

1 S.225

2 Introduced by Senator Nitka

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; notice of court orders

6 Statement of purpose: This bill proposes to require that notice of court orders
7 be provided to the named parties in a case. The notice would supplement the
8 current practice of providing notice to a party's attorney.

9 An act relating to providing notice of court orders to named parties

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. Vermont Rules of Civil Procedure, Rule 5 is amended to read:

12 **RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

13 * * *

14 (b) Same: How Made. Whenever under Rule (5)(a) ~~or 77(d)~~ service is
15 required or permitted to be made upon a party represented by an attorney the
16 service shall be made upon the attorney unless service upon the party is
17 ordered by the court. Service upon the attorney or upon a party shall be made
18 by delivering a copy to the attorney or party or by mailing it to the attorney or
19 party at the attorney or party's last know address or, if no address is known, by
20 leaving it with the clerk of the court.

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Sec. 2. Vermont Rules of Civil Procedure, Rule 77 is amended to read:

RULE 77. SUPERIOR COURTS AND CLERKS

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(d) Notice by the clerk.

(1) Orders or Judgments. Immediately upon the entry of an order or judgment the clerk shall give notice of the entry to every party who is not in default for failure to appear and to the attorney for each such party, and shall make a note in the docket of the notice. Any party may in addition serve a notice of such entry in the manner provided in Rule 5 for the service of documents. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted in Rule 4 of the Rules of Appellate Procedure.

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Sec. 3. Vermont Rules of Appellate Procedure, Rule 45 is amended to read:

RULE 45. DUTIES OF THE CLERK

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(c) Notice by the Clerk.

(1) Orders or Judgments. Immediately upon the entry of an order or judgment, the clerk shall give notice of entry to each party to the proceeding

1 and to the attorney for each such party, together with a copy of any opinion
2 respecting the order or judgment, or, if no opinion is written, of the order or
3 judgment, and shall make a note in the docket of the notice.

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5 Sec. 4. EFFECTIVE DATE

6 This act shall take effect on July 1, 2012.