

STATE OF VERMONT
VERMONT SUPREME COURT
OCTOBER TERM, 2025

Promulgation Order Amending Rule 4(c) of the Vermont Rules of Civil Procedure

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 4(c) of the Vermont Rules of Civil Procedure be amended as follows (new matter underlined; deleted matter struck through):

RULE 4. PROCESS

(c) **By Whom Served.** Service of all process must be made by a sheriff or deputy sheriff, by a constable or other person authorized by law, or by ~~some~~ an indifferent person specially appointed for that purpose by ~~a any~~ superior judge, ~~except that~~ But process served by mail under paragraph (d)(2) or subdivision (f), or notice and request for waiver mailed under subdivision (l), and a notice and request sent pursuant to subdivision (l) may be mailed deposited in the mail by the plaintiff or the plaintiff's attorney, ~~A~~ and a subpoena may be served as provided in Rule 45. Special appointments to serve process must be made freely and promptly on motion without notice to, or response from, other parties if it appears that service will be more economical or efficient than service by an officer. when substantial savings in travel fees will result. The person specially appointed must serve the order of appointment with the documents served.

Reporter's Notes—2026 Amendment

Rule 4(c) is amended to expedite the special appointment of a process server. The rule now aligns with 12 V.S.A. § 731, which authorizes special appointment if it appears that service will be “more economical or efficient than service by an officer.” The former rule limited special appointments to cases in which substantial savings in travel fees would result.

This amendment is in response to concerns about service of process delays due to limited availability of county or municipal officers. Examples of when alternative process server would be appropriate include when time is of the essence, or when service by officer is delayed in a jurisdiction. This remains so although 12 V.S.A. § 691 allows sheriffs and deputy sheriffs to serve process anywhere within the State, and 24 V.S.A. § 1935 extends the same authority to municipal police officers.

The motion for a special appointment should provide sufficient information on the qualifications of the appointee. The court has discretion to determine whether the proposed process server for special appointment is suitable and reliable.

The requirement to serve the order of appointment with the other documents served is an effort to address concerns that the party being served will recognize the validity of the service.

The amendment also makes changes of style for clarity, with no intended change of meaning.

2. That these amendments be prescribed and promulgated, effective on **January 1, 2026**. The Reporter’s Notes are advisory.

3. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 6th day of October, 2025.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice



Signed by the Vermont Supreme Court