

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2026

Promulgation Order Amending Rule 79(a) 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 79(a) of the Vermont Rules of Civil Procedure be amended as follows (new matter underlined):

RULE 79. BOOKS AND RECORDS KEPT BY THE CLERK AND ENTRIES THEREIN

(a) **Civil Docket.** The clerk shall keep the civil docket and shall enter therein each civil action to which these rules are applicable. Actions shall be grouped upon the civil docket as follows: (1) Civil cases. (2) Small Claims cases. Actions shall be assigned consecutive file numbers within each group. The file number of each action shall be noted on the docket whereon the first entry of the action is made. All papers filed with the clerk, all process issued and returns made thereon, all appearances, orders, verdicts, and judgments shall be entered chronologically in the civil docket. These entries shall be brief but shall show the nature and subject matter of each paper filed, writ issued or order or judgment of the court and of the returns showing execution of process. The entry of an order or judgment shall show the date the entry is made. For temporary after-hours orders the entry of an order shall show the date the order was signed by the judge. When in an action trial by jury has been properly demanded or ordered the clerk shall enter the word “jury” on the docket assigned to that action.

Reporter’s Notes—2026 Amendment

Rule 79(a) is amended to clarify the date of entry on the civil docket for temporary, after-hours orders. There are several types of cases in which parties can seek emergency relief outside of regular court hours. If these orders are granted, they are effective right away but are not immediately entered into the case-management system. The amendment provides that the date of the entry on the docket must reflect the date the order was signed and effective, not the date the order was actually entered into the case-management system.

This process is applicable in the civil division when a person seeks a temporary order against sexual assault ex parte outside of regular court hours. See 12 V.S.A. § 5134(a); V.R.C.P. 80.10(c). This process also applies to several proceedings in the family division that incorporate the Rules of Civil Procedure. In abuse-prevention proceedings in the family division, emergency relief is available outside of regular court hours. V.R.F.P. 9(a) (incorporating civil rules), (c) (providing for emergency relief); see 15 V.S.A. § 1104 (providing process for emergency relief in abuse-prevention proceedings). Proceedings involving extreme risk protection orders also employ the Rules of Civil Procedure and may involve requests for emergency relief. See V.R.F.P. 19(a) (incorporating civil rules), (d) (providing for temporary emergency orders); 13 V.S.A. § 4054 (outlining process for obtaining emergency relief).

3. That these Rules, as amended, are prescribed and promulgated to become effective _____ . The Reporter's Notes are advisory.

4. 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 _____ day of _____ 2026.

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