

UNITED STATES DISTRICT COURT

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DECEMBER 1, 2009

NOTICE OF REVISION TO LOCAL RULES OF PROCEDURE

The United States District Court for the District of Vermont has adopted amendments to the Local Rules of the Court effective December 1, 2009. The purposes of the 2009 Local Rules revision are primarily stylistic in nature with the following objectives:

- ▶ Clarify and simplify the rules without changing substantive meaning;
- ▶ Eliminate redundancy with the Federal Rules;
- ▶ Conform time periods in the Local Rules to the time periods modified in the Federal Rules of Civil Procedure, as adopted on December 1, 2009;
- ▶ Conform, to the extent possible, the numbering and content of the Local Rules to the Federal Rules.

Notable substantive changes to Local Rules are summarized as follows:

Civil Rules

- ▶ L.R. 5 diverges substantially from previous L.R. 5 as information on electronic filing was added pursuant to Fed. R. Civ. P. 5(d)(3);
- ▶ L.R. 9 combines previous L.R. 7.1(d) and 83.8. The move corresponds with the subject matter of the special pleading rules in Fed. R. Civ. P. 9. The language of L.R. 9(a) remains largely the same as previous L.R. 7.1(d), except that L.R. 9(a)(1)(B) allows for electronic submission of the record pursuant to the recent capability of the Social Security Administration (SSA) to file the record electronically and the Judicial Conference's change of policy to allow electronic filing of SSA administrative records;
- ▶ L.R. 67.1 has been revised substantially. The wording in section (a) has been modified to conform with Fed. R. Civ. P. 67. In section (b), subsections (1) and (2) were added to conform the information following the enumerated list to the format for this style revision. Section (c) notifies parties of the charge imposed by the fees schedule authorized by 28 U.S.C. §1914 and combines the separate provisions to that effect present in the current rule.

Criminal Rules

- ▶ L.Cr.R. 16(i)(1) has been added. The new rule provides for the government and defense counsel to be able to review the materials that either counsel submits to the Probation Office as part of the presentence investigation. It also provides for the government and defense counsel to obtain copies of the materials, absent “substantial concerns,” by the government, about providing such copies;
- ▶ The last sentence of L.Cr.R. 32.2(c) was changed. There was concern that the previous rule created confusion about appropriate confidentiality requirements for the presentence investigation report. Fed R. Crim. P. 32(g) requires the probation officer to re-disclose the final sentencing report to counsel and the court 7 days before sentencing. Thus, the original language of former L.Cr.R. 32.2(c) created unnecessary confusion.

Printed copies of the Local Rules of Procedure will be provided upon request or can be viewed on the court’s website at: www.vtd.uscourts.gov.

For detailed information on changes to the Federal Rules, please visit the federal judiciary’s web site on federal rules of practice, procedure and evidence: www.uscourts.gov/rules

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