

**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: Emergency Promulgated Rule Amendments, Efiling Appellate Training, Important Notice to All Attorneys Licensed in Vermont, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: July 14, 2021

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

For your information, please find:

- [*Emergency Order Amending V.R.A.P. 1, 3, 4, 5, 5.1, 6, 9, 10, 11, 12, 13, 14, 21, 24, 25, 26, 27, 28, 30, 30.1, 31, 32, 34, 39, 44, 45, 45.1*](#)
- [*Emergency Order Amending 2020 V.R.E.F. 1, 3, 5, 6, 7, and 10*](#)
- [*Administrative Order 51- Efiling in the Supreme Court*](#)
- *Efiling Appellate Training*
- *Important Notice to All Attorneys Licensed in Vermont*
- *Odyssey File and Serve and Public Portal Information*
- *Filing of Exhibits*
- *Updated Court Forms*
- *Obligations Under A.O. 41*
- *eCabinet Registration*

I. PROMULGATED RULE AMENDMENTS

- a. [*Emergency Order Amending V.R.A.P. 1, 3, 4, 5, 5.1, 6, 9, 10, 11, 12, 13, 14, 21, 24, 25, 26, 27, 28, 30, 30.1, 31, 32, 34, 39, 44, 45, 45.1*](#)

This Order was promulgated July 13, 2021; effective August 17, 2021.

The Vermont Judiciary is transferring to a new internal electronic case management system (CMS), entitled Odyssey, and at the same time implementing electronic filing through Odyssey File and Serve (OFS). The CMS and OFS are now being used in the judicial bureau and all the superior courts. Both the CMS and OFS will go live for the Supreme Court in August 2021. Many changes to the appellate rules are required to accommodate electronic filing, electronic case files, and electronic case management. The rule amendments were developed through the work of a subcommittee, which included members of the civil, family, and criminal rules committees, as

well as a Vermont Bar Association appointee. The rules were reviewed by the Electronic Filing Rules Committee, the Civil Rules Committee, and the Criminal Rules Committee before being recommended for promulgation.

In recognition of the move to electronic filing and electronic records, the rules omit the use of the word “paper” in favor of “document” throughout and remove the requirements to send paper copies in V.R.A.P. 27, 30, and 31. The rules contain a definition for the Appeal Volume in V.R.A.P. 1, which is a PDF created by the Supreme Court that complies the PDF documents from the electronic case file in the superior court. As the courts transition to the CMS, some trial court cases will partial paper and partial electronic files. The appeal volume contains only the PDF documents and does not include media files. The rules also update the printed case rule, V.R.A.P. 30, to specify when one is required and when it is optional.

There is a new provision on how to cite to the record in V.R.A.P. 28. The formatting provisions in V.R.A.P. 27 and 32 are updated for optimal viewing of documents in electronic form. The changes also clarify where to file documents and when the entry fee is due on appeal, especially regarding appeals by permission (V.R.A.P. 5, 5.1, and 6). The amendments seek to provide uniformity by incorporating the requirements for certifying service in the civil and efilings rules in V.R.A.P. 25.

In addition to the changes related to efilings and electronic case management, the amendments include some changes to conform the rules to current practice. The rules related to video-recorded proceedings are deleted because superior court proceedings are all audio-recorded. The proposal clarifies the rule regarding briefs in a cross-appeal in V.R.A.P. 28, and stipulations to extend the time for briefing in V.R.A.P. 26. The use of outdated language like “in forma pauperis” and “pro bono” is omitted from V.R.A.P. 10.

Some amendments provide uniformity with the Rules for Public Access to Court Records. The changes clarify clerk review at the Supreme Court in V.R.A.P. 25, public access for agency files on appeal in V.R.A.P. 13, and public access to oral arguments in V.R.A.P. 34.

b. [Emergency Order Amending 2020 V.R.E.F. 1, 3, 5, 6, 7, and 10](#)

This Order was promulgated July 13, 2021; effective July 15, 2021.

The efilings rules are amended to make them applicable to the Supreme Court, with limited exceptions in recognition of different practice at the Supreme Court. New Rule 1(d) establishes that efilings will commence in the Supreme Court when the Court issues an administrative order. The order must be made with enough time for the Court Administrator to give at least 30 days’ notice to the Vermont Bar of the Court order and provide instructions on how to efile. As in the trial courts, efilings will be mandatory pursuant to Rule 3(a) unless an exception applies pursuant to Rule 3(b)-(d). The amended rules provide for some differences in the Supreme Court. For example, self-represented litigants may discontinue efilings under Rule 3 by providing notice to the Supreme Court and the parties in the case, and the required format for motions in Rule 5 is not as extensive. Clerk review of filings under Rules 5 and 6 is applicable in the Supreme Court, but filings can be rejected for a limited list of items.

