

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF PROBATE PROCEDURE**

AGENDA FOR MEETING OF JULY 14, 2022

1. Approval of draft minutes of the meeting of May 12, 2022, previously distributed.
2. Pending matters.
 - A. Revision of V.R.P.P. 3, 14, 17. Consideration of Professor Wroth's May 10, 2022, draft and Mr. Getty's April 9 and May 8 proposed revisions (all previously distributed) and Committee members' comments on, or revisions of, Professor Wroth's preliminary list of components of a revised VRPP 3, May 12 minutes, pp. 1-2.
 - B. Draft amendments of V.R.P.P. 5 and related rules for consistency with recommended order amending V.R.C.P. 5 and related rules, Consideration of comments on proposed draft of VRPP 5 et al. sent out for comment on May 10, with comments due on June 10, 2022, See <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRPP%205%206%28a%29%284%29%20and%2079.1FOR%20COMMENT.pdf> (previously distributed)..
3. Continuing agenda (items not reached at May 12 meeting)
 - A. Revised draft of V.R.P.P. 66. To be distributed. Questions: Should the draft (1) be sent out for comment as revised, (2) be recommended for promulgation as revised, or (3) be put on the Committee's next agenda for full discussion?
 - B. Recommended order abrogating V.R.P.P. 18(d), Promulgated May 9, effective July 11, 2022. See <https://www.vermontjudiciary.org/sites/default/files/documents/PROMULGATEDVRPP18%28d%29--abrogation--STAMPED.pdf>. Professor Wroth to report.
 - C. Effect on Probate and Appellate Rules of draft amendments to the 2020 Vermont Rules on Electronic Filing, Chairman Kilgore to report on proposals of E-Filing Rules Committee's joint subcommittee for Probate Rules amendments to address filing and destruction of original probate documents.
 - D. Issues concerning AO 49 as amended. Professor Wroth to report.
 - E. Elections, V.R.P.P. 13, Form 49, and 14 V.S.A. § 305 and 27 V.S.A. § 105 in light of Act 195 (S.29). Deferred at February 17 meeting. Mr. Gawne and Mr. Sheng to report on questions (1) when an objection to an election could be made and (2) how the Rule would work in a case of concurrent jurisdiction among divisions.
 - F. Need for Rules to implement Act 167 of 2020, §§ 15 (amending 14 V.S.A. § 107, allowance of wills) and 28-29 (adding 4 V.S.A. § 35 (27), providing concurrent jurisdiction with Family Division of judicial determinations issued under new 14 V.S.A. ch. 111, subch. 14 regarding the custody and care of children under certain federal Immigration legislation. Chairman Kilgore to report on discussion of a possible joint subcommittee with the Family Rules Committee Chair and Reporter to consider issue in applying the Act.
 - G. V.R.P.P. 5.1(b)(1). Service on beneficiaries of report on license to sell. Chairman Kilgore to report on discussion with Judge Glover, chair of the Probate Division Oversight Committee, on the possibility of an amendment of Rule 5.1(b)(1) requiring report and development of a statutory requirement that a report be filed and served on all beneficiaries.

H. Inconsistency between 12 V.S.A. § 557 and 14 V.S.A. § 1203. Chairman Kilgore to report on discussion with Judge Glover of the possible statutory clarification of the inconsistency as discussed at the Probate Rules Committee's September 16 meeting.

I. V.R.P.P. 79.1(d). Attorneys Not Admitted to Practice in Vermont. Consideration of the Civil Rules Committee's decision on a proposal to amend the similar provisions of V.R.C.P. 79.1(e). Professor Wroth to report.

J. Representation of minors by guardians ad litem and attorneys in probate matters. Chairman Kilgore to present draft amendment to address issues including provision for appointment of an attorney to V.R.P.P. 80.9 and extending the process to estates and trusts.

4. New agenda item. Possible amendment of V.R.P.P. 16.1 to include remote mediation. See AO 49, para.13.

5. Other business.

6. Date of next meeting