

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF CIVIL PROCEDURE
MINUTES FROM MEETING OF MAY 2, 2025**

The Civil Rules Committee began its virtual meeting at approximately 9:00 a.m., Friday, May 2, 2025.

Attendees: Chair Allan Keyes; Bridget Asay; the Hon. David Barra; Merrill Bent; James Dumont; the Hon. Samuel Hoar; Jean Murray; Jon Rose; the Hon. Megan Shafritz; Lisa Shelkrot; and Gregory Weimer. Also in attendance were Anne Damone and Pamela Vesilind, Reporter.

Chair Keyes observed that Mr. Dumont is stepping down from the committee effective July 1, 2025. The committee passed a unanimous resolution thanking Jim for his unmatched service to the committee and wished him happy canoeing.

1. Approval of draft minutes of March 7, 2025, meeting.

The Committee approved the draft minutes, with minor edits suggested by Ms. Corsones.

SPECIAL BUSINESS

2. # 23-2.3 Rule 9.2 – Making Rule 9.2 permanent.

Rule 9.2, promulgated after passage of the federal CARES Act, 15 U.S.C. § 9058, is drafted to expire on September 30, 2025. On January 3, 2025, the Committee voted to recommend that Rule 9.2 be made permanent. On March 7, 2025, the Committee voted to retract and reconsider this recommendation. A subcommittee of Judge Hoar, Ms. Asay, and Ms. Murray researched and reported back with a revised recommendation.

It was the subcommittee's thinking that the principles of statutory construction support reading the notice requirement in § 9058(c) separately from the moratorium sunset provision in § 9058(b). As such, the recommendation was that V.R.C.P. 9.2 not sunset on September 30, 2025, but be made permanent if and until Congress acts to sunset the notice provision. Ms. Vesilind agreed to monitor the legal landscape of the CARES Act.

Discussion:

- Judge Shafritz observed that a good argument could be made to read the two subsections together; she requested elaboration on the subcommittee's analysis.
- Judge Hoar responded that, textually and operatively, subdivisions (b) and (c) are independent; nothing in the text suggests an interdependence or interrelationship.
- Chair Keyes called attention to the interplay in (c)(1) and (c)(2). Paragraph (c)(1) says that notice must be given; (c)(2) says that notice to vacate under (c)(1) may not be issued until after the period of moratorium in (b) expires. It would not make sense for the notice requirement to expire when the moratorium ended, as the notice requirement in (c)(2) *begins* when the moratorium ends.
- Ms. Asay said the only way to conclude that subdivision (c)'s notice requirement has expired is for the notice to be tied to something that occurs during the moratorium.

- Chair Keyes raised the federal preemption issue discussed by the Iowa court.
- Chair Keyes asked the committee whether the reporter’s note should mention state court decisions about whether the CARES Act is “permanent.”
- Ms. Asay recommended omitting the last line of the reporter’s note submitted for public comment. (“Because the CARES Act is now permanent, the rule is also permanently adopted.”).
- Judge Shafritz suggested rewording the sentence to say that the notice provision remains in effect.
- Ms. Asay preferred this approach; Ms. Murray, Ms. Shelkrot, and Mr. Rose agreed.
- Mr. Dumont remarked that this is the most conservative approach to the problem. Preserving the notice provision for now could provide more protections than required by federal law, whereas the burden on landowners and landlords is comparatively undemanding. Conversely, adopting the Iowa court’s reasoning at this point could lead to improper deprivation of protections.
- Ms. Asay moved to recommend to the Supreme Court that Rule 9.2 be made permanent, with discussed edits to the reporter’s notes. Mr. Weimer seconded. The motion passed without objection.

PROPOSED RULES OUT FOR COMMENT

3. #24-6. Rule 65(b)(1) - Application for Preliminary Injunction only by Motion.

The proposed amendment to Rule 65(b)(1) eliminates the option to apply for a preliminary injunction in the complaint. Under the proposed rule a motion is required.

(b) Preliminary Injunction.

(1) *Notice.* ~~The court may issue a~~ No preliminary injunction only on motion, and after shall be issued without notice and hearing at a time and place set by the clerk. ~~The application for preliminary injunction may be included in the complaint or may be made by motion.~~ The notice of hearing may ~~shall~~ be signed by the clerk, or by the court which is to hear the matter. The movant must and shall be served a copy of the notice of hearing with a copy of the motion upon all parties ~~by the plaintiff in the manner provided by these rules, with a copy of the application.~~

Ms. Murray moved to recommend the amendment to the Court and Ms. Shelkrot seconded. The motion passed without objection.

