

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

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TO: Members of the Vermont Bar

FROM: Teri Corsones, Esq., State Court Administrator

RE: Promulgated and Proposed Rules, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: April 1, 2024

IMPORTANT NOTICE: Judiciary Conversion to New Network

The Judiciary is converting to a new independent network (separate from the Executive Branch's network). Over the last two months the Judiciary has been migrating staff to the new network on a courthouse-by-courthouse basis, and we expect to be completed by the middle of April. During this conversion, Judiciary staff, judges, and justices are migrating from a @vermont.gov address to a @vtcourts.gov email account. To help facilitate the transition, all email sent to @vermont.gov will be automatically forwarded to @vtcourts.gov until May 31. Therefore, you can continue to use @vermont.gov email addresses until everyone in the Judiciary is converted. We will let you know when this is the case.

To ensure that you continue to receive emails from the Judiciary, please add Attylicensing@vtcourts.gov, CAOMemotoBar@vtcourts.gov and AutomatedCourtEmail@vtcourts.gov to your Safe Senders list.

Thank you.

For your information, please find:

- *Promulgation order Adding 2020 V.R.E.F. 8(d)*
- *Promulgation Order Amending V.R.A.P. 3(e) and 27(a)(e)*
- *Promulgation Order Amending V.R.A.P. 28(g)(1)*
- *Promulgation Order Amending V.R.C.P. 11(a)*
- *Promulgation Order Amending V.R.S.C.P. 9(b)(2)*
- *Promulgation Order Adding A.O. 55 – Submission & Storage of Digital Evidence*
- *Proposed Order Amending M.C.L.E. 1(D) and 4(A)*

I. PROMULGATED RULE AMENDMENTS

- a. *Promulgation Order Adding Rule 8(d) to the 2020 Vermont Rules for Electronic Filing*
[https://www.vermontjudiciary.org/PROMULGATED-2020VREF8\(d\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-2020VREF8(d)--STAMPED)

This Order was promulgated on **April 1, 2024, effective July 1, 2024.**

Rule 8 is amended to add new subdivision (d), which addresses the manner for filing exhibits into the electronic filing system. This rule concerns the filing of exhibits related to an evidentiary hearing and does not address attachments to pleadings or motions, which are covered by Rule 5(g). The rule change codifies current practice for the e-filing of exhibits. The Vermont Judiciary website contains detailed instructions on how to submit exhibits with an exhibit list as the lead document and the exhibits as attachments to that lead document. The amended rule requires that each exhibit be submitted as a separate document instead of as one compiled document. It is important to separate exhibits into separate files so individual exhibits can be properly tracked and marked as offered or admitted.

- b. *Promulgation Order Amending Rules 3(e) and 27(a)(3) of the Vermont Rules of Appellate Procedure*
[https://www.vermontjudiciary.org/PROMULGATED-VRAP3\(e\)27\(a\)\(3\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRAP3(e)27(a)(3)--STAMPED)

This Order was promulgated on **April 1, 2024, effective July 1, 2024.**

Rule 3(e) is amended to make the appellee's docketing statement optional. In many appeals, the appellee's docketing statement is cumulative and not necessary for the Court or parties. Although the filing is no longer mandatory, as a matter of practice an appellee should consider whether filing one is useful in a particular case.

Rule 27(b)(3) is amended to allow a reply in support of a motion. This is consistent with the federal appellate rule, as is the time allowed for the reply—7 days after service of the response unless otherwise ordered. This amendment does not affect V.R.A.P. 27(b)(1), which allows the Court to act on a motion for a procedural order without notice to, or response from, other parties.

- c. *Promulgation Order Amending Rule 28(g)(1) of the Vermont Rules of Appellate Procedure*
[https://www.vermontjudiciary.org/PROMULGATED-VRAP28\(g\)\(1\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRAP28(g)(1)--STAMPED)

This Order was promulgated on **April 1, 2024, effective July 1, 2024.**

Rule 28(g)(1) is revised to update its cross-reference to the word-count limits in Rule 32. Former Rule 32(a)(7) is now (a)(4).

