

VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF CIVIL PROCEDURE
Minutes of Meeting
July 13, 2012

The meeting was called to order at 9:15 a.m. in Room 216, Debevoise Hall, Vermont Law School, South Royalton, by William E. Griffin, Chair. Present were Committee members Eric Avildsen, James A. Dumont, Joseph E. Frank (by telephone), Jean Giddings, Kathleen Hobart (by telephone), Allan R. Keyes, Karen McAndrew, and Greg Weimer (by telephone). Also present were Emily Wetherell, Supreme Court staff attorney, and Professor L. Kinvin Wroth, Reporter.

Chairman Griffin reported that Hon. Dennis Pearson has been appointed to the Committee to replace Hon. Matthew Katz but that he was unable to be present due to the short notice of the appointment. Mr. Dumont, Ms. Giddings, and Ms. McAndrew had been reappointed.

1. Minutes.

The draft minutes of the meeting of May 4, 2012, were unanimously approved as previously distributed.

2. #12-2—Restyled Vermont Rules of Appellate Procedure.

In view of the presence of Ms. Wetherell, the Committee took up agenda #12-2, review of the April 23, 2012, draft of the restyled Vermont Rules of Appellate Procedure as revised by Kara Brown, Supreme Court staff attorney, and Ms. Wetherell to incorporate all recent amendments to those rules and other matters in the draft originally prepared by Professor Wroth's students in advanced Civil Procedure at Vermont Law School.

The Committee reviewed the comments of Committee members on the draft as distributed by Professor Wroth prior to the meeting. At the outset, it was agreed that most of the comments addressed questions of the form and manner of restyling the language of the present rules, but that some comments were "substantive" in nature in that they reflected a significant change in the present rules. The style comments, if agreed to by the Committee, were to be incorporated in the present draft without more. The "substantive" comments were to be placed on a "suspense docket" to be considered by the original subcommittee (Messrs. Keyes and Frank and Professor Wroth), augmented by Mr. Dumont and Ms. Wetherell, which would consider them as part of a comprehensive review of the Appellate Rules. A proposed promulgation order containing "style" changes was to be submitted to the Supreme Court as soon as possible.

In review, individual comments were identified as either "style" or "suspense" matters. Ms. Wetherell and Professor Wroth agreed to incorporate in the present draft all "style" changes, including any additional items that they identified, for review and approval at the next meeting. They also agreed to identify and present separately minor or technical "substantive" changes and ask for Committee approval of their incorporation in the initial proposed restyled rules to be

submitted to the Court. They will refer significant “substantive” changes to the “suspense” subcommittee for further consideration.

Remainder of agenda.

Given the hour, it was agreed to defer the remainder of the agenda to the next meeting.

Next meeting.

Professor Wroth agreed to ascertain the availability of Committee members for a meeting on September 28 or October 5.

There being no further business, the meeting was adjourned at 12:10 p.m.

Respectfully submitted,

L. Kinvin Wroth, Reporter