

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

**AGENDA FOR MEETING OF SEPTEMBER 7, 2018**

The Civil Rules Committee will meet at 9:00 a.m., Friday, September 7, 2018, at Vermont Law School, South Royalton, Vermont, to consider the following agenda:

1. Approval of the draft minutes of the meeting of May 18, 2018, previously distributed.
2. Status of recommended, proposed, and pending amendments.

A. #s12-1/14-10—Event-witness amendment to V.R.C.P. 26(b)(4). Sent out for comment on January 11, with comments due on March 13, 2017. Proposed amendments to V.R.C.P. 16.2, 26(b), and 26(e), as revised at November 17 meeting, sent out for comment on January 24, with comments due on March 23, 2018. Messrs. Dumont and Weimer to report on VBA *Journal* article and VBA meeting program.

B. #15-5/16-3. Proposed amendment to V.R.C.P. 45. After LCJR Review, recommended to the Supreme Court on May 21, 2018, for promulgation, were promulgated June 13, effective August 13, 2018.

C. #15-8. Special ad hoc committee on video/audio appearances and cameras in the court. Professor Wroth to report on status of proposed amendments to V.R.C.P. 43(a) et al. and proposed A.O. 47, sent out for comment on January 24, with comments due on March 23, 2018, and this Committee's February 5 recommended revision of recommended replacement of V.R.C.P. 79.2 transmitted to the Court on January 2.

D. # 17-1. Allocation of residual class action funds. Request of Chief Justice for Committee review of ABA request concerning adoption of procedures providing for allocation of residual class action funds. Amendment adding V.R.C.P. 23(g) to provide for the disbursement of residual funds remaining after satisfaction of all claims under a class action judgment or settlement recommended to the Court on April 11 for promulgation. Chairman Keyes and Mr. Avildsen to report.

F.. #16-7. Addition of "prisoners' mailbox" provision to Civil Rules. The Committee's proposed amendments to V.R.C.P. 3 and 5 and V.R.A.P. 25, recommended to the Court for promulgation on May 27, were promulgated June 13, effective August 13, 2018.

3. #14-7. V.R.C.P. 41(b)(1)(iii). Conform to Rule 3's 60-day service requirement. Consideration of Professor Wroth's draft proposed order dated May 17, 2018, and *FNMA v. Johnson*, 2018 VT 51

4. #14-8. V.R.C.P. 69. Executions. Subcommittee (Judge Pearson, Ms Badgewick, Professor Wroth) to present revised draft.

5. #17-5. Proposal for service of prisoners' mailbox complaints on Attorney General. Judge Toor to report on Oversight Committee's position on suggested amendment to simplify

service on the Attorney General of prisoners' complaints raising confinement issues.

6. #17-4. Review status of amendments to V.R.A.P. 24 (IFP Proceedings), recommended for promulgation on December 3, 2014. Mr. Avildsen to present new draft.

7. #10-8/13-1—Adoption of 2007 amendments to ABA Model Code of Judicial Conduct. Professor Wroth to report.

8. #14-1. Status of Appendix of Forms. Ms. Blackwood and Professor Wroth to provide a report and draft..

9. #17-7. V.R.C.P. 55—Amendments recommended by Civil Division Oversight Committee. Consideration of Professor Wroth's draft proposed order dated May 17, 2018.

10. #18-1. V.R.C.P. 4.2(j)(1)(iv).—update. Ms. Damone to report.

11. #18-2. V.R.A.P. 9—Statutory inconsistencies. Chairman Keyes and subcommittee (Rebecca Turner, Kate Gallagher, chair) to report.

12. #18-3. Filing and other dates—Delaware Court's work-life balance order. To consider at request of Ms. McAndrew.

13. Other business.

14. Next meetings. October 19, 2018. Further dates to be determined..

