

**STATE OF VERMONT
VERMONT SUPREME COURT
FEBRUARY TERM, 2026**

**Order Promulgating Amendments to Rules 1, 2(h), 3, 5(d), and 6(c)
of the 2020 Vermont Rules for Electronic Filing**

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

1. That Rule 1 of the 2020 Vermont Rules for Electronic Filing be amended as follows (new matter underlined; deleted struck through):

RULE 1. TITLE; APPLICABILITY; EFFECTIVE DATES

(a) **Title.** These rules may be known and cited as the 2020 Vermont Rules for Electronic Filing.

(b) **Scope.** These rules apply to all actions and proceedings commenced in the divisions and units of the superior court authorized by the Court Administrator under subdivision (e), except for the actions specified in subdivision (c), and to actions and proceedings in the judicial bureau authorized by the Court Administrator under subdivision (f). These rules also apply to all actions and proceedings commenced in the Supreme Court on or after the date specified pursuant to subdivision (d) and in actions and proceedings existing in the Supreme Court on that date.

(c) **Exception for Existing Electronic Filing.** Electronic filing in effect prior to promulgation of the 2020 Vermont Rules for Electronic Filing will be conducted under the existing 2010 Vermont Rules for Electronic Filing and according to the applicability provisions of Rule 1(a) of those rules. When the Court Administrator directs that electronic filing be implemented in a division, unit, and type of case in which electronic filing is already occurring, the 2020 Vermont Rules for Electronic Filing will apply to all efile that occurs after the date specified by the Court Administrator.

(d) **Authorization for Electronic Filing in the Supreme Court.** The Supreme Court by administrative order may direct that electronic filing will go into effect in the Court as of a specified date. The Court Administrator must send notice by email to all members of the Vermont Bar of the directive at least 30 days before the specified date and provide instructions on how to efile under these rules.

(e) **Authorization for Electronic Filing in the Superior Court.** The Court Administrator may direct a unit and/or division of the superior court to implement electronic filing in some or all types of cases as of a specific date. The Court Administrator must send notice by email to all members of the Vermont Bar of the directive at least 30 days before the implementation date and provide instructions on how to efile under these rules.

(f) **Judicial Bureau.** The Court Administrator may direct the judicial bureau to implement electronic filing as of a specific date. The directive must be issued at least 30 days before the implementation date. Electronic filing will apply to all cases commenced after the specified date unless otherwise directed by the Court Administrator. Rule 3 notwithstanding, the directive must specify those required and permitted to electronically file.

(g) Authorization for Electronic Filing for Hearing Panels of the Professional Responsibility Board. The Court Administrator may implement electronic filing for hearing panels of the Professional Responsibility Board as of a specific date. The Court Administrator must send notice by email to all members of the Vermont Bar of the directive at least 30 days before the implementation date and provide instructions on how to efile under these rules.

(g h) Authorization of Alternate Form of Electronic Transmission. The Court Administrator may authorize some or all filings of a specified type of filer in a specified type of case to be transmitted electronically to the electronic case file.

Reporter's Notes—2026 Amendment

Rule 1(g) is added to authorize the Court Administrator to implement efilings for hearing panels of the Professional Responsibility Board, organized pursuant to Administrative Order 9. Former 1(g) is relettered as 1(h).

2. That Rule 2(h) of the 2020 Vermont Rules for Electronic Filing be amended as follows (new matter underlined; deleted struck through):

RULE 2. DEFINITIONS

(h) **Judicial Officer** means a justice, judge, assistant judge, magistrate, judicial bureau hearing officer, ~~and~~ a person specially assigned as a judge pursuant to 4 V.S.A. § 22, and a member of a hearing panel assigned under A.O. 9, Rule 13.D(2).

Reporter's Notes—2026 Amendment

Rule 2(h) is amended to indicate that judicial officer as used in the rules includes a hearing panel member assigned to adjudicate a formal proceeding of the Professional Responsibility Board.

3. That Rule 3 of the 2020 Vermont Rules for Electronic Filing be amended as follows (new matter underlined; deleted struck through):

RULE 3. REQUIRED ELECTRONIC FILINGS; EXCEPTIONS

(a) **Electronic Filing Required.** Except as provided in (b) and (c), and other provisions of these rules, all documents filed in a case in the Supreme Court, superior court, ~~or~~ the judicial bureau, or a hearing panel of the Professional Responsibility Board must be electronically filed as of the effective date specified by Rule 1.