When cases are filed directly with the Supreme Court or appeals are filed to the Supreme Court, a new case will be initiated, which will trigger the per case per party efilings fee, unless a waiver applies.

As indicated below, Administrative Order 51 is promulgated simultaneously with these amendments to authorize efilings in the Supreme Court to begin on August 17, 2021.

c. [Administrative Order 51- Efilings in the Supreme Court](#)

This Order was promulgated July 13, 2021; effective July 16, 2021.

Pursuant to 2020 V.R.E.F. 1(d), Administrative Order No. 51 authorizes efilings to commence in the Supreme Court on August 17, 2021, consistent with the 2020 Vermont Rules for Electronic Filing, as amended on July 13, 2021.

Information regarding how to efile is available on the judiciary website <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>

II. EFILING APPELLATE TRAINING

There will be a remote education session on the changes to the appellate rules and on efilings at the Supreme Court on Tuesday, August 31, 2021, over the lunch hour. More information on how to join will be provided closer to the date.

III. IMPORTANT NOTICE TO ALL ATTORNEYS LICENSED IN VERMONT

Attorney licensing is implementing a new online [Attorney Portal](#) that went live on **May 17, 2021**. Vermont attorneys will be able to conduct their licensing business, such as requesting certificates of good standing and submitting a certification of completion of a MCLE makeup plan, through this Portal. All attorneys must review the [Attorney Portal User Guide](#) (especially pages 1 through 7) prior to registering and logging in to the Attorney Portal for the first time, as that Guide contains important instructions for the first-time use of the Portal.

Attorneys renewing this year must renew their license through the Attorney Portal. If you are due to renew your license this year but have not, you should have received several reminder emails. You should register with the [Attorney Portal](#), verify your bar number, and submit your attorney licensing statement as soon as possible. If you do not do so by August 17, your license will be subject to administrative suspension.

IV. ODYSSEY FILE & SERVE AND PUBLIC PORTAL INFORMATION

As of April 1, 2021, there is a new efilings use fee structure for users of Odyssey File & Serve (OFS). The new per case fee is \$14 per filer or firm, payable upon a party's first filing after April 1, 2021. This replaces the previous \$5.25 fee per envelope model. The Judiciary encourages all practitioners and others interested to learn more at www.vermontjudiciary.org/efiling

Currently, all trial courts, the Environmental Division, and the Judicial Bureau 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.

Odyssey File & Serve. Odyssey File & Serve (OFS) is the platform through which you will electronically file with the courts. To access OFS, please visit <https://vermont.tylerhost.net/ofswb> 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 <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> 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 JUD.EFileSupport@vermont.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 Jud.helpdesk@vermont.gov When emailing, please write “**Public Portal**” in the subject line.

Efiling Training Opportunities

Watch a pre-recorded efilng training webinar from the Vermont Judiciary. The judiciary’s NG-CMS project team recorded a demonstration of how to use Odyssey File & Serve that you can view here: https://www.youtube.com/watch?v=ke2ouMDK4VQ&feature=emb_title

Practice setting up your firm and submitting filings. For hands on practice, you can create your firm, register users, and begin filing practice cases in the Vermont “**Stage**” environment. Be sure that the web address includes the word “stage” (<https://vermont-stage.tylerhost.net/ofswb>). The Stage environment is available any time. Please note that submissions will only be reviewed periodically, so you may not get a timely response on whether your practice submissions have been accepted. The Stage environment is available now only for familiarity and direct hands-on experience and is not a substitute for registering on the actual efilng site when you are ready.

V. FILING OF EXHIBITS

Per the 2020 Vermont Rules for Electronic Filing, all electronically filed documents (including exhibit lists and exhibits) must be submitted in PDF format. It is recommended that the exhibit list be filed in Odyssey File & Serve (OFS) as a “Lead Document” and that any PDF exhibits be filed as attachments to that exhibit list.

Multimedia files that cannot be converted to PDF format should be submitted by nonelectronic means on a CD, DVD, or USB flash drive (aka thumb drive) and can be mailed or delivered to the court. It is recommended that filers indicate this on the exhibit list being filed in OFS. Please note that while the courts are equipped to view common multimedia formats (such as .mp3, .mp4, .mpeg, .mov, .wmv files), the filer will have to provide compatible player software if an exhibit is in a proprietary multimedia format.

Finally, please remember that regardless of how an exhibit is filed, it is the filer’s responsibility during a hearing to present the exhibits. During remote hearings, this means the filer must either assure that all witnesses have been provided with the marked exhibits in advance and have them

available to view; or be able to share his or her screen to allow all participants to view the exhibit. If the exhibit is a video or audio file, the litigant must be prepared to play it during the hearing.

VI. 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](#)

To ensure you continue to receive these emails, please add JUD.AttyLicensing@vermont.gov and JUD.CAOMemotoBar@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.*

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. This website works best with Explorer. 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.

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.