontjudiciary.org/PROMULGATED--VRPP54a--STAMPED>

3. Proposed Rule (proposed September 2, 2025; comments due November 1, 2025; not yet reviewed by LCJR).

V.R.P.P. 4(d)–(g). Providing for notice of commencement of probate proceedings by restricted mail rather than certified mail to enable service by commercial carriers, and expanding methods for providing notice when restricted mail is not effective.

<https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSED--VRPP4%28d%29-%28g%29--FORCOMMENT.pdf>

4. Proposed Rule (proposed October 7, 2025; comments due December 6, 2025; not yet reviewed by LCJR).

V.R.P.P. 13. Reorganizing the rule regarding the statutory election rights and allowances available to a surviving spouse and minor children in order to make it consistent with statutory amendments.

<https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSED-VRPP13--FORCOMMENT.pdf>

10:15 a.m.

Hon. John Dooley (Ret.), Chair, Advisory Committee on the Rules for Electronic Filing, Vermont Supreme Court; Emily Wetherell, Esq., Deputy Clerk, Vermont Supreme Court.

5. Emergency Rule (promulgated October 6, 2025; effective immediately; not yet reviewed by LCJR).

Vermont Rule for Electronic Filing 5(d)(1). Providing for new civil complaints to be reviewed for confidential information before becoming publicly available, and implementing an expedited process for limited pre-access review, pursuant to *Courthouse News Serv. v. Corsones*, 131 F.4th 59 (2d Cir. 2025).

<https://www.vermontjudiciary.org/PROMULGATED-EmergencyAmendmentVREF5--STAMPED--FORCOMMENT>

6. Promulgated Rule (proposed April 7, 2025; reviewed by LCJR July 24, 2025; promulgated October 6, 2025; effective January 1, 2026).

Vermont Rule for Electronic Filing 9(d). Aligning rule with practice regarding use of electronic signatures on documents.

<https://www.vermontjudiciary.org/PROMULGATED-VREF9d--STAMPED>

7. Proposed Rule (proposed August 5, 2025; comments due October 3, 2025; not yet reviewed by LCJR).

Vermont Rules for Electronic Filing 1, 2(h), 3, 5(d), and 6(c). Authorizing Court Administrator to implement e-filing for hearing panels of the Professional Responsibility Board, which oversees conduct of attorneys in Vermont.

[https://www.vermontjudiciary.org/PROPOSED-VREF1\(g\)2\(h\)35\(d\)6\(c\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED-VREF1(g)2(h)35(d)6(c)--FORCOMMENT)

8. Proposed Rule (proposed October 7, 2025; comments due December 6, 2025; not yet reviewed by LCJR).

Vermont Rules for Electronic Filing 11(f). Conforming rule to practice by providing that the court will transmit notices and orders to all parties, and that the method of transmission may vary.

<https://www.vermontjudiciary.org/PROPOSED-VREF11f--FORCOMMENT>

10:40 a.m. **Hon. Dickson Corbett, Superior Judge, Chair, Advisory Committee on Rules of Evidence, Vermont Supreme Court; Aliza Harrigan, Esq., Reporter, Advisory Committee on Rules of Evidence, Vermont Supreme Court.**

9. Promulgated Rule (proposed February 10, 2025; reviewed by LCJR July 24, 2025; promulgated October 29, 2025; effective January 1, 2026).

V.R.E. 106. Providing that, in situations where fairness requires completion, completing statements are admissible over a hearsay objection.

<https://www.vermontjudiciary.org/PROMULGATED--VRE106--STAMPED>

10. Proposed Rule (proposed October 29, 2025; comments due December 29; not yet reviewed by LCJR).

V.R.E. 615. Providing that a court issuing a sequestration order may also prohibit excluded witnesses from learning about, obtaining, or being provided with trial testimony.

<https://www.vermontjudiciary.org/PROPOSED--VRE615--FORCOMMENT>

10:50 a.m. **Hon. Timothy Tomasi, Superior Judge, Chair, Vermont Rules for Public Access to Court Records, Vermont Supreme Court; Petra Halsema, Esq., Reporter, Vermont Rules for Public Access to Court Records, Vermont Supreme Court.**

11. Proposed Rule (proposed October 7, 2025; comments due December 6, 2025; not yet reviewed by LCJR).

V.R.P.A.C.R. 6(b)(18) and (19). Providing that documents filed in connection with inquest proceedings and records of requests for nontestimonial identification orders (NTOs) are not publicly accessible.

