

**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: Emergency Promulgated & Proposed Rules, Amended Administrative Directive TC-1, Odyssey File and Serve and Public Portal Information, Filing of Exhibits & Other Miscellaneous Info

DATE: May 8, 2023

To ensure you continue to receive emails from the judiciary, please add JUD.AttysLicensing@vermont.gov JUD.CAOMemotoBar@vermont.gov AND JUD.AutomatedCourtEmail@vermont.gov to your Safe Senders list.

For your information, please find:

- *Emergency Promulgation Order Amending V.R.P.P. 80.10(c)(3)*
- *Proposed Order Amending Rule 40(d)(3) of the Vermont Rules of Probate Procedure*
- *Proposed Order Amending Rule 5.1 of the Vermont Rules of Probate Procedure*
- *Proposed Order Amending Rules 47(b) and (c) and 45(d) of the Vermont Rules of Criminal Procedure*
- *Proposed Order Amending Rule 14.A of the Administrative Order No. 9*
- *Amended Court Administrative Directive TC-1*
- *Odyssey File and Serve and Public Portal Information*
- *Filing of Exhibits*
- *Miscellaneous*
- *Receipt of Court Notices and Orders (eCabinet)*

I. PROMULGATED RULE AMENDMENTS

Emergency Promulgation Order Amending V.R.P.P. 80.10(c)(3)
[http://www.vermontjudiciary.org/EMERGENCYPROMULGATED--VRPP80.10\(c\)\(3\)--STAMPED](http://www.vermontjudiciary.org/EMERGENCYPROMULGATED--VRPP80.10(c)(3)--STAMPED)

This Order was promulgated on **May 8, 2023, effective immediately.**

Rule 80.10(c), regarding appointment of a guardian ad litem in specified proceedings, was adopted in 2020. As adopted, it allows a written objection to appointment of a guardian ad litem to be filed “no less than 7 days after appointment.” The word “more” is substituted for the word “less” to reflect the original intent of the 2020 amendment, which was to limit the time for objection.

II. PROPOSED RULE AMENDMENTS

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

- a. *Proposed Order Amending Rule 40(d)(3) of the Vermont Rules of Probate Procedure*
[https://www.vermontjudiciary.org/PROPOSED-VRPP40\(d\)\(3\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED-VRPP40(d)(3)--FORCOMMENT)

The proposed amendments to Rule 40(d)(3) make the procedure followed regarding motions to disqualify a probate judge consistent with the procedure followed in the civil and criminal divisions, which is to refer the matter to the Chief Superior Judge or designee.

Comments on this proposed amendment should be sent by **July 10, 2023**, to Hon. Jeffrey Kilgore, Chair of the Advisory Committee on the Rules of Probate Procedure, at the following address:

Hon. Jeffrey Kilgore
Jeffrey.Kilgore@vermont.gov

- b. *Proposed Order Amending Rule 5.1 of the Vermont Rules of Probate Procedure*
<https://www.vermontjudiciary.org/PROPOSED-VRPP5.1--FORCOMMENT>

The proposed order amends the service and notice requirements for beneficiaries of a decedent's estate or trust even if they have not entered an appearance in the proceeding. The proposed addition of Rule 5.1(b)(1)(iv) and 5.1(b)(4)(vi) make clear that the fiduciary in an estate or guardianship proceeding must provide the beneficiaries of the estate and the stated interested parties of the guardianship with the details of license to sell as set forth in the Report on License. The proposed amendment also replaces language in the rule referring to "ward" with "person under guardianship."

Comments on this proposed amendment should be sent by **July 10, 2023**, to Hon. Jeffrey Kilgore, Chair of the Advisory Committee on the Rules of Probate Procedure, at the following address:

Hon. Jeffrey Kilgore
Jeffrey.Kilgore@vermont.gov

- c. *Proposed Order Amending Rules 47(b) and (c) and 45(d) of the Vermont Rules of Criminal Procedure*
[https://www.vermontjudiciary.org/PROPOSED-VRCrP47\(b\)\(c\)45\(d\)--FORCOMMENT](https://www.vermontjudiciary.org/PROPOSED-VRCrP47(b)(c)45(d)--FORCOMMENT)

The proposed amendments to Rule 47(b)(1) clarify the motion and motion response provisions of the criminal rules. The proposed amendments permit the filing of replies and surreplies and set out the manner and timing of filing. The proposed addition of paragraph 47(b)(2) incorporates the provisions of former V.R.Cr.P. 45(d), which is deleted, to address the manner and timing of filing of affidavits accompanying memoranda on motions. The proposed amendment to subdivision 47(c) provides that the court may state essential findings in writing, as an alternative to statement on the record, when factual issues are involved in determining a motion.

Comments on these proposed amendments should be sent by **July 10, 2023**, to Hon. John Treadwell, Chair of the Advisory Committee on Rules of Criminal Procedure, at the following address:

Honorable John Treadwell, Chair
Advisory Committee on Rules of Criminal Procedure
John.Treadwell@vermont.gov

- d. *Proposed Order Amending Rule 14.A of the Administrative Order No. 9 (Permanent Rules Governing Establishment and Operation of the Professional Responsibility Program)*

<https://www.vermontjudiciary.org/PROPOSED-AO9Rule14A-Amendment-HearingPanelTerms--FORCOMMENT>

The proposed amendment clarifies that if a disciplinary or disability matter is assigned to a hearing panel before the expiration of a member's term, a member whose term expires during the matter may serve to the conclusion of the matter.

Comments on this proposed amendment should be sent by **July 10, 2023**, to Michael Kennedy, Bar Counsel, at the following address:

Michael Kennedy, Bar Counsel
Michael.Kennedy@vermont.gov

III. AMENDED COURT ADMINISTRATIVE DIRECTIVE TC-1 Health And Safety Protocols For All Vermont Courthouses And Judiciary Facilities <https://www.vermontjudiciary.org/CourtAdministratorAdministrativeDirectiveTC-1>

Administrative Order TC-1, regarding health and safety protocols for Vermont Courthouses and Judiciary facilities, was amended, effective May 1, 2023, to terminate the vast majority of health and safety protocols related to the COVID-19 pandemic. Under the amended directive, masking remains optional, and judges retain discretion to modify mitigation measures in a courtroom, including requiring masks. Signs at the entrances to courthouses request that persons with symptoms of illness do not enter and provide guidance for participating in hearings in that event. Because all Vermont courthouses meet applicable HVAC standards, unit plans are no longer required for courthouses.

IV. 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.

File & Serve Web Bookmarks: Attorneys should update any File & Serve bookmarks if you have not done so already to this URL link: <https://vermont.tylertech.cloud/OfsWeb/Home>. As of April 15th, 2023, old bookmarks will no longer redirect users to the new web address. The site itself remains the same, but the URL changed due to a Tyler Technology server upgrade.

Reminders for OFS Users:

1) PDFs must be “flattened” prior to efileing 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 efileing 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.tylerhost.net/ofswweb>

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 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.

V. 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>

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](#)

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 JUD.Helpdesk@vermont.gov
- Telephone the Judiciary helpdesk at 802-828-4357
- Use the online form [eCabinet Registration/Update \(cognitofirms.com\)](#)

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.