

**SUPREME COURT OF VERMONT
OFFICE OF THE COURT ADMINISTRATOR**

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TO: Members of the Vermont Bar
FROM: Patricia Gabel, State Court Administrator
RE: Promulgated and Proposed Rule Amendments and Miscellaneous Information
DATE: June 7, 2017

For your information, please find the following:

- [Order Promulgating Amendments to Rules 9\(b\)\(4\), 12\(b\), and 13\(d\) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court](#)
- [Proposed Amendments to Rule 5 of the Vermont Rules of Criminal Procedure](#)
- [Proposed Amendment to Rule 11.1 of the Vermont Rules of Criminal Procedure](#)
- [Proposed Amendment to Rule 44.2 of the Vermont Rules of Criminal Procedure](#)
- [Proposed Amendments to Rules 9\(d\) and \(e\) and 10\(b\) of the Vermont Rules for Mandatory Continuing Legal Education](#)
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

[Order Promulgating Amendments to Rules 9\(b\)\(4\), 12\(b\), and 13\(d\) of the Vermont Rules of Admission to the Bar of the Vermont Supreme Court](#)

This Order was promulgated on June 1, 2017, effective August 1, 2017. The amendment to Rule 9(b) reinstates the option of applying to the Board for permission to sit for the Bar Exam for a fifth time (which was the prior practice of the Board before the adoption of the UBE rules, effective April 18, 2016).

The amendment to Rule 12(b) provides a process by which an Applicant, who is newly admitted to the Vermont Bar, can rectify the untimely filing of a Mentorship Completion Certificate or other minor errors in the completion of the required Mentorship program. The amendment is drawn from § 10 of the Rules for Mandatory Continuing Legal Education which allows admitted attorneys time to complete a make-up plan if they fail to have the requisite number of continuing legal education credits by the applicable biannual reporting deadline.

Consistent with the recent amendment to Rule 9(b)(1), the amendment to Rule 13(d) extends the time in which the Applicant must sit for the UBE from 3 to 5 years. The amendment also provides for an extension of this deadline for good cause, consistent with the concurrent amendment to Rule 9(b)(4).

II. PROPOSED RULE AMENDMENTS

a. [Proposed Amendments to Rule 5 of the Vermont Rules of Criminal Procedure](#)

The proposed amendments to Rule 5 revise the rule to conform to amendments to 13 V.S.A. § 7554c, which relates to pretrial risk assessments and needs screenings. Under the proposed amendments, the results of the pretrial risk assessment and needs screenings are provided directly to defendants and their attorneys, the prosecutors and the court. The proposed amendment also clarifies that while the court may order a defendant to meet with a pretrial services coordinator and participate in a needs screening, to participate in a clinical assessment by a substance abuse or mental health treatment provider and follow the recommendations of the provider, and to otherwise participate in pretrial services, such orders are deemed to be in addition to conditions of release authorized by law, and do not serve to limit the discretion of the court to impose conditions of release authorized under 13 V.S.A. § 7554.

b. [Proposed Amendment to Rule 11.1 of the Vermont Rules of Criminal Procedure](#)

The proposed amendment to Rule 11.1 reflects changes necessitated by enactment of Act 133 of 2015 (Adj. Sess.), which expressly prescribes the consequences resulting from the court's failure to provide the defendant with notice of collateral consequences. The proposed amendment also clarifies that the Rule is of application only to convictions for violation of 18 V.S.A. § 4230(a) and not for all offenses prescribed by § 4230.

c. [Proposed Amendment to Rule 44.2 of the Vermont Rules of Criminal Procedure](#)

The proposed amendment to Rule 44.2 revises the rule in response to general revisions of Administrative Order No. 41, governing Licensing of Attorneys, effective May 15, 2017. Rule 44.2(b)(2), which formerly governed admission and practice of nonresident attorneys pending completion of law office study, or after such completion pending admission to the bar, is deleted as no longer necessary in view of A.O. 41's abolition of the requirement of law office study as a condition of admission of attorneys to the Vermont bar.

Comments on these proposed amendments should be sent by **August 7, 2017**, to Hon. Thomas Zonay, Chair of the Advisory Committee on Rules of Criminal Procedure, at the following address:

Honorable Thomas A. Zonay, Chair
Advisory Committee on Rules of Criminal Procedure
Vermont Superior Court
Caledonia Unit
1126 Main Street, Suite 1
St. Johnsbury, VT 05819
Thomas.zonay@vermont.gov

d. [Proposed Amendments to Rules 9\(d\) and \(e\) and 10\(b\) of the Vermont Rules for Mandatory Continuing Legal Education](#)

The proposed amendments to Section 9(d) and (e) change its 10- and 15-day time periods to 14 days, consistent with the proposed "day is a day" amendments to

V.R.C.P. 6, which adopts the day-is-a-day counting system from the Federal Rules. See Reporter's Notes to proposed amendments of V.R.C.P. 6.

The proposed amendment to Section 10(b) changes its 15-day time period to 14 days, consistent with the proposed "day is a day" amendments to V.R.C.P. 6, which adopts the day-is-a-day counting system from the Federal Rules. See Reporter's Notes to proposed amendments of V.R.C.P. 6.

Comments on this proposed amendment should be sent by **August 7, 2017**, to Emily Wetherell, Deputy Clerk, at the Vermont Supreme Court, at the following address:

Emily Wetherell, Deputy Clerk
Vermont Supreme Court
109 State Street
Montpelier, VT 05609-0801
emily.wetherell@vermont.gov

III. 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 shall report to the Court Administrator within thirty days any change of the office mailing or electronic mail address" and that "notice sent to a reported address shall be 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, § 7; 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.