11:00 a.m. **Bridget Asay, Esq., Chair, Advisory Committee on Rules of Civil Procedure, Vermont Supreme Court; Prof. Pamela Vesilind, Reporter, Advisory Committee on Rules of Civil Procedure, Vermont Supreme Court.**

12. Promulgated Rule (proposed February 10, 2025; reviewed by LCJR July 24, 2025; promulgated August 4, 2025; effective January 1, 2026).

V.R.C.P. 65(b)(1). Requiring that a complaint applying for a preliminary injunction be accompanied by a motion, and deleting the option to apply for the injunction without an accompanying motion.

[https://www.vermontjudiciary.org/PROMULGATED-VRCP65\(b\)\(1\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRCP65(b)(1)--STAMPED)

13. Promulgated Rule (proposed June 1, 2025; reviewed by LCJR July 24, 2025; promulgated October 6, 2026; effective January 1, 2026).

V.R.A.P. 10(b)(8)(A) and 31(a)(1). Updating cross-references.

<https://www.vermontjudiciary.org/PROMULGATED-VRAP10b8Aand31a1--STAMPED>

14. Promulgated Rule (proposed October 8, 2024; reviewed by LCJR July 24, 2025; promulgated October 6, 2026; effective January 1, 2026).

V.R.C.P. 4(c). Option to use alternative process server for good cause shown.

11:10 a.m.

Hon. Kerry Ann McDonald-Cady, Superior Judge, Chair, Advisory Committee on Rules for Family Proceedings, Vermont Supreme Court; Hon. Amy Davenport (Ret.), Reporter, Advisory Committee on Rules for Family Proceedings, Vermont Supreme Court.

15. Promulgated Rules (proposed May 6, 2025; reviewed by LCJR July 24, 2025; promulgated August 4, 2025; effective January 1, 2026).

a. V.R.F.P. 1(b). Conditions of release prior to preliminary hearing for a child subject to a delinquency proceeding.

[https://www.vermontjudiciary.org/PROMULGATED-VRFP1\(b\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRFP1(b)--STAMPED)

b. V.R.F.P. 19. Establishing rules of procedure for obtaining an Extreme Risk Protection Order when a person's possession of a firearm or explosive poses an extreme risk of harm to any person.

<https://www.vermontjudiciary.org/PROMULGATED-VRFP19Added--STAMPED>

16. Promulgated Rule (proposed March 11, 2025; reviewed by LCJR April 4, 2025; promulgated August 4, 2025; effective January 1, 2026).

V.R.F.P. 17(f). Adding Abuse Maltreatment Prevention for Vulnerable Adults as a proceeding where participation can be either in person or remote unless a court orders participation by a particular method.

[https://www.vermontjudiciary.org/PROMULGATED-VRFP17\(f\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRFP17(f)--STAMPED)

17. Promulgated Rules (proposed August 5, 2025; promulgated October 29, 2025; effective January 1, 2026; not yet reviewed by LCJR).

a. V.R.F.P. 4.2(e). Making Emergency Order permanent regarding change of venue for post-judgment motions in divorce proceedings.

<https://www.vermontjudiciary.org/PROMULGATED--VRFP42eMakingEmergencyPermanentandFurtherAmending--STAMPED>

b. V.R.F.P. 9(c). Updating language and permitting court to request supplemental affidavit if initial affidavit is insufficient.

<https://www.vermontjudiciary.org/PROMULGATED--VRFP9c--STAMPED>

11:30 a.m. **Hon. John Treadwell, Superior Judge, Chair,**
Advisory Committee on Criminal Rules, Vermont Supreme Court;
Professor Shannon Heery, Esq., Reporter, Advisory Committee on Criminal
Rules, Vermont Supreme Court.

18. Proposed Rule (proposed October 7, 2025; comments due December 6, 2025; not yet reviewed by LCJR).

V.R.Cr.P. 3(k). Regarding after-hours requests for bail or conditions of release following arrest, providing that the procedures and standards established by the Presiding Judge in each unit must require that the law enforcement officer's affidavit or sworn statement include the charge or charges that the prosecuting attorney intends to file, and may require that the affidavit also include any conditions of release, including bail or an order to hold without bail, that the prosecuting attorney is requesting.

<https://www.vermontjudiciary.org/PROPOSED--VRCrP3k--FORCOMMENT>

Witness Testimony

Tim Lueders-Dumont, Executive Director, Dept. of State's Attorneys and Sheriffs

Kim McManus, Legislative and Policy Attorney, Dept. of State's Attorneys and Sheriffs

Eliza Novick-Smith, Deputy State's Attorney, Chittenden County

12:00 noon Adjourn

If you have questions and/or comments, please contact Lindsey Schreier
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