

STATE OF VERMONT
VERMONT SUPREME COURT
_____ TERM, 2026

Order Promulgating Amendments to Rule 49 of the Vermont Rules of Criminal Procedure

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

1. That Rule 49 of the Vermont Rules of Criminal Procedure be amended as follows (new matter underlined; deleted matter struck through):

RULE 49. SERVICE, FILING AND SIGNING OF PAPERS DOCUMENTS

(a) Service: When Required.

(1) *Written Motions, Notices and Designations of Record.* Written motions other than those which are heard ex parte, written notices other than notices to victims of sentencing proceedings, designations of record on appeal and similar documents ~~papers~~ shall must be served upon each of the parties.

(2) *Notices of Sentencing Hearings to Victims.* The prosecution ~~shall~~ must serve by first class mail advance written notice of any sentencing proceeding concerning the convicted person on the victim of a felony or the next of kin of such a victim who has died or become incapacitated. Sentencing ~~shall~~ may not be delayed or voided by reason of failure to give the victim required notice or the failure of the victim to appear.

(b) **Service: How Made.** Whenever, under these rules or by an order of the court, service is required or permitted to be made upon a party represented by an attorney, the service ~~shall~~ may be made upon the attorney unless service upon the party ~~himself~~ is ordered by the court. Service upon the attorney or upon a party ~~shall~~ must be made in the manner provided in civil actions.

(c) **Filing.** ~~Papers~~ Documents required to be served ~~shall~~ must be filed with the court. ~~Papers~~ Documents ~~shall~~ must be filed in the manner provided in civil actions, and consistent with restrictions imposed for civil actions on filing social security numbers.

(d) Signing of Papers Documents.

(1) Every written motion, written notice or similar ~~paper~~ document of a party represented by an attorney ~~shall~~ must be signed by at least one attorney of record in the attorney's individual name, ~~whose address shall be stated.~~ A self-represented defendant ~~who is not represented by an attorney shall~~ must sign the motion, notice or similar paper document ~~and state his address.~~ Each

document will state the signer's e-mail, postal address, and telephone number. An unsigned document will be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or self-represented defendant.

(2) The signature of an attorney or self-represented defendant constitutes a certificate that the attorney or self-represented defendant has read the motion, notice or similar ~~paper document~~; that to the best of the attorney's or self-represented defendant's knowledge, information, and belief ~~of the attorney or defendant~~, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or good faith argument for extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay. ~~If a written motion, written notice or similar paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the attorney or the defendant who filed the paper.~~

(3) For a willful violation of this rule, an attorney or self-represented defendant may be subjected to appropriate disciplinary action.

REPORTER'S NOTES—2027 Amendment

This rule is amended for clarity in three respects. The language is updated from papers to documents where applicable. Subdivision (d) is also amended to condense the language to self-represented defendants while retaining meaning of the previous rule. Finally, the rule is amended to replace the use of the word shall with must, may, or will, where appropriate. Where changed, the rule clarifies the prior use of shall and has not substantively changed.

This rule is substantively amended in paragraph (d)(1) to update the requirements for a proper signature on written motions, written notices, or similar documents. The update more closely aligns this rule with the requirements for filings in V.R.C.P. 11.

2. That this rule is prescribed and promulgated effective _____, 2027. The Reporter's Notes are advisory.

3. That the Chief Justice is authorized to report this rule 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

PROPOSED

Proposed Order Amending V.R.Cr.P. 49—FOR COMMENT

Comments on this proposed amendment should be sent by **July 6, 2026**, to Hon. John Treadwell, Chair of the Advisory Committee on Rules of Criminal Procedure, at the following address:

Honorable John Treadwell, Chair
Advisory Committee on Rules of Criminal Procedure
John.Treadwell@vtcourts.gov