4. #23-16 Rule 4(c) – Special Appointments for Service of Process

Comments on the proposed amendment closed December 9, 2024. At the March 7, 2025 meeting, the Committee voted to revise the proposed amendment but did not reach an agreement on precise wording. Ms. Vesilind presented a memo incorporating the Committee’s discussion in revised rule language and reporter’s notes (below).

Discussion:

- Judge Shafritz suggested striking the last sentence in the first paragraph, as it could be construed more broadly than intended. Ms. Asay agreed.

- Judge Shafritz asked whether the wording of reporter’s notes paragraph three could be made broader with minor edits and by striking the last sentence. Ms. Murray and Mr. Dumont concurred. Ms. Shelkrot asked that “suitable” remain in the note.
- Chair Keyes then asked whether these revisions required a new round of public comment. It was the sense of the committee that the revisions were not significant enough to warrant this.
- Judge Barra moved that the committee vote to adopt the revised rule language and reporter’s note to recommend for promulgation. Ms. Shelkrot seconded the motion, which passed without objection.

(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—20265 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. ~~The amendment does not require the moving party to prove the existence of economical or efficiency needs.~~

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. ~~Depending on the court’s familiarity with the would be appointee, and their background and experience.~~

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 change of meaning.

SUGGESTED AMENDMENTS FOR CONSIDERATION AS PROPOSED RULES

5. # 25-2 – V.R.A.P. 10(b)(8)(A) and V.R.A.P. 31(a)(1) cross-references need updating.

Suggested amendments from Chair Keyes (with minor edits):

Vermont Rule of Appellate Procedure 10. The Record on Appeal

* * *

(b) Transcript

* * *

(8) *Digital Audio Recording in Place of Transcript.* In cases where the superior court proceedings were recorded by a digital audio recording device and the total elapsed time for all relevant proceedings does not exceed four hours:

(A) Appellants or cross-appellants who have received permission to waive filing fees and are not entitled to transcripts at state expense under Rule 24 (d) may request that the audio recording be accepted as part of the official record of the case in place of a transcript.

Reporter’s Notes—2026 Amendment

V.R.A.P. 10(b)(8)(A) is amended to update a cross reference to V.R.A.P. 24, which was renumbered. See V.R.A.P 24, Reporter's Notes—2021 Amendment (“Rule 24(c) is deleted. . . Former paragraph (d) is renumbered (c).”)

[Note: (b)(8) replace “were” with “are”]

Vermont Rule of Appellate Procedure 31. Serving and Filing Briefs

(a) Filing Deadlines.

(1) *Appellant's Brief.* ~~Except as provided by Rule 10(c)(2),~~ The appellant must serve and file a brief within 40 days after the record on appeal is complete.

Reporter’s Notes—2026 Amendment

V.R.A.P. 31(a) is amended to delete an obsolete cross reference to V.R.A.P. 10(c)(2). See V.R.A.P 10, Reporter's Notes—2021 Amendment (“Rule 10(c), regarding video-recorded proceedings, is removed from the rule because the superior courts no longer use video recording as the official record.”)

Mr. Weimer moved that the amended language and reporter’s notes be submitted for public comment; Ms. Shelkrot seconded the motion. The motion passed without objection.

6(a). #25-1. Rule 79.1(f) – Automatic withdrawal upon the entry of final judgment; expiration of time for appeal. (Suggestion of Judge Hoar, Civil Division Oversight)

6(b). # 23-5. & # 24-9. Rule 79.1 – Client contact information with motion to withdraw & substitution of counsel without notice and motion (Suggestion of Judge Toor, Judge Hoar, Civil Division Oversight). JON ROSE

The Committee considered the draft language Ms. Vesilind proposed based on the discussion from the March meeting.

(f) Withdrawal;

(1) In General. ~~Except as provided in paragraph (3), once an attorney's name is entered on the docket, the attorney must remain as counsel until either the time for appeal from entry of final judgment expires or the court grants leave to withdraw. attorney has been granted leave to withdraw by the court.~~

(2) Withdrawal on Motion.