- d. *Promulgation Order Amending Rule 11(a) of the Vermont Rules of Civil Procedure*
[https://www.vermontjudiciary.org/PROMULGATED-VRCP11\(a\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRCP11(a)--STAMPED)

This Order was promulgated on **April 1, 2024, effective July 1, 2024.**

Rule 11(a) is amended to require every pleading, written motion, and other document that requires a signature to include the signer's telephone number. The primary purpose of this change is to assist self-represented litigants who wish to contact an opposing attorney by telephone.

- e. *Promulgation Order Amending Rule 9(b)(2) of the Vermont Rules of Small Claims Procedure*
[https://www.vermontjudiciary.org/PROMULGATED-VRSCP9\(b\)\(2\)--STAMPED](https://www.vermontjudiciary.org/PROMULGATED-VRSCP9(b)(2)--STAMPED)

This Order was promulgated on **April 1, 2024, effective July 1, 2024.**

Rule 9(b)(2) is revised to update its reference to the location of the list of exemptions that formerly appeared as Form 34 of the Vermont Rules of Civil Procedure.

- f. *Promulgation Order Adding A.O. 55 – Submission and Storage of Digital Evidence*
<https://www.vermontjudiciary.org/PROMULGATED-AO55--STAMPED>

This Order was promulgated on **April 1, 2024; effective immediately.**

Administrative Order 55 addresses how litigants are required to submit digital evidence such as video and audio recordings or high-quality photographs. Files that are not PDFs cannot be submitted through the Judiciary’s electronic filing system or stored in the electronic case management system. Traditionally, this evidence was submitted to the court on a physical device, such as a thumb drive or DVD. These methods presented several challenges, including difficulty accessing the exhibits from other counties or by the Supreme Court on appeal. VDEP provides a secure online database to store these exhibits for ready access by all court users. Digital evidence can easily be shared with other case parties. The Judiciary website contains detailed instructions on how to use VDEP.

<https://www.vermontjudiciary.org/about-vermont-judiciary/vermont-digital-evidence-portal>

Pursuant to § 3, in all units of the criminal division, attorneys, self-represented parties, and other case participants are required to upload any digital evidence to VDEP.

All evidence that can be saved as a PDF file (for example, documents and photographs) must continue to be filed as required by existing procedural rules and the 2020 Vermont Rules for Electronic Filing.

II. PROPOSED RULE AMENDMENTS

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

Proposed Order Amending Rules 1(D) and 4(A) of the Rules for Mandatory Continuing Legal Education

[https://www.vermontjudiciary.org/PROPOSED--MCLE1\(D\)and4\(A\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED--MCLE1(D)and4(A)--FORCOMMENT)

The amendments to Rules 1(D) and 4(A) clarify that programs for judicial officers generally do not qualify for credit as continuing legal education because they are not aimed at increasing or maintaining an attorney’s professional competence. Individuals who are judicial officers and also maintain a law license must receive approval from the Judiciary Education Committee for credit for specific judicial education courses, portions of courses, or presentations that are relevant to the practice of law as well as their judicial office. This is in keeping with the program standards in Rule 4, which requires programs to be designed “to increase the attendee’s professional competence and skills as an attorney.” Rule 4(A)

Comments on these proposed amendments should be sent by **June 1, 2024**, to Andrew Strauss, Licensing Counsel of the Office of Attorney Licensing, at the following address:

III. ODYSSEY FILE & SERVE AND PUBLIC PORTAL INFORMATION

Odyssey File and Serve has recently provided information for court users who are not receiving email notifications and who question whether their email addresses have mistakenly been placed on a “Suppression List.” Here’s a link to information in that regard [Why was my email placed on the Suppression List? – eFile \(zendesk.com\)](#). Here’s another link for court users who wish to have their email addresses “Safelisted” to ensure proper delivery <https://odysseyfileandserve.zendesk.com/hc/en-us/articles/360046887411> .

All Superior Courts, including the Environmental Division, the Judicial Bureau, and the Supreme Court are using Odyssey and accepting electronic filings through Odyssey File & Serve. Please use the following links to access Odyssey electronic filing and portal systems and for more information.