(b) **Nonelectronic Filing Permitted.** A document may be nonelectronically filed when:
(1) the filer, who is not filing on behalf of a government agency, is a self-represented litigant who has not elected to file electronically consistent with subdivision 3(d) in the specific case;

(2) the filer is a guardian ad litem, is filing pursuant to the duties of that position, and has not filed electronically in the specific case;

(3) nonelectronic filing of a particular document is permitted by the court to protect confidentiality or for other good cause;

(4) the document is a nonelectronic stipulation, agreement, or other case document created or finalized while the parties and/or counsel are present at court premises, in or related to proceedings, and nonelectronic filing is permitted by the court;

(5) a filer in a particular case is excused from electronic filing in that case by the court when exceptional circumstances make electronic filing not feasible;

(6) nonelectronic filing is expressly permitted by these rules or an applicable rule of procedure;

(7) an item cannot reasonably be scanned and filed electronically because of its size, shape, or condition; or

(8) the electronic filing system is unavailable when the filer seeks to make an electronic filing, despite reasonable efforts to make a filing or in the case of a preannounced system outage; or

(9) the filer is a licensed attorney and is self-represented in a proceeding before a hearing panel of the Professional Responsibility Board.

(c) **Nonelectronic Filing Required.** A document must be nonelectronically filed when:

(1) nonelectronic filing is expressly required by these rules, a statute, or an applicable rule of procedure; or

(2) the court orders a filer to nonelectronically file upon a finding that the filer has abused the efile system by repeated filing of irrelevant, abusive, or duplicative documents or information.

(d) **Self-Represented Litigants.**

(1) *Electing to Efile.* Unless ordered otherwise, a self-represented litigant may elect to electronically file and serve but is not required to do so.

(2) *Duration of Electronic Filing in the Superior Court and in Proceeding Before Hearing Panels of the Professional Responsibility Board.* A self-represented litigant who commences efile in a case must continue to efile throughout the duration of the case. The self-represented litigant may discontinue efile only after obtaining a court order of discontinuance issued for good cause shown and after notifying all other parties that the litigant will not be efile in the future. Efile by a self-represented litigant does not create an obligation to efile in another case.

(3) *Efile in the Supreme Court.* A self-represented litigant who has efile in a case in the superior court is presumed to continue to efile on appeal in the Supreme Court. The self-represented litigant may discontinue efile after giving efile notice to the Court and serving the notice on all other parties to the appeal.

(4) *Guide and File.* A self-represented litigant who prepares and efiles a document through Guide and File is not required to continue to file electronically in that case as a result of that filing.

Reporter's Notes—2026 Amendment

Rule 3(a) is amended to provide that electronic filing is required in matters before hearing panels of the Professional Responsibility Board after the effective date provided by the Court Administrator under Rule 1.

Under new 3(b)(9), a licensed attorney, who is self-represented in a matter before a hearing panel of the Board is not required to electronically file.

Rule 3(d)(2) is amended to clarify the process for a self-represented litigant who elects to file before a hearing panel of the Board and then decides to discontinue e-filing.

4. That Rule 5(d) of the 2020 Vermont Rules for Electronic Filing be amended as follows (new matter underlined):

RULE 5. PROCEDURE FOR ELECTRONIC FILING

(d) Court Staff Processing in the Superior Court and in Proceedings Before Hearing Panels of the Professional Responsibility Board.

Reporter's Notes—2026 Amendment

Rule 5(d) is amended to indicate that review of electronic filings in proceedings before hearing panels of the Professional Responsibility Board are done in the same manner as those submitted to superior courts. The filings may be rejected for failure to comply with the e-filing rules, the public access rules, or if there is an error that cannot be correct by court staff—for example, filing into the wrong case.

5. That Rule 6(c) of the 2020 Vermont Rules for Electronic Filing be amended as follows (new matter underlined):

RULE 6. NONELECTRONIC FILINGS

(c) Court Staff Processing in the Superior Court and in Proceedings Before Hearing Panels of the Professional Responsibility Board.

Reporter's Notes—2026 Amendment

Rule 6(c) is amended to provide that review of nonelectronic filings in proceedings before hearing panels of the Professional Responsibility Board are done in the same manner as those submitted to the superior courts.

6. That these amendments be prescribed and promulgated, effective on **July 1, 2026**. The Reporter's Notes are advisory.

7. 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 10th day of February, 2026.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Christina E. Nolan, Associate Justice

Michael P. Drescher, Associate Justice