(A) A motion must be served pursuant to Rule 5 on all parties, including the party represented by the attorney, whose last known address, based on diligent search must be listed in the certificate of service. The attorney may file a motion to keep under seal the client's address for good cause. The motion to withdraw must be accompanied by a notice, consistent with a form prepared by the Court Administrator, explaining that the motion will be set for hearing at which the party may object to the motion. If the motion is granted the party then will have 30 days in which to enter their own appearance as a self-represented party or have replacement counsel enter their appearance. If neither occurs, the court may enter a default judgment against the party or dismiss their claims. Any motion, if granted will be on such terms as the court may order.

~~Such leave shall be granted as a matter of course after a judgment becomes final. Leave to withdraw after a case has been set for trial will be granted only for good cause shown and on such terms as the court may order.~~

~~(B) The **would** will not consider a No-motion to withdraw shall be considered by the court until the clerk has party has been given notice to the party of the motion with and the date and time of hearing, unless~~

[note: (B) replace "would" with "court"]

~~(i) thereon by the clerk. The only exceptions to this shall be (1) when the attorney includes with in the motion an affidavit or declaration showing that after diligent search the attorney cannot determine the current present address of the party; or~~

~~and (2)(ii) the party has entered a notice to be self-represented or another attorney the other counsel has entered an appearance for the party, other counsel has entered an appearance for the party.~~

(C) After a case has been set for trial, the court will grant leave to withdraw only for good cause and on those terms as the court may order.

(3) Withdrawal by Notice of Change of Attorney. An attorney may withdraw without leave of the court by notice of change of attorney filed before a case is set for trial.

(A) The new attorney must sign the notice of change of attorney in the attorney's individual name and state the attorney's postal address, telephone number, and email address.

(B) The withdrawing attorney must also sign the notice of change of attorney unless the notice shows the new attorney is from the same firm or organization.

(C) Withdrawal under this paragraph is effective on the date when the notice of change of attorney is filed.

(g) Same: Notification of Party.

When an attorney has been granted leave to withdraw, ~~the attorney's appearance~~ the clerk will ~~must~~ promptly:

(1) notify the party forthwith by mail, of such the withdrawal, and;

~~(2) inform said the party that unless the party enters files a notice of appearance to be self-represented or appears by an attorney within thirty 30 days after receipt of such the notification, the action will be subject to dismissal or default; and by the court, as the case may be.~~

(3) provide a blank Notice of Appearance for Self-Represented Litigant form.

Discussion:

- It is not current practice for attorneys to file a motion to withdraw as counsel after final judgment has been issued in a case.
- Family and Criminal Procedure Rules (V.R.F.P. 15 and V.R.Cr.P. 44.2(c)) provide that an appearance is “deemed to be withdrawn” at the conclusion of certain cases.
- Whether an attorney would be indefinitely obligated to a client or court when, i.e., a Rule 60(b) motion is filed in a case a year or more later; motions to enforce the judgment are delayed; untimely service of a writ of possession in an eviction case.
- Whether the real issue has to do with service of process requirements for delayed post-judgment motions (Rule 5 vs. Rule 4 service). Note: Rule 5A has a provision requiring Rule 4 service for motions seeking new relief. .
- A practical issue could arise when parties or attorneys change addresses.
- Whether the proposed language should read: “or the time for appeal from entry of final judgment expires and no appeal has been filed.”

Ms. Asay moved to recommend the language proposed above for public comment. Ms. Murray seconded the motion. The motion passed without objection.

7. #23-7. Rule 54(e) & Rule 58(b)&(d) – Taxation of costs and preparation of form of judgment by the court, instead of the clerk. (Suggestion of Judge Hoar)

At the January 3 meeting, the Committee voted to shift from clerk to court the burden of both taxing costs and preparing the form of judgment. Further revisions were made to Rule 58(b) and (d) and the draft reporter’s notes. At the March 6 meeting, the following draft was proposed and discussed:

RULE 58. ENTRY OF JUDGMENT Dumont draft 3/6/25

~~(a) **Separate Document.** Every judgment and amended judgment shall be set forth on a separate document, except an order disposing of a motion listed in Rule 4(b)(1) (7) of the Vermont Rules of Appellate Procedure that terminates the running of the time for appeal.~~

