

SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR



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TO: Members of the Vermont Bar
FROM: Patricia Gabel, Esq., State Court Administrator
RE: Proposed Rule Amendments and Miscellaneous Information
DATE: July 10, 2018

For your information, please find the following information:

- [Proposed Amendments to Comments to Rule 1.1 of the Vermont Rules of Professional Conduct](#)
- [Proposed Order Adding Rule 3\(e\) and Amending Rule 5\(f\) of the Vermont Rules of Probate Procedure](#)
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROPOSED RULE AMENDMENTS

(NOTE: THE FOLLOWING AMENDMENTS HAVE BEEN PROPOSED AND HAVE NOT BEEN REVIEWED BY THE SUPREME COURT.)

- a. [Proposed Amendments to Comments to Rule 1.1 of the Vermont Rules of Professional Conduct](#)

The proposed amendments track the ABA Ethics 20/20 changes to Model Rule 1.1 and its comments. The proposal adds Comments [6] and [7] to address the phenomenon of “outsourcing” work by lawyers and clarifies how the duty of competence interrelate to such practices. The proposed amendment renumbers Comment [6] as Comment [8] and clarifies that the duty of competence includes a general understanding of technology and its potential impact on client matters.

Comments on these proposed amendments should be sent by **September 10, 2018** to Michael Kennedy, Bar Counsel, at the following address:

Michael Kennedy, Bar Counsel
Professional Responsibility Program
32 Cherry Street, Suite 213
Burlington, VT 05401
Michael.Kennedy@vermont.gov

b. [Proposed Order Adding Rule 3\(e\) and Amending Rule 5\(f\) of the Vermont Rules of Probate Procedure](#)

The proposed amendment adds Rule 3(e) to provide a “prisoner mailbox” procedure for the filing of a petition in a probate proceeding by an inmate confined in an institution. The proposed rule is virtually identical to V.R.A.P. 4(f), effective March 13, 2017, and V.R.C.P. 3(b), adopted effective August 13, 2018.

The proposed amendment redesignates Rule 5(f) as Rule 5(f)(1) and adds Rule 5(f)(2) to provide a “prisoner’s mailbox” procedure for the filing of documents after the petition in a probate proceeding by an inmate confined in an institution. The provision is virtually identical to the simultaneously proposed V.R.P.P. 3(e) providing the procedure for inmate filing of a petition.

Comments on these proposed amendments should be sent by **September 10, 2018** to the Hon. Jeffrey Kilgore, Chair of the Advisory Committee on Rules of Probate Procedure, at the following address:

Hon. Jeffrey Kilgore
Washington Probate Division
65 State Street
Montpelier, VT 05602
Jeffrey.Kilgore@vermont.gov

II. MISCELLANEOUS

a. *Court Forms*

Court forms are constantly being updated. Please refer to the judiciary website for the most up-to-date forms. <https://www.vermontjudiciary.org/court-forms>

b. *Obligation under A.O. 41*

Attorneys are reminded that an “attorney must report to the State Court Administrator within thirty days any change of the office mailing or electronic mail address” and that “[n]otice sent to a reported address is sufficient even if not received by the attorney because of failure to report the proper address or failure of delivery not caused by the court.” A.O. 41, § 4(c); see A.O. 44, § 1.

Please email those changes to JUD.AttyLicensing@vermont.gov. Your cooperation is very much appreciated.

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov to your Safe Senders list.

c. *eCabinet Registration*

Administrative Order No. 44 requires attorneys in active status to register up to three email addresses in **eCabinet** for purposes of receiving notices of hearing and other documents. *You may include staff email addresses in the three email addresses that you specify. eCabinet registration is required whether you practice in court or not.*

If you have already registered in **eCabinet**, the email address(es) you provided as part of that process will be used.

If you have not already registered in **eCabinet**, please go to <https://efiling.eservices.crt.state.vt.us/>, click **Register Now**, and follow the simple prompts. Attorneys will need their attorney license numbers to register. Helpful information about the Attorney Email Registration process is also available on the *Electronic Filing* page of the judiciary website at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>. Please contact jud.helpdesk@vermont.gov or call the Helpdesk at 802-828-4357 with any questions in the meantime.

You are also reminded that you are required to update the email address(es) and other contact information you have registered as soon as there are any changes, including changes to staff email addresses you may have included with your registration. To revise the information, please go to <https://efiling.eservices.crt.state.vt.us/>, log into **eCabinet**, click “**Account**,” choose “**My Profile**,” and make the necessary changes to your contact information.

Notification to JUD.AttyLicensing@vermont.gov or in **eCabinet** of a change to your contact information does not automatically notify the other. It is your responsibility to notify both. If you are a member of the Vermont Bar Association, you will also need to separately notify the VBA.