Reminders for OFS Users:

1) PDFs must be “flattened” prior to efile through Odyssey File & Serve

With the increased use in electronic signature tools, it is important for OFS filers to remember that all PDFs must be flattened prior to filing in OFS. In order to eFile a form-fillable PDF or a PDF that has been electronically signed, you must first save them as a flat file. Otherwise, the filing will fail and you will need to refile.

Follow the steps below to "flatten" a completed PDF:

1. Open the completed PDF.
 2. Right click on document and select Print. NOTE: if document opens in Adobe, Select File and select Print.
 3. Select the PDF printer. (The Adobe PDF printer is installed automatically with Adobe Acrobat. Numerous free PDF printer drivers are available for download from the Internet.)
 4. Select OK.
 5. Specify location to save the printed, "flattened" version of the form.
 6. Select Save
- 2) Attorneys must select the party they represent as the “person responsible for fees” in the Fee section of the filing process. Additionally, when the attorney represents more than one party, attorneys should continue to select the same party as the “person responsible for fees”; otherwise, the attorney will incur an additional efile use fee.**

Odyssey File & Serve. Odyssey File & Serve (OFS) is the platform through which you electronically file with the courts. To access OFS, please visit <https://vermont.tylertech.cloud/OfsWeb/Home>

You can access user guides through the “User Guides” link in the “Self Help” window. You can also access docket-specific user guides and a new Frequently Asked Questions on the judiciary’s website at www.vermontjudiciary.org/efiling

For technical support regarding Odyssey File & Serve, please contact Tyler Technologies at 800-297-5377 or efiling.support@tylertech.com

If you have procedural questions about OFS, please email the judiciary at EFileSupport@vtcourts.gov

Odyssey Public Portal. The Odyssey Public Portal allows you to view your case files. To access the portal, please visit <https://publicportal.courts.vt.gov/Portal/> Before you can view your case files, you must first register in the portal and then request elevated access. The Public Portal User Guide contains instructions on how to register and request elevated access. You can read the user guide on our website at <https://www.vermontjudiciary.org/about-vermont-judiciary/public-portal>

For technical support regarding the Public Portal, please contact the Vermont Judiciary's HelpDesk at itsupport@vtcourts.gov When emailing, please write "**Public Portal**" in the subject line.

IV. FILING OF EXHIBITS FOR EVIDENTIARY HEARING

Per the 2020 Vermont Rules for Electronic Filing, all electronically filed documents (including exhibit lists and exhibits) must be submitted in PDF format. The Vermont Judiciary's website provides detailed instructions on how to submit exhibits for use at trials and other kinds of evidentiary hearings. <https://www.vermontjudiciary.org/FilersGuidetoExhibitsforHearings>

V. 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>

Please use the link below to report any form question, concern or issue <http://www.vermontjudiciary.org/website-feedback-form> or you can access our Website Feedback program at the bottom of each web page.

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). To update changes in your contact information, please access your attorney account with the [Attorney Portal](#)

c. Receipt of Court Notices and Orders (eCabinet)

The Vermont courts send all court-issued documents (hearing notices, orders, etc.) to attorneys by email using the email addresses registered in a system called eCabinet. Attorneys may register up to three email addresses in the system and are responsible for keeping the information updated. The email address(es) registered in eCabinet are not used for service of documents filed by opposing parties, which is done through service contacts in Odyssey File & Serve.

To create an eCabinet account or update an existing account, attorneys must contact the Judiciary helpdesk through one of the methods listed below. Please include your attorney bar license number in your communication.

- Email itsupport@vtcourts.gov
- Telephone the Judiciary helpdesk at 802-828-4357
- Use the online form [eCabinet Registration/Update \(cognitoforms.com\)](https://cognitoforms.com)

Updating information in the [Attorney Portal](#) or in **eCabinet** does not automatically notify the other. It is your responsibility to update both. If you are a member of the Vermont Bar Association, you will also need to separately notify the VBA.