(ba) Preparation, Entry, and Effect of Judgment. Subject to the provisions of Rule 54(b), upon the verdict of a jury, or upon a decision by the court granting or denying relief, ~~the clerk, unless the Presiding Judge otherwise orders, shall forthwith prepare the judgment without awaiting any direction by the court~~ the court must promptly prepare and sign the judgment or direct a party to file a form of judgment. If the court has directed a party to file a form of judgment, the Presiding Judge court shall promptly approve and sign the judgment, upon expiration of the time to object to a form of judgment, and the clerk shall thereupon enter it. A judgment is effective only when entered as provided in Rule 79(a) and, if subdivision (a) of this rule requires the judgment to be set forth on a separate document, when the earlier of these events occurs: (1) the judgment is set forth on the separate document, or (2) 150 days have run from the entry of the judgment as provided in Rule 79(a).

(eb) Cost or Fee Awards. When a party seeks costs or attorney’s fees pursuant to Rule 54, the court

~~shall include any award of costs or fees in the judgment unless the court orders that two or more separate judgments will issue. Entry of the judgment shall not be delayed, nor the time for appeal extended, for the taxing of costs or the award of attorneys' fees, except that, w~~When a timely motion for attorney's fees is made under Rule 54(d)(2), the court, before a notice of appeal has been filed and has become effective, may order that the motion have the same effect under Rule 4 of the Vermont Rules of Appellate Procedure as a timely motion under Rule 59.

(dc) Form of Judgment. ~~Attorneys Parties~~ shall submit forms of judgment upon direction of the ~~Presiding Judge court~~. A form of judgment submitted in accordance with this rule shall be served upon all opposing parties, who shall file any objections to the judgment proposed within 7 days of service upon them unless the ~~Presiding Judge court~~ orders such objections to be filed earlier.

Discussion suggestions by Chair Keyes for the May 2 meeting, as to the form and effect of the court order under Rule 54 awarding or denying costs:

- Including later-taxed costs in an “amended judgment,” proposed in January, creates uncertainty whether the original appeal time is revived. Other language is needed.
- Should the Rule allow the judge to coalesce the judgment, costs and fee order, or any two of them, into a single judgment? How can this be done given that entry of the judgment triggers time limits for motions for attorney's fees, for submitting bill of costs (under the current draft), for post judgment (Rule 52 & 59) motions, and for notice of appeal?
- Do we need to amend V.R.C.P. 54(a) (every money judgment must include all costs allowed the prevailing party) or V.R.C.P. 58(c) (entry of judgment must not be delayed for taxation for costs?)

Subcommittee Ms. Asay, Mr. Dumont, and Judge Hoar met to reach a consensus on the following issues. Ms. Asay presented the following suggestions from the subcommittee:

1. Shift responsibility from clerk to court in two areas: taxation of costs (VRCP 54(e)), and preparation of judgment order (VRCP 58(b)).
2. Delete statement in Rule 54(a) that costs shall be included in every judgment awarding monetary relief.
3. Amend Rule 54(d)-(g) so that the default is that all requests for costs shall be verified and filed within 14 days of entry of judgment. Other parties to have 14 days, after service, to respond.
4. Amend Rules 58(b) & (d) so that the default procedure is that the court (not the clerk) prepares the form of judgment in all cases but in all cases the court has the discretion to order the parties to do so.

Existing rule gives 7 days to respond when a party submits them. Subcommittee did not consider making this 14 in conforming with cost process above.

5. Amend rules (Rule 58(c)?) to state that entry of judgment not to be delayed for taxing of costs or award of attorney's fees; add that in all cases the court has the discretion to delay entry of judgment for taxing of costs and/or award of attorney's fees.

Ms. Asay moved that the Ms. Vesilind propose drafts of amended Rules 54 and 58 that reflect the subcommittee's recommendations. Mr. Rose seconded the motion. The motion passed without objection.

8. **#24-10. Rule 80.1(a) Post-Conviction Relief** (Proposed by Civil Division Oversight).

Chair Keyes reminded the committee of the special meeting on May 6, 2025, 9:00 a.m.

OTHER SUGGESTED AMENDMENTS FOR POSSIBLE FURTHER REVIEW.

9. **#23-1. Rule 28(a)(1) and (2) – Deposition oaths.**

OPR [Notaries Public Administrative Rules \(effective 2/26/2025\)](#) apparently do not apply when a Vermont notary administers testimonial oaths pursuant to Civil Rules 28 and 30.(Part 5.1c(i) (“the administration of an oath swearing to or affirming the truth of oral testimony following the oath” is not a notarial act regulated under these Rules and is governed by the statutes and rules regarding those acts”). Are any rule changes necessary to account for this? Ms. Bent to report.

Due to time constraints, this agenda item was deferred until the September meeting.

10. **#24-3. Rule 55 – Citation of legal authority for out-of-state service under Rule 4(c)** (Suggestion from Judge Toor to require citation of the foreign rule or statute that permits the method of service used.)

The Committee has agreed that Rule 55 would be the proper placement for this requirement, if it is needed. The question is whether to leave the rule as is with judges occasionally asking for more information. It was agreed in November that no rule change is needed, subject to any further comment from judges to be polled by Judge Hoar, who reported in January that most judges prefer a rule.

Rule 4(e), authorizes two methods of out-of-state service:

- in the same manner as if such service were made within [Vermont]; or
- in any manner of service effected under the laws of the state in which the person is served.

Chair Keyes proposed the following language should the Committee agree that a citation requirement rule is needed:

(a) Motion for Default Judgment. When a party against whom a judgment for affirmative relief is sought by complaint, cross-claim, counterclaim, or other pleading has failed to plead or otherwise defend, the party seeking the affirmative relief may file a motion for a default judgment. A motion that relies on service outside the state effected under the law of the place of service must specify the statute or rule of the place of service that authorizes the manner of service.

Due to time constraints, this agenda item was deferred until the September meeting.

11. **#24-12. Rules 5(a), 77(d), and 55 – Service and notification of parties who have not appeared** (inquiry from Judge Spero). JEAN MURRAY

Under Rules 5(a) and 77(d) a party need not serve - and the clerk need not notify – “any party in default for failure to appear.” Yet under Small Claims Rule 3(e)(1) “The plaintiff must mail

a copy of the motion [for default judgment] and affidavit to the defendant's last known address.” Rule no longer includes the entry of default step that exists in the federal rule. See V.R.C.P. 55(a).

Rule 5(a) and Rule 77(d) include exceptions to the service requirement:

Rule 5(a) Service: . . . No service need be made on parties in default for failure to appear except as provided in Rule 62(b) and except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4.

Rule 77(d)(1) Notice by the Clerk: (1) Orders or Judgments. Immediately upon the entry of an order or judgment the clerk shall give notice of the entry to every party who is not in default for failure to appear

Judge Spero has observed some plaintiffs misinterpreting Rule 5’s service requirement for defendants who have not appeared. Should Rule 5 be amended to clarify that this exception refers to “parties against whom default judgment has been entered”?

Due to time constraints, this agenda item was deferred until the September meeting.

12. **#24-14. Rule 5(h) / 2020 V.R.E.F. 11(g) – Electronic certificate of service.** JON ROSE (Suggestion by Judge Toor to abandon the electronic certificate of service and require an individually created certificate of service with each electronic filing.)

Under V.R.C.P. 5(h) every document filed with the court after the complaint and required by this rule to be served upon a party, must be accompanied by a certificate of service -- “except as provided in any applicable provision of the 2020 Vermont Rules for Electronic Filing.” The Efiling Committee at its December 2024 meeting denied Judge Toor’s request to amend the electronic certificate of service proviso of 2020 V.R.E.F. 11(g).

Due to time constraints, this agenda item was deferred until the September meeting.

13. **#25-4. Rule 15(a) – “stylistic amendment”** suggested to reword provision that leave to amend a pleading out of time is not required when the adverse party consents (suggestion by Attorney Dean.

From Chair Keyes:

According to the original Reporter’s Notes our rule “is virtually identical to Federal Rule 15 and is the substantial equivalent of previous Vermont practice.”

The existing language is: “Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.”

The proposed language is: “Otherwise, a party may amend the party's pleading only by leave of court, with leave to be freely given when justice so requires; or by written consent of the adverse party.”

Note the restyled Federal Rule 15(a)(2) now reads: “In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.”

Due to time constraints, this agenda item was deferred until the September meeting.

TRAILING AGENDA ITEMS.

- 14. # 20-13. [Tabled] Service of Default Judgments: Proposed Order Amending Rules 55, 62(b), and 80.1(f).** See [Proposed rule for comment](#).

Tabled at the March 2024 meeting.

- 15. #22-6. A.O. 39 – Mediation Panel update** (proposed by Civil Division Oversight).

Whether A.O. 39 (Alternative Dispute Resolution Civil Actions) should be updated.

Due to time constraints, this agenda item was deferred until the September meeting.

- 16. #25-3. Rule 4.1(c) and (d) – proposed simplification of the attachment process** (proposed by Attorney Robbason).

Proposed language:

(c) Same: Form. The writ of attachment shall be dated and signed by the clerk. It shall contain the name of the court, ~~the names and residences of the parties, the date of the complaint,~~ and the order of approval issued under subdivision (b) of this rule; be directed to any sheriff or constable in the state or to a person specially appointed to serve process under Rule 4(c); and command that person to attach the goods, chattels or estate of the defendant in the amount specified in the order of approval and to make and properly record due return of the writ with his or her other doings thereon including specification of the property attached.

(d) Same: Execution; Service.

(1) *Execution.* The plaintiff's attorney shall deliver to an officer or to a person specially appointed to make the attachment two copies of the writ as issued by the Clerk ~~the original or a certified copy of the writ, a copy thereof,~~ and a list of property exempt from attachment by statute. The officer or other person shall execute the attachment by taking into possession or otherwise encumbering nonexempt goods, chattels, real estate, or other property of the defendant in the manner provided by statute. Any writ of attachment shall be executed within 30 days after the date of its issuance by the clerk.

(2) *Proof of Execution.* The officer or other person making an attachment shall make proof of its execution by setting forth on one the original or a certified ~~one~~ copy of the writ, or on a paper attached to it for that purpose, the date or dates and manner of execution and a description of all real estate and a list of all goods, chattels, or other property attached.

...

(4) *Filing.* The plaintiff's attorney shall file the writ in the form it was served and with notations (if any) of the serving officer or other person thereon, and all proofs of execution with the court as provided in Rule 4(i) or 5(d) and (e).

Due to time constraints, this agenda item was deferred until the September meeting.

- 17. Rule 4(d)(1)(ii) – Service on incompetent persons** (from the Probate Rules Committee).

The Probate Rules Committee seeks feedback on possible amendments under consideration to V.R.P.P. 4.4 (6) (service on incompetent person), which allows service on a guardian, to

possibly be restricted to a “court-appointed” guardian and to add as an alternative “an agent under a power of attorney.” Current Civil and Probate rules are now substantially identical.

Due to time constraints, this agenda item was deferred until the September meeting.

NEWS

Due to time constraints, these agenda items were deferred until the September meeting.

18. **News from Efiling Committee**
Mr. Rose and Judge Shafritz to report.
19. **News from Civil Division Oversight Committee**
Judge Hoar and Ms. Damone to report.
20. **#24-2. Special Advisory Committee on Remote Hearings**
Mr. Dumont to report.

RULES PROMULGATED FOR EFFECT JULY 1, 2025

21. **#22-6. Rules 16.2 and 26(f) – Scheduling Orders.**
22. **#23-8. Update Declaration Rule Deleting Rule 11(e), Amending Rules 43 and 56.**
23. **#24-8, #23-17. Order Amending Rule 5(b)(4)(A) and Amending Rules 3, 4(a)(2), (d)(6)(A), and (e)(5), 5(a)(2), (b)(1), (c), (f), (h)(1)(A) and (k)(1) of the Vermont Rules for Environmental Court Proceedings**
24. **#24-15. Order Amending Rule 30(b) and (e) of the Vermont Rules of Appellate Procedure**

NEW BUSINESS

25. **Committee Vacancy**
Discussion of the needs of the Committee,
 - considerations for geographic representation and diversity of practice
 - Ms. Asay to suggest candidates to the Court, with assistance from Chair Keyes.
26. **New business for the September meeting?**

Chair Keyes asked if anyone knew whether the legislature is considering altering the jurisdiction of the environmental court.

The Committee adjourned at approximately 12:00 p.m.

NEXT MEETING DATES: 2025: November 7. 2026: January 9, March 6.